

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
June 2, 2014

Town Council held a Council Work Session preceded by an Executive Session and followed by a Regular Council Meeting on June 6, 2014 at 6:00 p.m. in the Eli Mack Sr. Room. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik, Todd Carnes and Ron Williams.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Planning, Building and Technology Director John Hanson, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There was one (1) citizen and no news media present.

OPENING STATEMENT and CALL TO ORDER: Mayor MacDougall welcomed everyone to the Council Work Session. He read an opening statement to explain the procedures of a Council Work Session which stated: *“Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council Meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings, but do allow for public comment at the end of the Work Session unless otherwise called on by Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council’s next Regular Council Meeting agenda for consideration and an official vote. Council Work Sessions are not tape recorded, but Minutes are taken and posted on the Town’s web page following approval of Council”*.

Mayor MacDougall called the meeting to order at 6:05 p.m. *(The Invocation and Pledge were conducted at the following Regular Council meeting.)*

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:10 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston and Councilmembers Shevchik and Williams were not present for the vote.) Council adjourned from *Executive Session* at 5:55 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Shevchik. The motion was unanimously carried.

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Mayor MacDougall reported that Council met in *Executive Session* to discuss: one contractual issue related to a pending sale of Town property; one legal matter related to a business license; and two personnel matters related to Board appointments and discussion of employee disciplinary action. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Williams to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

DELETIONS TO AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the minutes as submitted for the Council Work Session and the Regular May Council Meeting, both held on May 5, 2014. The motion was unanimously carried.

PRESENTATIONS: None.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's July 21, 2014 Regular Council Meeting.)

1. **Misrepresentation or False Statements on Town Applications – Municipal Attorney Brad Cunningham:** The Town recently issued a building permit to an individual who did not have the authority to obtain the permit on behalf of the business named on the application. Fortunately, this was discovered before the work began, and a stop work order was issued. Consequently, the landowner was not harmed or injured financially. The innocent business owner may choose to address the issue privately. However, Town Council may wish to pass an ordinance to discourage this practice. Such an ordinance could provide a penalty for intentional misrepresentations of material facts on any application for a Town permit, license or other document.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council's July 21, 2014 agenda for First Reading. Municipal Attorney Cunningham added that Sonya Lee had caught the error because the person did not have a business license. He confirmed that the penalty for such an offense could be up to \$500 and/or 30 days in jail which would depend on the Judge. He will add the penalty to the ordinance for the First Reading. Mr. Hanson stated that the offense was by an HVC company and an individual that used to work there and used the company's contractor license number on the Town's application. He added that it was reported to SC Labor, Licensing and Regulation. The motion was unanimously carried.

2. **Proposal for a Special Event Permit – Director of Planning, Building and Technology John Hanson:** Last month Council requested additional information about possibly creating a special event permit. At that time it was suggested that food trucks only be allowed to operate at special events that have a special event permit. If Council wished to pursue a special event permit it could include a

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simple one page application (copy attached), a \$20 fee and a requirement that the appropriate business license be obtained for the event. A minor revision to the “activities prohibited and allowed” section of the Peddlers and Solicitors Ordinance (Sec. 110.06) would also need to be made. The revision involves adding another exception which would state: “At a special event held within the Town that has a special event permit and the appropriate business license(s).

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to place the request on Council’s July 21, 2014 agenda for consideration. Mr. Hanson confirmed that the fee would apply to any event outdoors that had paid vendors including the schools, churches but not non-profits. He added that recently Chick-fil-a requested permission from the Police Department to have tents erected on their property during a grand opening. He stated that it is helpful to know such events are taking place. Councilmember Stambolitis requested that time restriction wording be placed in the ordinance otherwise a food vendor could open every day cheaper than renting an actual brick and mortar building. Mr. Hanson suggested events no longer than 3 days and no more than twice per calendar quarter. The motion was unanimously carried.

3. **Proposal for a Cleaning Fee to Use Town Facilities - Director of Planning, Building and Technology John Hanson:** Last month Councilmember Williams requested that Staff develop a cleaning fee that could be charged for the use of the Conference Center, the Eli Mack, Sr. Room, and the Palmetto Collegiate Institute. Following is a proposed list of fees for each facility. If Council chooses to adopt a fee schedule, it was recommended to call it a set-up fee instead of a cleaning fee.

