

MINUTES  
*Town of Lexington*  
Executive Session and  
Council Work Session  
August 18, 2014

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Town Council held a Council Work Session preceded by an Executive Session and followed by a Regular Council Meeting on August 18, 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, Events and Media Coordinator Jennifer Dowden, Transportation Director Randy Edwards and Assistant Municipal Clerk Karen Hanner.

There was one citizen and one member of the news media present.

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**OPENING STATEMENT AND CALL TO ORDER:** Mayor Steve MacDougall welcomed everyone to the Council Work Session. He read an opening statement explaining 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 broadcast, but Minutes are taken and posted on the Town's web page following approval of Council*".

Mayor MacDougall called the meeting to order at 6:19 p.m.

**EXECUTIVE SESSION REPORT:** Mayor MacDougall reported that the Executive Session was called to order at 5:00 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Carnes to into Executive Session. The motion was unanimously carried by those present. (Councilmembers Shevchik, Stambolitis and Mayor Pro-Tem Livingston were not present.) Council adjourned from Executive Session at 6:12 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Williams. The motion was unanimously carried.

Mayor MacDougall reported that Council met in Executive Session to discuss: a legal matters related to the TIF District; two Contractual matters regarding the Icehouse Project and an Economic Development opportunity in the Town and a personnel matters related to a Pay Grade Modification. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to ratify Mayor MacDougall's Executive Session report. The motion was unanimously carried by those present. (Councilmember Carnes was not present for the vote.)

**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the minutes as submitted for the Council Work Session and the Regular Council Meeting, both held on July 21, 2014. The motion was unanimously carried.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting on September 8, 2014.)

1. **Corporate Members of the Association of the U.S. Army - Municipal Attorney Brad Cunningham:** An area business owner is urging corporations to join in an effort to emphasize the importance of the military presence to the area economy. AUSA membership provides Corporate Members the opportunity to demonstrate to the community that they support the Army and its mission while strengthening their own business opportunities.

Administrator Poole added that the item has been added to the agenda for tonight's Council meeting for action if approved.

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the item for the agenda. Mayor MacDougall added that this is part of the support for Fort Jackson in view of possible cutbacks. The motion was unanimously carried.

2. **Peddler's Ordinance – Door to Door Sales - Municipal Attorney Brad Cunningham:** Vivint, Inc., is a full service alarm and home automation company and wishes to have one of its dealers, ARM Security, Inc., offer Vivint products and services in the Town of Lexington. This company intends to sell residential security systems and home automation packages through direct door to door solicitation.

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 salespersons 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.”

Mr. Cunningham stated it would be difficult to keep the Ordinance as it is because it would likely be challenged in court. Councilmember Maness commented that her subdivision has a “No Soliciting” sign posted at the entrance. Mr. Cunningham stated that was not enforceable. Councilmember Stambolitis stated he didn’t feel the Council should base actions on a threat of legal challenges. Mayor Pro-Tem Livingston observed that solicitors have been approaching homes in her subdivision. She stated that homeowners could post a “No Soliciting” sign at their home.

Councilmember Maness asked what their options were. Mr. Cunningham responded that the Ordinance could stay as it is and they could allow it to be challenged or the Ordinance could be amended with any number of requirements such as the need for a Business License, background checks, employee identification cards and vehicle stickers.

Councilmember Stambolitis asked how a citizen would know this was a legitimate business. Mr. Cunningham responded that the Ordinance could require solicitors to provide some form of identification. Chief Green added that background checks would be wanted as some operators are not legitimate. Mayor Pro-Tem Livingston stated she would like to see the Ordinance as strict as possible.

Councilmember Stambolitis stated that the currently soliciting is against the Ordinance and he didn’t think the threat of legal action should make Council change the law. Mayor Pro-Tem Livingston stated they could make the requirements stronger and give citizens more protection. Mayor MacDougall added it was foolish to allow a challenge that would win and it should be looked at.

Councilmember Maness asked if samples of the actions of other cities or towns in South Carolina could be brought to the next Work Session. Councilmember Stambolitis asked for examples of Towns forced to change a law under threat of legal action. Councilmember Carnes added that the Town should get off of the wrong side of the law.

A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to place the item on both the Work Session and Council Meeting agendas for September 8, 2014. Councilmember Stambolitis stated he wished to consult with his attorney about the matter. The vote was 5-2 in favor (Councilmembers Stambolitis and Maness were opposed.)

**FOR YOUR INFORMATION**

- 1. Revenue Enhancement Project - Finance Director Kathy S. Roberts:** Robert S. Segal, CPA, PA is an organization that specializes in Revenue Enhancement and Expense Reduction Consulting. They search for organizations that should be paying taxes and fees but are not. They review property tax records, sales tax records and other public information from which they glean pertinent information. They also review our accounts payable database and try to find opportunities to obtain the same goods and services at reduced rates without reducing quality or service time. The fees for this service are on commission basis. Any new revenue generated or savings from implementing accounts payable recommendations are split 50/50 for a period of two years. If no revenues or savings are found, then the Town would owe nothing.

Councilmember Williams stated he spoke to Mr. Segal at the MASC conference and felt he might be able to find some areas of savings for the Town. Mr. Stuart Ford added that the Town can accept or decline any suggestions on what is found. He felt it was good for someone outside to take a look at everything. Mayor Pro-Tem Livingston agreed and said sometimes it just seems easier to do something the way it was done before when it might not be the best choice.

**COUNCIL/STAFF COMMENTS:** None.

**QUESTIONS FROM THE NEWS MEDIA:** None at this time.

**PUBLIC COMMENTS:** None.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember Williams and seconded by Councilmember Maness to adjourn the Council's Work Session at 6:42 p.m. and reconvene in the Regular Council Meeting. The motion was unanimously carried.

Respectfully submitted,

Karen Hanner  
Assistant 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.*