

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
August 17, 2015

Town Council held a Council Work Session preceded by an Executive Session and followed by a Regular Council meeting (*summer schedule*) on August 17, 2015 at 6:00 p.m. in the Eli Mack Sr. Room and Council Chambers located at Town Hall, 111 Maiden Lane, Lexington, South Carolina. 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, Assistant Police Chief Matt Davis, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Economic Development Catalyst Johnny Jeffcoat, Parks, Streets and Sanitation Director Dan Walker, Chief Building Inspector Charly Thomas, Transportation Director Randy Edwards, I.T. Manager Bea Daniels, Network Administrator Darrell Pritchard, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were four (4) citizens and two (2) members of the news media present for the Work Session.

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 Council Work Session to order at 6:11 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Carnes was absent for the vote.) Council adjourned from *Executive Session* at 6:10 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Carnes. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston, and

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Councilmembers Maness and Stambolitis were absent for the vote.) Mayor MacDougall reported that pursuant to SC Code §30-4-70(a)(2), Council met in *Executive Session* to discuss two legal issues; one related to the collection and distribution of Accommodations and Hospitality Taxes, and the second related to proposed annexation and residential development. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston 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 Shevchik to approve the Minutes as submitted for Council's Work Session and Regular Council Meeting both held on July 13, 2015. The motion was unanimously carried.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's September 8, 2015 Regular Council Meeting.)

1. **Indigent Representation in Municipal Court (Municipal Attorney Brad Cunningham):** At the MASC Annual Conference it was suggested that municipalities across South Carolina begin to explore ways to fund representation of indigent defendants in Municipal Court. Previously, these defendants were sent to the County Public Defender's Office. However, the Public Defenders are apparently telling them they no longer cover indigent representation in Municipal Courts. Council was asked to consider methods of funding such representation.

Municipal Attorney Cunningham made three suggestions to cover people that needed assistance: (1) consider hiring a contract/private attorney to represent them; (2) contract with the County; (3) the Municipal Judge could appoint someone. He recommended that the best option would be to hire a private attorney with a flat annual fee. Town Administrator Poole stated that he had discussed this issue with the Town's attorneys and he suggested that an RFP be prepared and sent to private attorneys to determine a cost and compare it to the County's cost. He added that the Town had 44 indigent defendants which were not considered a large number.

Mayor Pro-Tem Livingston asked if there was a guideline to qualify someone as an indigent defendant. Mr. Poole responded yes, there was a guideline that could be used. Mayor MacDougall confirmed that there is a large pool of attorneys to choose from so it should not be a problem. Mr. Poole responded that the Judge could also appoint someone without precedence because if a higher court needed them, the Municipal Court would be considered the bottom rung of the ladder. Mayor Pro-Tem Livingston confirmed that the Town could have a pool of attorneys to call. Councilmember Carnes confirmed that 44 defendants named were qualified and the charges could be traffic or any other charge including shop lifting, simple possession or driving under the influence. Mr. Poole confirmed that each type case could cost different amounts in that a DUI could run approximately \$5,000. Mayor MacDougall wanted to insure that the attorney could not just run up the charge.

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Municipal Attorney Cunningham stated that a flat rate fee would eliminate that problem and attorneys would be willing to do that because municipal cases were not the most labor intensive cases to prepare.

It was the consensus of Council to request that Staff prepare the details of the item for their review at a later Work Session prior to placing it on a Regular Council Agenda for consideration.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS

Councilmember Shevchik called on Ms. Allison Caldwell for a request.

Ms. Allison Caldwell, 1325 B Avenue, West Columbia, along with the Grandmother of Kaylin Zimms, requested that the Town host a fundraising event for Kaylin, a four year old diagnosed on June 9th with acute myelogenous leukemia (AML). Her parents, Chris and Suzanne Zimms, live in the Town of Lexington on East Butler Street. Ms. Caldwell stated that the money would go to the family to help with medical and household expenses incurred. Kaylin is scheduled for a bone marrow transplant in August. She asked if the Town would let them use one of the Town's facilities for the event in that the church they attend does not have enough space.

Mayor MacDougall stated that the Town would be glad to help. He requested that Ms. Caldwell call Events and Media Coordinator, Jennifer Dowden, to see when facilities were available. Ms. Dowden stated that the Conference Center is booked for the remainder of the year. Mayor MacDougall stated that Staff could bring the item back to Council when a date could be determined. Councilmember Carnes suggested that she also contact Radius Church because they have a large meeting room.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to adjourn the Council's Work Session at 6:25 p.m. 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.