

**MINUTES**  
**Town of Lexington**  
**Executive Session and**  
**COUNCIL WORK SESSION**  
February 16, 2016

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Town Council held a Council Work Session preceded by an Executive Session on February 16, 2016 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, Special Projects Manager Wesley Crosby, Assistant Chief Major Matt Davis, Planning, Building and Technology Director John Hanson, Economic Development Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Parks and Sanitation Director Dan Walker, Parks and Sanitation Assistant Director Johnny Dillard, Transportation Director Randy Edwards, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were four (4) citizens present and no members of the news media were present.

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**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.”*

Councilmember Carnes gave the invocation. Councilmember Stambolitis led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:19 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 Shevchik to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Stambolitis was not present for the vote.) Council adjourned from *Executive Session* at 6:18 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Maness. The motion was

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unanimously carried. Mayor MacDougall reported that Council met in *Executive Session* to discuss: One legal item regarding the Freedom of Information Act; three contractual issues related to a proposed sale of Town property, the operation of the Farmer's Market, and the water and sewer service; and two personnel matters regarding Boards and Commissions Appointments and an issue related to Town residency. (*All pursuant to SC Code 30-4-70(a) (1) and (2)*). No vote was taken. A motion was made by Councilmember Carnes and seconded by Councilmember Maness to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

**ADDITIONS/DELETIONS TO AGENDA:** None.

**APPROVAL OF MINUTES:** A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the Minutes from Council's Regular meeting held on February 1, 2016. The motion was unanimously carried.

**PRESENTATIONS**

1. **Sign Ordinance - Mr. Rick Mantei, Centaurus Financial:** Mr. Mantei stated that his business has been located at 4580 Sunset Boulevard for 12 years. He recently received a notice from the Town stating that he would have to remove his sign. He added that he moved to Lexington instead of Clemson Road so he could have his sign, hold seminars, plus Lexington was very business friendly. Mr. Mantei stated that he was a retired pilot from the U.S. Air Force. He stated that he had invested \$1 Million in his building and \$30,000 in the sign. He did not think it was fair to be required to change his sign within the next few months after only 12 years. He remembered being annexed which was ugly because it was presented as "come into the Town" or "we'll take you". He understood that the Council wanted Lexington to look high class like Hilton Head, but his sign was very attractive. He proposed two solutions to allow solar signs: (1) charge a company a fee of \$5,000 a year to keep the sign, which would still be less than having to rebuild a sign, or (2) add additional grandfather time to the ordinance.

Councilmember Carnes asked what how long is the grandfathered time on the sign. Mr. Mantei responded that it was 10 years. He added that his sign had not created any distractions or wrecks in 12 years.

Councilmember Stambolitis asked why Mr. Mantei moved here instead of Clemson Road. Mr. Mantei responded that there was more traffic here at that time. He added that he chose to be here to be a big fish in a little pond because there were only pine trees on Highway 378 at that time and the dollars invested were about the same.

Mayor Pro-Tem Livingston asked the age of the sign. Mr. Mantei responded that the sign was 12 years old. He added it would last a long time because he maintained it properly.

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Mayor MacDougall thanked Mr. Mantei for his service to our country. He added that since Mr. Mantei was in the Air Force he probably understood rules and regulations and the Council is going by its rules and regulations when making decisions. Mayor MacDougall stated that they would review his request. He added that Council's decisions are made for the good of the whole community, not on an individual basis. He asked Mr. Mantei what was the life expectancy of the sign. Mr. Mantei stated that he had a restored 1941 plane that does not drip any oil.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council's March 7, 2016 Regular Council Meeting.)

1. **Talent Bank Application – Special Projects Manager Wesley Crosby:** At the January 25, 2016 Work Session, Council requested Staff to contact Mr. Patrick Montgomery regarding his submission of a Talent Bank application to serve on a Board or Commission. On February 3, 2016, a telephone interview was conducted with Mr. Montgomery. He indicated he is interested in serving on the Accommodations Tax Advisory Committee. Mr. Montgomery is a Town resident. (Copy of Talent Bank application attached.)

Councilmember Maness confirmed that the Accommodations Committee consisted primarily of hotel and restaurant owners. Mr. Crosby stated that it is a seven member committee which must primarily consist of citizens from the hospitality industry. He added that the Town currently has 2 members from the lodging industry; 2 members from the restaurant industry; one member from the banking industry; one member from the cultural community; and, one member may be designated as "other" which can be a resident from any industry.

