

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
September 21, 2015

Town Council held a Council Work Session preceded by an Executive Session on September 21, 2015 at 6:00 p.m. in the Eli Mack Sr. Room located at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was 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, Economic Development Catalyst Johnny Jeffcoat, Parks and Sanitation Director Dan Walker, Planning, Building and Technology Director John Hanson, Transportation Director Randy Edwards, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately five (5) citizens present and no members of the news media were present.

CALL TO ORDER: Mayor MacDougall welcomed everyone to the Council Work Session. He apologized for the late start and 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.”*

Councilmember Carnes gave the invocation. Councilmember Williams led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:44 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 Councilmember Williams and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmembers Shevchik and Stambolitis were absent for the vote.) Council

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adjourned from *Executive Session* at 6:37 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Carnes. The motion was unanimously carried. Mayor MacDougall reported that Council met in *Executive Session* to discuss: one legal issue related to the Accommodations Tax and two contractual issues related to a potential purchase of property by the Town and a proposed annexation (*all pursuant to SC Code 30-4-70(a)(2)*). 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.

PRESENTATIONS

1. **Sponsorship Request for the Fallen Firemen 5K to help support the Jeffrey Vaden Chavis House – Firefighter Antoine Kelly:** Firefighter Kelly stated that the Lexington County Fire Department is hosting the Fallen Firemen 5K run in memory of Jeff Chavis, a Lexington County volunteer who lost his life during the line of duty approximately 14 years ago. The proceeds go to the Jeffrey Vaden Chavis House located in walking distance of the Joseph M. Still Burn Center at Doctors Hospital in Augusta, Georgia. Firefighter Kelly stated that they have looked for different ways to raise money since it has become more and more dangerous for firefighters to collect money at intersections. He announced that the 5K Run will be held on October 3rd and will start in front of Town Hall. They currently expect 50 runners. He requested that Council consider a sponsorship and any amount would be appreciated.

ADDITIONS/DELETIONS TO AGENDA: Councilmember Maness requested to add an item requesting a sponsorship to the Lexington County Fire Department in support of the Jeff Chavis/Fallen Firemen 5K run. There being no objections from Council, the item was added.

A motion was made by Councilmember Maness to place the request on Council's October 5, 2015 agenda. Councilmember Stambolitis made an amended motion to approve a \$500 sponsorship for the 5K run. There being no second, the amended motion failed. Councilmember Maness stated that her motion was to add it to Council's next meeting without a set dollar amount. Town Administrator Poole stated that the Town of Lexington Police Department had already committed 15 officers to help with the race for an in-kind amount of \$1,575. An amended motion was made by Councilmember Shevchik and seconded by Councilmember Williams to place the item on Council's next agenda in the amount of \$200. The motion carried with a vote of six (6) in favor and one (1) opposed (Carnes).

BUSINESS ITEMS: (For Discussion and Recommendation for Council's October 5, 2015 Regular Council Meeting.)

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1. **Discussion of Annexation Procedures – Director of Planning, Building and Technology John Hanson:** Mr. Hanson stated that he was asked by two Councilmembers to place an item on the agenda to discuss the Town's annexation procedures. Specifically, a concern was raised about placing annexations on Council's agenda for First Reading prior to the item being reviewed by the Planning Commission. It was his understanding that the current practice of placing an annexation on the next available agenda was adopted several years ago to streamline the process. Since 2011 the Town has completed 78 annexations with 48 of them being placed on Council's agenda before being reviewed by the Planning Commission.

Town Administrator Poole confirmed that the practice was adopted 10 years ago to help the Planning Staff streamline the annexation process for developers. The plan helps reduce the time by two weeks to 1 month. He stated that the process has resulted in about half and half of the requests going to Council prior to going to the Planning Commission, depending on the timing of the request and the next meeting dates. He stated that the Planning Commission has a 60 day window to review an annexation request and the Council does not have a clock. Town Administrator Poole stated that most annexations are not controversial; however, it is a policy decision for Council if they would like to change the process.

Councilmember Stambolitis stated that he was happy with the current method; however, if they hit an exception or a controversial annexation, they may not be ready to approve it at First Reading. He stated that with the recent annexation, the Planning Commission voted against it because it was not in the Comprehensive Plan. He recommended that the Planning Commission study a request and then make a recommendation to Council.

