

**MINUTES**  
**Town of Lexington**  
**Executive Session and**  
**COUNCIL WORK SESSION**  
March 21, 2016

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Town Council held a Council Work Session preceded by an Executive Session on March 21, 2016 at 6:00 p.m. in the Eli Mack Sr. Room 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, Police Chief Terrence Green, 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, 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 Williams led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:04 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 Carnes and seconded by Councilmember Shevchik to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmembers Maness and Stambolitis were not present for the vote.) Council adjourned from *Executive Session* at 5:55 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Shevchik. The motion was unanimously carried. Mayor MacDougall reported that Council met in *Executive Session* to discuss: two legal issues regarding the proposed new utility franchise

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agreement and the potential sale of Town owned property; one contractual matter related to the operation of the Farmer's Market; and three personnel items regarding confidentiality of Executive Session, Council's summer meeting schedule, and one employee review. (All pursuant to SC Code 30-4-70(a) (1) and (2)). No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis 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 Stambolitis and seconded by Councilmember Carnes to approve the Minutes from Council's Regular meeting held on March 7, 2016. Councilmember Maness made one correction on page 10. The motion to approve the minutes with one correction was unanimously carried.

**PRESENTATIONS**

1. **Gateway to the Army Update – Command Sergeant Major (Retired) Marty Wells and Mr. Dan Hennigan:** CSM Wells thanked the Mayor and Council for allowing him to give them an update on Fort Jackson's Centennial Park. He stated that just one year ago the concept of the park started which will welcome thousands of soldiers and their families to Fort Jackson. He added that Fort Jackson is the largest Initial Entry Training site in the Army and trains over 72,000 personnel each year. CSM Wells stated that the park is a symbol of honor, has covered pavilions, and an educational aspect. He added that Fort Jackson brings a lot of visitors to the Midlands who visit local hotels, restaurants and shops. CSM Wells asked the Mayor and Council to consider a \$10,000 donation to Centennial Park. He added that they were also asking other cities and they were requesting \$500,000 from the City of Columbia. He explained that the donation could be made over a period of one to two years. CSM Wells stated that he had worked with Mr. Hennigan on the First Responders Monument in Columbia and it would not have been put up without the help of Lexington.

Councilmember Stambolitis stated that he asked CSM Wells to the meeting tonight to give an update. He added that Fort Jackson does affect Lexington and he sees a lot of people who have served and either visit here or live here. He stated that the military is experiencing cutbacks on necessities, much less an amount to help show support. He told Council that they did not have to give an answer today but he would like for them to consider it. Councilmember Stambolitis thanked Mr. Hennigan for his help with the recent St. Patrick's Day Parade, which was another family friendly event.

Councilmember Carnes asked how the cost of the project, \$1.5 million, would be raised. CSM Wells responded that USAA and Wells Fargo Bank would be big donors. He added that Mr. Otis Rawl was helping them along with Alex English. Some of the funds were in-kind donations from the builders and

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architects. CSM Wells stated that Fort Jackson did okay during the last BRAC process, but there would be another one in 2019. He stated that the Department of Defense would tour all the bases and make assessments and this type of community project would go a long way in their decision because it would stand as a testament to the claim of being “the most military friendly community in the nation”.

2. **Lexington Innovation Center – Ms. Wendy Wells:** Ms. Wells stated that she is a Global Educator and worked for Lexington District One for 15 years. She would like to start an Innovation Center in Lexington. She added that there is already a center in Greenville. She showed a video from MindCET.com. MindCET is an EdTech innovation center which brings together entrepreneurs, educators and researchers to develop innovative groundbreaking educational technology in Israel and beyond. She would like to host workshops and events in Lexington.

Councilmember Stambolitis thanked Ms. Wells for the presentation. He asked if she was seeking a host site or financial assistance. Ms. Wells responded yes, that first she needed space and eventually financial assistance. She was also working with Google developers and for now was asking for ideas. She added that people don’t understand why the school district purchased i-pads for all the students and why it is important for the kids to learn these skills.

Mayor MacDougall asked if there were any questions and thanked Ms. Wells for attending the Council meeting.

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**BUSINESS ITEMS:** (For Discussion and Recommendation for Council’s April 4, 2016 Regular Council Meeting.)

1. **“It’s All About Herbs Festival” – Municipal Clerk Becky Hildebrand:** Merritt Lucas with the “Herb Bunch”, a non-profit club affiliated with the Clemson Extension Service, contacted the Town for a contribution for their fifth annual “It’s All About Herbs Festival” to be held April 2, 2016 on the grounds of the Lexington County Museum. Contributions provide funds for a scholarship to a Lexington County student for study in the horticultural field, upkeep of the Colonial Garden at the Lexington County Museum and continued educational efforts in the community about the advantages of growing and using herbs. Levels of contributions include: Level 1 - \$400, one half page advertisement in the event program; Level 2 - \$200, one quarter page advertisement in the event program, and Level 3 - \$100, business card sized advertisement in the event program. All levels are recognized at the festival. Last year Council contributed \$150.00 to the festival.

