

**MINUTES**  
**Town of Lexington**  
**Executive Session and**  
**COUNCIL WORK SESSION**  
September 8, 2014

---

---

Town Council held a Council Work Session preceded by an Executive Session and followed by a Special Council Meeting on September 8, 2014 at 6:00 p.m. in the Eli Mack Sr. Room. The meetings were attended by: Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Todd Shevchik, Todd Carnes and Ron Williams. Mayor Steve MacDougall and Councilmember Ted Stambolitis were absent.

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, Economic Development Catalyst Johnny Jeffcoat, Director of Parks, Streets and Sanitation Dan Walker, Planning, Building and Technology Director John Hanson, Director of Transportation Randy Edwards, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were four (4) citizens present and one news media member was present.

---

---

**OPENING STATEMENT and CALL TO ORDER:** Mayor Pro-Tem Livingston welcomed everyone to the Council Work Session. She 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 Pro-Tem Livingston called the meeting to order at 6:00 p.m. Councilmember Williams gave the invocation. Councilmember Carnes led in the Pledge of Allegiance.

**EXECUTIVE SESSION REPORT**

Mayor Pro-Tem Livingston reported that the *Executive Session* was called to order at 5:31 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Carnes to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 5:53 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevchik. The motion was unanimously carried by all those present. Mayor Pro-Tem

**MINUTES**  
**COUNCIL WORK SESSION**  
September 8, 2014

Livingston reported that Council met in *Executive Session* to discuss: legal matters related to agenda items and two contractual issues related to an economic development opportunity in Town and an issue related to the TIF District. No vote was taken. A motion was made by Councilmember Williams and seconded by Councilmember Maness to ratify Mayor Pro-Tem Livingston's *Executive Session* report. The motion was unanimously carried by all those present.

**DELETIONS TO AGENDA:** None.

**PRESENTATIONS:** None.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council's October 6, 2014 Regular Council Meeting.)

1. **Peddler's Ordinance – Door to Door Sales – Municipal Attorney Brad Cunningham:** The Town of Lexington Code of Ordinances currently completely prohibits door to door canvassing. This position has been overturned multiple times in courts around the country. To stay in compliance with Federal Law, the Town should consider amending its Peddlers Ordinance to allow door to door sales subject to reasonable time, place, and manner restrictions.

Some cities have reacted to this situation by requiring door to door sales companies to register every vehicle involved in such sales with the city, and requiring all sales persons to register with the Town and wear identification following such registration. Some cities also have allowed provisions for trespassing charges should a salesperson approach a home in violation of a clearly posted notice which indicates "No Canvassers, No Solicitors or Peddler's Allowed".

Town Council was provided sample ordinances for review. None of the other cities contacted in South Carolina had an outright ban on door to door sales in their ordinances. The South Carolina Supreme Court has ruled such outright bans unconstitutional, as has the United States Supreme Court.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to place the item on Council's October 6, 2014 agenda for First Reading and requesting that Municipal Attorney Cunningham prepare a draft for First Reading. Mayor Pro-Tem Livingston added that if Councilmembers saw wording in the sample ordinances that they wanted to include, they should contact Municipal Attorney Cunningham. Municipal Attorney Cunningham stated that sample ordinances had been emailed to Council and hard copies were provided tonight. He added that Aiken's Ordinance, plus sections from other city ordinances, is where he would start with the Town's revised ordinance. He explained that posted signs at neighborhood entrances would not hold up in court and the Police Department could only check on business licenses based on the Town's current ordinance. However, if a homeowners association wanted to meet and take a vote to not allow peddlers, it would

**MINUTES**  
**COUNCIL WORK SESSION**  
September 8, 2014

work with a group's approval. He stated that individual signs on each house would work, but that may not be the appearance that property owners would want. Municipal Attorney Cunningham confirmed that under the general penalty clause the fine could be up to 30 days or \$1,000 based on the Judge's decision. He stated that a trespassing charge could be criminal and could be added. The motion was unanimously carried by all those present.

2. **Water Line Upgrades in the West Lexington Area – Special Projects Manager Wesley Crosby:** The Utilities Department has plans in the Capital Improvement Plan (CIP) for waterline upgrades to provide increased flow for fire protection in the West Lexington area. A Community Development Block Grant was awarded in the amount of \$210,000 for the installation of new lines on Clark Street, Allen Street and a portion of George Street. Additional costs in the amount of \$60,000 were appropriated from the CIP Budget.

The grant award was based on preliminary estimates to complete the project. After the design was completed, the Town was informed that installing the water line in the right-of-way is not possible due to a lack of available right-of-way and existing gas and fiber lines taking up any available right-of-way. The only option is to install the water line in the roadway. SCDOT requirements generally call for the complete resurfacing of a roadway that has been trenched for utilities replacement. SCDOT will allow the Town to patch Allen Street and George Street as planned for a resurfacing in the spring. The Town will be required to resurface Clark Street to meet SCDOT's requirements since no resurfacing is planned. The cost of the project due to the resurfacing has increased to \$343,600 which is \$73,600 short of the grant and money budgeted.

Council was asked to decide if the Town should continue with the upgrade using funds from the CIP budget to provide larger lines and better fire service for the homes on Clark, Allen and George Streets. If so, they were asked to place the item on Council's October 6, 2014 agenda for consideration to use \$73,600 from the CIP budget.

A motion was made by Councilmember Shevchik and seconded by Councilmember Williams to place the request on Council's October 6, 2014 agenda for consideration as stated. Town Administrator Poole explained that: (1) the two inch lines were put in place in the 1950's; and (2) if the Town does not proceed now, the entire cost of the project would be belong to the Town if completed at a later date. He added that the new line would provide sufficient fire service and allow for future growth. The motion was unanimously carried by all those present.

3. **Mutual Aid Ordinance – Police Chief Terrence Green:** The Lexington Police Department has Mutual Aid Agreements with the following agencies:

Aiken County Sheriff's Office

**MINUTES**  
**COUNCIL WORK SESSION**  
September 8, 2014

Aiken Department of Public Safety  
Batesburg Leesville Police Department  
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  
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

It was requested of Council to place this item on the October 6, 2014 agenda for First Reading approval of an ordinance for Mutual Aid.

Municipal Attorney Cunningham recommended that Mutual Aids be done by ordinance with two readings. He added that a recent conviction in Orangeburg was overturned because the Mutual Aid Ordinance was not yet in place.

A motion was made Councilmember Shevchik and seconded by Councilmember Williams to place the item on Council's October 6, 2014 agenda for consideration of First Reading approval. Councilmember Maness asked why Cayce Police Department was not on the list. Chief Green responded that their agreement was on their attorney's desk and he would make an amendment to the Town's ordinance when it was received. The motion was unanimously carried by all those present.

**COUNCIL/STAFF COMMENTS**

Councilmember Maness welcomed two students to the meeting and reminded them that Council's Special meeting would start at 6:30 p.m.

**QUESTIONS FROM THE NEWS MEDIA:** None.

**PUBLIC COMMENTS:** None.

**MINUTES**  
**COUNCIL WORK SESSION**  
September 8, 2014

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember Shevchik and seconded by Councilmember Maness to adjourn the Council's Work Session at 6:21 p.m. and reconvene to the Special Council Meeting. The motion was unanimously carried by all those present.

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.*