Councilmember Carnes asked Mr. Crosby if he recommended Mr. Montgomery. Mr. Crosby responded that Mr. Montgomery qualifies to serve on the committee based on the guidelines. He added that Mr. Montgomery works for the State Treasurer's Office and he is also the coach/manager of Lexington County Lady Blowfish and a softball coach so he has dealt with tournament events. Mr. Crosby added that when he called Mr. Montgomery for the interview, Mr. Montgomery had already read and reviewed the rules and regulations of the State Law related to Accommodations Tax Advisory Committees.

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A motion was made by Councilmember Carnes and seconded by Councilmember Shevchik to place the request on Council's March 7, 2016 agenda for consideration of approval. The motion was unanimously carried.

2. **Talent Bank Application – Municipal Clerk Becky Hildebrand:** Mr. Jerry Teal submitted a Talent Bank application and expressed an interest in the Traffic

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Committee. There are two Resident vacancies on the committee. (Copy of Talent Bank application attached.)

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A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place the item on Council's March 7, 2016 agenda for consideration. Mayor Pro-Tem Livingston confirmed that Mr. Teal's wife currently serves on the Traffic Committee and she is submitting her resignation due to her work schedule. The motion was unanimously carried.

- 3. Cost Participation Policy – Assistant Town Administrator Stuart Ford:** The Town's *Cost Participation on Off-Site Water and Sewer Lines Policy* has been in place since April 5, 1999. The policy provides that Council may participate in off-site line construction costs up to a maximum of 25% of project Capital Contribution Fees (CCFs) limited to actual off-site costs. Since the inception of the policy, it has primarily been used for extensions of sewer lines for new subdivisions outside of Town. (Copy of policy attached.)

A review of the Sanitary Sewer Service Agreement Schedule indicates that 21 Agreements, with a total of 1,011 CCFs, have included cost participation of approximately \$656,000. Approximately 220 Agreements (for subdivisions and individual phases), with approximately 11,300 CCFs have been executed since inception of this policy. Cost participation has equaled 9% of total CCFs and 2.5% of the \$25,500,000 in total revenue from subdivision Sanitary Sewer Agreements since inception of the policy. Council was asked to provide general direction for action regarding the Cost Participation Policy.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to repeal the policy of cost participation and remove the paragraph from the policy. Councilmember Shevchik stated that he did not agree with the motion. He wished to amend the policy to give the Town Administrator the authority to deny requests and if the Town Administrator determined that Council should review a request, it could then be brought to Council. He did not want to completely remove the cost participation policy. Councilmember Williams confirmed that, if removed, the Town could still reach out to developers if needed, such as installation of an 8 inch line versus a 6 inch line to benefit the Town. Town Administrator Poole added that in those cases the Town pays the difference and the policy would not affect that practice. He stated that this is not required but is sometimes done as maintenance for growth and improves the system to the next level. Councilmember Stambolitis stated that the policy was originally put in place due to the bad economy. He added that developers have to spend a lot of time to prepare a presentation to come before Council, when we know the answer is no. Councilmember Maness stated that the Town is not the same Town as it was in 1999 and 2001. She added that the policy was to help development come to Lexington and now everyone wants to come to

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Lexington. She stating that by removing the policy, Council would not have to look like the bad guys and developers would not continue to ask. Councilmember Carnes concurred and added that it did make Council look like the bad guys when they had to say no. He had not heard of anyone with an appetite to assist developers. He asked if a unicorn situation presented itself, what would be the process. Town Administrator Poole responded that Council could develop an ordinance that dealt with individual situations, which would not have to be for economic development. Mayor MacDougall called for the vote to the motion to repeal the policy of cost participation and remove the paragraph from the policy. The motion was carried with a vote of six (6) in favor and one (1) opposed (Shevchik).

4. **Request for Cost Participation for Hampton’s Crossing Apartment Project – Utilities Director Allen Lutz:** Mr. Kevin Connelly is developing Hampton’s Crossing, a 48-unit apartment complex, and requested cost participation. Per the Town’s policy for participation, Council could agree to 25% of the Capital Contribution Fees (CCFs) not to exceed the cost of the offsite construction. The total CCFs for 48 units at \$1,900 equals \$91,000 and 25% of the CCF fees would be \$22,800. The offsite construction cost is estimated at \$49,580 so the 25% or \$22,800 participation would not exceed the offsite cost. The proposed sewer line could allow additional connections on Cherokee Trail and the potential to provide service to a portion of Round Knob Road and Northwood Road. (Copy of request letter attached.)