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A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the request on Council’s April 4, 2016

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agenda for consideration of a Level 2 (\$200) contribution. The motion was unanimously carried.

2. **Cost Participation – 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 (CCF's) 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. At the March 7, 2016 Council meeting, Council voted to send the item to the March Work Session for further discussion.

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 about \$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.

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A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on Council's April 4, 2016 agenda for approval to remove the portion of the policy regarding 25% cost participation. Councilmember Stambolitis further recommended that requests be looked at on a one-on-one basis.

Councilmember Shevchik stated that the item was sent back to the Work Session because all the Councilmembers were not at the last meeting. He stated that if Council removes the 25% cost participation portion of the policy and then approves requests on a case-by-case basis, it could be perceived as favoritism. He added that the law is in place for a reason.

Councilmember Maness stated that in 1999 the Town needed help with growth and now that is no longer the case. She added that recently they have said "no" to several requests and that makes people mad at Council. She stated that we do not need the policy and she supported removing it.

Mayor MacDougall stated that Council has tools, much like tools in a toolbox and Council may need the tool one day, but if it is not available they may need it. He added that the policy may have been bent in the past but that was not the feeling now with this Council. Mayor MacDougall stated that there are a lot of rural areas around Lexington that may present a golden opportunity one day. He stated that when it presents itself it would be better to have a tool in place to help and move forward rather than to not have the tool for economic development and to stunt the growth of the Town. He added that the project at Old Cherokee was to the Town's advantage to participate in the costs.

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Councilmember Stambolitis stated that he did not want to appear to be picking and choosing because what was good for the goose was good for the gander and it would not be equal or justified. He added that we need to grow the Town if it is justified. He stated that the Town's growth had been phenomenal and they did not need to prime the pump. Councilmember Stambolitis stated that it sends the wrong message if developers are allowed to continue to present their case, yet Council always turns them down.

Mayor Pro-Tem Livingston stated that as the elder of Council, she would like to see Staff do a better job of vetting the requests before they come to Council. She stated that Staff used to give better reasons as to why a request had a benefit for the Town. She recommended that when a request is brought to Council it should contain wording about the advantage for the Town.

Town Administrator Poole stated that Staff is required to bring all applications for cost participation to Council. He added that the Ordinance states that the reimbursement is for the Town's benefit.

Councilmember Shevchik stated that it is Council's job as elected officials to decide about a proposal. He compared it to an application for admission to Harvard, not everyone is approved. He added that if Staff says it is a good deal, does not mean Council has to approve it.

Councilmember Maness stated that during the previous Work Session Council had agreed that the Town Administrator had the authority to say no to a developer and he would only bring a request to Council if he thought it was good for the Town and Council would then make the decision.

Town Administrator Poole agreed with Councilmember Maness' statement. He added that if they removed the policy then each request would require a new ordinance with two readings. Mayor MacDougall added that it could also delay projects. He suggested that the ordinance language be changed so Staff could determine qualifications and if the project request contributed to the Town.

Councilmember Stambolitis requested that the Town develop a map showing the potential approved areas of growth and developers could only apply if they would be located within the approved potential growth areas. He recommended that the Comprehensive Plan also include such a map. Councilmember Stambolitis stated that the Town should go after the Pilgrim Church area, and even though they may not get all of it, it should be mapped out in order to avoid negative vibes. He added that Staff knows the areas that should be included.

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Town Administrator Poole stated that the Comprehensive Plan only deals with in-town proposals and the cost participation would be a much larger area. He confirmed that Staff always makes customers aware of the cost participation policy or any other options for savings, such as the Façade Grant Program. He added that they also tell people that they are not guaranteed to be approved. He suggested that they tighten the criteria for cost participation, plus add a geographic map, and come up with a policy. Mr. Poole stated that Council needs to philosophically oppose any action and once Council decides then Staff can put the policy together.

Mayor MacDougall called on Economic Development Catalyst Jeffcoat to give his opinion regarding cost participation.