Councilmember Carnes recommended that a threshold be set such as property to be annexed with large tracts of land or with a set value amount. He stated that Council should be able to lean on the Planning Commission and their recommendation because Council has more to juggle than they do.

Councilmember Williams stated that when Council votes to approve an annexation at First Reading, the Planning Commission assumes Council wants the annexation when they may really need more information. Town Administrator Poole responded that if Council has an issue or questions, the Planning Commission is told. Councilmember Williams stated that his brother serves on a Commission in Georgia and they charge for each one. He related it to the Hobby Lobby request, where a lot of work went into the process and then they pulled out of the deal. He added that if a deal goes through the fee could be credited back to the developer.

Town Administrator Poole responded that the Town only charges for the cost of the ad to run the meeting date and the Town does not make money on it. Director of Planning, Building and Technology Hanson stated that the Town prides itself in being business friendly and to charge a developer a \$150 fee on a \$20 million project would be considered a nuisance fee or just being hard to get along with.

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Councilmember Stambolitis stated that the Town had improved the attitude toward being business friendly. He added that we have businesses that come here due to the Town being business friendly. Mr. Hanson agreed and stated that he has developers call him all the time for advice on a project and he does not charge for that service either. He stated that those conversations are a helpful basis when dealing with the next developer.

Mayor MacDougall recommended that Staff make sure when Council hears the annexation item before the Planning Commission that they advise Council if it is controversial. Mr. Hanson responded that would be fair enough.

Councilmember Maness stated that when the new annexation went to Planning after First Reading by Council, they voted against it because they wanted more direction from Council and the item should have gone to the Planning Commission first. She stated that the items were in a Consent Agenda at First Reading so they were just passed over. She agreed that there were not many exceptions to the process, but it did not look good for Council to vote in favor of an annexation and then have the Planning Commission vote against it. She recommended that the Planning Commission see annexation requests first.

Mayor MacDougall responded that if all annexations go to the Planning Commission first it would only bog the process down. Mr. Poole stated that the longer process would matter to some, but it was Council's decision. Mr. Hanson stated that, either way, the work load would be the same for his department.

Mayor Pro-Tem Livingston stated that she did not want to inconvenience the developer, but annexations should go to the Planning Commission first because they hear all the sides of the issue. She added that she trusts Staff to advise Council if an item is controversial. Mr. Hanson responded that Staff would continue to do that, but this time they did not know that the annexations were controversial.

Planning Commission Chair, Keith Frost, stated that a threshold would not work because most annexations are small, including the new ones that the Planning Commission will review again on Wednesday morning.

Town Administrator Poole stated that he was not sure how Council wanted to handle the process going forward.

Mayor MacDougall stated that Staff should continue doing what they are currently doing on annexations and Council would adjust accordingly. He added that if Council needed more information, they could make a motion "contingent upon" certain information being provided once the Planning Commission had reviewed the request.

2. **Update to the Town's Flood Damage Prevention Ordinance - Director of Planning, Building and Technology John Hanson:** A recent Community

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Assistance Contact visit by the South Carolina Department of Resources yielded a recommendation that the Town update its Flood Damage Prevention Ordinance. The current Ordinance was adopted in 1995. The SCDR Flood Mitigation Program performs periodic Community Assistance Contacts under contract with FEMA. FEMA is charged with overseeing the National Flood Insurance Program. Updating this Ordinance is required for the Town to continue to participate in this program.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place the item on Council's October 5, 2015 agenda for First Reading approval. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Façade Improvement Grant Award - Director of Planning, Building and Technology John Hanson:** The Town of Lexington Board of Appearance met on September 14, 2015 and voted to award one façade improvement grant to RDK Ice House Project, LLC, who received a \$10,000 award to complete a project at 101 West Main Street (Shirey Building). The estimated value of the project is \$1,600,000. Council was asked to accept this as information and to direct the summary be recorded in the minutes of the Work Session.

Mayor Pro-Tem Livingston asked if this was the only application. Mr. Hanson confirmed that the process changed last year to allow the Board to review applications each year as submitted until the Façade Grant funding was depleted. He added that applications would only be accepted for projects in the TIF District. He stated that when the notice was sent to all the businesses they received a lot of maintenance projects and the intent of the grant is for new projects.