Conference Center Suite A	\$ 50
Conference Center Suite B	\$ 75
Conference Center Ball Room	\$125
Eli Mack, Sr. Room	\$ 50
Palmetto Collegiate Institute	\$ 50

A motion was made Councilmember Shevchik and seconded by Councilmember Stambolitis to place the item on Council’s July 21, 2014 agenda for consideration. Councilmember Stambolitis stated that the proposed fees are too low. Councilmember Maness stated that her association rents the Town facilities and the set-up is part of the rental fee plus paying a refundable deposit. Councilmember Williams stated that when Council waives a rental fee, the set-up fee should be mandatory because it takes Staff time to set-up and tear down tables and chairs in the facilities. Councilmember Shevchik agreed that when they give it away, a fee should be charged along with the deposit. Events and Media Coordinator Dowden stated that the fee system is in line with other rental facilities. She added that if a facility is not left in good order, part or all of the deposit is kept. Ms. Dowden stated that usually

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renters get their deposit back. Mayor MacDougall stated that Council gives the rental fee away too often and some do not deserve to get it for free. He suggested that a non-profit fee be charged in the amount of one-half of what the regular in-town rate would be to citizens. He added that by charging non-profits half of the regular rate, it would at least recoup the cost of setting up the room. He did not like the idea of an additional fee. Town Administrator Poole requested that his authority to waive a rental fee for other jurisdictions remain in place. He stated that when seminars, such as SLED, come here the Town receives actual value by being able to send several members of Staff instead of one or two if the same seminar were to be held out of town. He agreed that non-profits should be charged a set-up fee. Mayor MacDougall agreed with the request to continue to allow the Town Administrator to waive other government requests. Mayor Pro-Tem Livingston confirmed that the employee rate on the Conference Center is \$300. Councilmember Carnes recommended that the set-up fee not be allowed to be waived.

Councilmember Williams amended the motion to read to charge non-profit organizations a non-waiveable set-up fee equal to one-half of the in-town rate for each facility and to continue the policy of allowing the Town Administrator to waive only other jurisdictions when used for training or otherwise valued purposes. Councilmember Stambolitis seconded the amended motion. Town Administrator wished to clarify that there would be no appeal to Council to waive the fee. Councilmember Maness agreed and stated that groups such as Kids Day needed to clean-up the facilities and the grounds when used for events. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Mutual Aid Agreements – Police Chief Terrence Green:** The Lexington Police Department has Mutual Aid Agreements with the following agencies. The agreements were updated in December to reflect the new Mayor’s name.

Aiken County Sheriff’s Office
Aiken Department of Public Safety
Camden Police Department
Chapin Police Department
Columbia College Police Department
Columbia Metro Airport Police
Gaston Police Department
Irmo Police Department
Johnston Police Department
Kershaw County Sheriff’s Department
Lexington Medical Department of Public Safety
Lexington County Sheriff’s Department
Myrtle Beach Police Department

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North Augusta Department of Public Safety
Pelion Police Department
Pine Ridge Police Department
Richland County Sheriff's Department
South Congaree Police Department
Springdale Police Department
Swansea Police Department
USC Division of Law Enforcement and Safety
West Columbia Police Department

Councilmember Stambolitis questioned why there was not a Mutual Aid Agreement with the whole state. Chief Green responded that the City of Columbia does not participate, but there is a clause for an emergency mutual aid agreement if needed. He stated that Myrtle Beach requires help during Bike Week, particularly the one held during Memorial Day. He added that he sent three officers who provided assistance but they also learned a lot by observing how a command level system works. Councilmember Stambolitis stated that three officers did not seem like enough help and why not send the National Guard. Chief Green responded there is never enough help. Councilmember Maness noticed that the City of Cayce and Batesburg-Leesville was also not on the list. Chief Green explained that the agreements were sent out in November and some were not returned even though they called several times as a reminder.

COUNCIL/STAFF COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Carnes and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 6:28 p.m. and reconvene in the Regular Council Meeting. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.