Town Administrator Poole stated that the system is already installed and this would only allow service to five or six parcels that front Cherokee Trail.

No motion was made, therefore the item failed.

5. **Amendment to Event Policy – Municipal Attorney Brad Cunningham:** Town Council adopted a Special Events Policy in December 2012, a portion of which deals with Town participation in Special Events including parades. The Policy needed to be amended to allow for the St. Patrick’s Day Parade to be conducted in the same manner as other parades utilizing Town personnel. The suggested change was included in the attached copy of the Policy.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to place the request on Council’s March 7, 2016 meeting for consideration. The motion was unanimously carried.

6. **Mid-Year Budget Adjustment – Finance Director Kathy Roberts:** The following budget adjustments were requested for the current year. No increase in appropriations occurs as a result of this change.

(1)	Increase Police Capital Outlay	\$13,500
	(to replace expiring bullet proof vests)	

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(2)	Decrease Police Operating – Fuel	(\$13,500)
(3)	Increase Parks Operating – Supplies	\$ 1,975
(4)	Decrease Parks Capital Outlay	(\$ 1,975)
	(Mower & attachments cost less than expected)	_____
	NET	0

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to place the request on Council’s March 7, 2016 agenda for consideration. Councilmember Stambolitis stated that he did not know that bullet proof vests expired. Assistant Chief Major Davis explained that the Kevlar fabric has a five year life. The motion was unanimously carried.

7. **Meals on Wheels Program – Municipal Clerk Becky Hildebrand:** The Lexington County Recreation and Aging Commission’s Council on Aging Program requested support from the Town of Lexington to heighten awareness of the circumstances that face many of Lexington County’s aging individuals and to support the Meals on Wheels Program. (Copy of request letter attached.) In 2014 and 2015 Council voted to donate \$500 to the Meals on Wheels Program.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council’s March 7, 2016 agenda for consideration. The motion was unanimously carried.

**FOR YOUR INFORMATION**

1. **Willowbrook Drainage Repair, RFP 15-006 – Transportation Director Randy Edwards:** On September 29, 2015 the Town of Lexington received competitive bids for installation of drainage improvements located within the Willowbrook subdivision. The lowest responsible, responsive bid was placed by Stutts & Williams, LLC of Kelsey Glen Drive, Lexington, SC, in the amount of \$118,939.00. A Notice to Proceed was issued for February 1, 2016. The project was funded through a Lexington County Transportation Committee grant.

Councilmember Maness asked why the delay from September to February. Transportation Director Edwards responded that the bids exceeded the cost estimate and award amount of \$105,000 and the plan had to be redesigned to lower the cost. Town Administrator Poole added that the Town went back to the lowest bidder and they had suggestions to lower the cost.

Councilmember Stambolitis asked if the repairs would take care of Willowbrook; how did it get out of hand; and was a stormwater plan submitted. Transportation Director Edwards responded that it would not take care of the recent ground water issues. He had discussed the issues with the County Engineer. Town Administrator Poole stated that the history of the subdivision goes back before the Town adopted the 2008 Stormwater Plan. He added that we do not have any issues with new neighborhoods, but at that time SCDHEC did reviews and if a

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subdivision was approved, it proceeded. He added that is why the Town has a Ordinance, but the Town still has to handle problem areas. Mr. Keith Frost, Planning Commission Chairman, stated that the subdivision was not built to specifications when approved by the Town's past Engineer. He stated that some corrections were made and flooding was not an issue but individual yards flood at the bottom of the hill.

2. **Sidewalk Fee Increase – Director of Planning, Building and Technology John Hanson:** Section 154.06.11 of the Land Development Ordinance requires sidewalks to be constructed on new developments. When the owner of the road will not allow sidewalk installation on a lot by lot basis, the Ordinance requires the construction cost to be determined by the Town's Engineer and the developer to pay that amount into the Town's sidewalk fund. For many years this cost has been calculated at a rate of \$32 per linear foot. A review of the last six sidewalk projects the Town has completed, along with information obtained from the SCDOT and the NCDOT, lead to the conclusion that this fee should be increased to \$50 per linear foot and reviewed annually with an automatic increase based on the inflation rate.

Town Administrator Poole explained that the fee goes into a fund and is used as a force multiplier on SCDOT grants. He added that the Ordinance encourages sidewalks, but sometimes either SCDOT, grading issues, or attachment issues make it not feasible to install a sidewalk.

**COUNCIL/STAFF COMMENTS:** None.

**PUBLIC COMMENTS:** None.

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

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember Williams and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 7:01 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.*