Mayor MacDougall commented that they had picked a good project and that \$10,000 for a \$1.6 million project was good.

2. **West Columbia Water Line Upgrade Project Award – Utilities Director Allen Lutz:** On May 28, 2015 the Utilities Department accepted sealed bids for the West Lexington Water Line Project, to replace existing water lines along Clark Street, George Street, and Allen Street. Four companies requested the bid package and submitted a bid. The low bid was from G.H. Smith Construction, Inc, in the amount of \$348,600 and the high bid was from TNT, Inc. in the amount of \$484,185. Johnson, Laschober & Associates Engineering reviewed the bids and recommended awarding the contract to G.H. Smith Construction, Inc. The low bid came in \$35,140 over budget. To complete the project using the awarded CDBG funds and budgeted CIP funds, a change order will be issued to G.H. Smith Construction, Inc. reducing the project cost by \$48,000 and removing the Allen Street improvements as part of this project.

Director of Utilities Lutz confirmed that the replacement was needed to change the lines from a 2 inch to a 6 inch pipe for fire flows. He added that Allen Street was

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removed from the project because the project cost was up because SCDOT required the streets to be repaved, not patched. He stated that Allen Street may be done next time.

3. **Budget Books – Finance Director Kathy Roberts:** Finance Director Roberts advised Council that she had distributed a copy of the full budget book tonight. If they had any questions, please call her.

COUNCIL/STAFF COMMENTS

Mayor MacDougall requested an update on the Adaptive Traffic Signals.

Transportation Director Randy Edwards stated that the InSync project is moving along. He stated that the cameras are installed and he had received good reports on them even though they are not yet powered. Mr. Edwards stated that he had received comments about the cameras being white, but a color was not specified. He added that in Phase II they could specify the color black and move some around and/or paint the white cameras. He confirmed that the cameras are not for law enforcement in that they only see a zone. Mr. Poole added that it would also be illegal. Mr. Edwards stated that the mast arms have been designed and would be installed during the first part of the year. He added that a section of Cromer Road could come on-line by the end of the year along with Main Street and Park Road. Mr. Edwards stated that next month the fiber would be installed to bring it in house. Events and Media Coordinator Dowden confirmed that a press release would go out tomorrow regarding the Adaptive Traffic Signals.

Mayor MacDougall strongly suggested that Main Street come on-line by the end of this year.

Councilmember Maness thanked everyone for the calls, emails, visits and flowers while her son was in the hospital.

Councilmember Stambolitis asked if money was still available for Christmas decorations and if the Advisory Board had given any recommendations. Parks Director Walker stated that he had looked at some decorations on the internet today and he would confirm recommendations from the Advisory Board. Events and Media Coordinator Dowden stated that she was working with the Advisory Board and they recommended to replace the candy canes and to make the decorations more Snowball Festival related. She added that they recommended to do the decorations in quadrants and based on electrical outlets. Ms. Dowden gave an example that the retail shopping quadrant may have a gift type decoration. She added that the first phase would be Main Street and the Historic District.

Councilmember Maness requested that the Advisory Board use the two Christmas decoration companies that she previewed at the NLC Conference. She added that she would like to support companies that support municipalities. Ms. Dowden confirmed that she had their catalogs.

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Councilmember Williams asked when the empty spots on Main Street could be replaced with trees. Mayor Pro-Tem Livingston responded that they would grow in a few weeks.

Councilmember Stambolitis asked if West Main Street could have additional media beautification, specifically the area in front of the County Annex building near Lizard's Thicket because that area is very bare. Mayor Pro-Tem Livingston responded that the area is not on the Town's right-of-way. Town Administrator Poole confirmed that the area is not in the Town's right-of-way and is considered private property. Parks Director Walker confirmed that the only areas in the Town's right-of-way are the islands in front of the old Ben Satcher's Ford location.

Town Administrator Poole announced that the Town would hold a decommission press conference on October 5, 2015 at the Coventry Woods Wastewater Plant. He added that it had taken 20 years but it would finally be closed.

PUBLIC COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to adjourn the Council's Work Session at 7:22 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.