Economic Development Catalyst Jeffcoat stated that he has been in economic development for a long time and had seen the ups and downs of it. He stated that we are currently in an upswing, but it is not always that good. Mr. Jeffcoat stated that it was absolutely a good idea to help developers in the Town. He described how the County received a call from Mr. Bill Dukes to let them know that a friend in Orlando wanted to expand his business with a \$313M investment and 700 jobs. Two County Councilmembers flew to Florida to discuss it and offered 60 acres to the company to come to Lexington. Since the company owner had been having problems with permitting in Orlando, they decided to move to Lexington. Mr. Jeffcoat stated if they had not been prepared it would not have happened. He added that it took dollars for Amazon and Nephron to come to Lexington, but it certainly paid off. He stated that towns have to set the pace and water and sewer can be powerful. He added that the County takes requests on a case by case basis. Mr. Jeffcoat stated that developers have it tougher today than before and even a little help is a lot of encouragement.

Councilmember Williams asked if the Utilities Director could bring the item to Council when there is a cost to run a line to a pump station and it would be beneficial to the Town to pay for an upgrade. Mr. Poole responded that there are certain requirements and standards for the Town to take such an action such as a four inch line versus an eight inch line for future growth because if the Town has 800 homes being built, the Town wants an eight inch line and would pay the difference. He added that this is a separate topic than the cost participation question. Mr. Poole stated that there is also a cost to maintain the pump station. He stated that there are 100's of CCFs guaranteed and none are purely residential. Mr. Poole stated that with the 25% participation, the developer does the work and meets the standard.

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Councilmember Stambolitis stated that the policy should be for all needs and concerns with geographic parameters when we need growth. Town Administrator Poole stated that the map would be an odd thing because it would not include any whole area and it would be better to include standards. He added that Staff could include a map but it would be complex and more binding if an area became available and was not on the map. He stated that they would also have to map utilities.

Mayor Pro-Tem Livingston recommended that the item be kicked back to Staff to prepare a policy.

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Councilmember Stambolitis amended his motion to send the item (*Cost Participation on Off-Site Water and Sewer Lines Policy*) back to Staff to come up with a plan which would be equitable. Councilmember Williams seconded the motion. Councilmember Carnes stated that if they took this to the vote of the people to see if they wanted the Town to subsidize developers in Lexington, he thought the electorate would say that the roads are bad and subsidizing developers would not be good for the Town. The motion was unanimously carried.

Town Administrator Poole stated that Staff would prepare a proposed plan of action by Council's next Work Session (April 18<sup>th</sup>).

- 3. Potential Changes to Temporary Sign Ordinance – Municipal Attorney Brad Cunningham:** A landmark Supreme Court case, *Reed v. Gilbert* (AZ), was handed down recently in the U.S. Supreme Court. The case dealt with how the City of Gilbert was regulating “weekend directional signs”. The court ruled a portion of Gilbert’s Sign Ordinance unconstitutional since it referred to the content of the sign in an effort to regulate it. Essentially, Sign Ordinances are going to need to treat all temporary signs in the same manner, regardless of content. Many cities and towns across the U.S. are changing provisions in their Sign Code to deal with the Supreme Court Ruling.

Council was asked to place the item on Council’s April 4, 2016 agenda and to refer it to the Planning Commission for study at its March Work Session.

It was the consensus of Council to wait on the Planning Commission to discuss it in their Work Session tomorrow and then put it on Council’s next Work Session. Mayor Pro-Tem Livingston asked if they could wait a month. Municipal Attorney Cunningham responded that they could wait, but the Ordinance would have to be changed. Town Administrator Poole added that the Town would need to start issuing permits for the weekend signs. He added that most complaints came from citizens who think the signs are tacky.

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4. **Amendment to Electric and Gas Ordinance with SCE&G – Municipal Attorney Brad Cunningham:** SCE&G requested that the Town sign an amendment to the current Electric and Gas Franchise Agreement with the Town. (The proposed Ordinance is attached.) The substantive changes include renewing the agreement with a term of ten years instead of twenty years, combining the Electric and Gas Franchise Ordinances into one agreement, and changes in the way the Non-Standard Service Fund is administered.

A motion was made by Councilmember Williams and seconded by Councilmember Shevchik to place the item on Council's April 4, 2016 agenda for consideration of First Reading. Town Administrator Poole explained that the amendment would give the Town more flexibility and save the Town money because SCE&G would participate in individual lines, not just main lines. He added that now the Town pays 100% of individual lines when they go underground and with the amendment SCE&G would pay half and the Town would pay half just like main lines. The motion was unanimously carried.

5. **Sale of Property Adjacent to Amphitheater – Municipal Attorney Brad Cunningham:** A private company answered an RFP for a portion of the Ice House Project property just south of the former Shireys building which is now being renovated. The company proposes uses similar to that proposed for the Shireys building. The parcel consists of approximately .2 acres and is shown on the attached drawing.

Council was asked to provide Staff direction to proceed with due diligence, and to place the item on Council's April 4<sup>th</sup> agenda for First Reading. If the item is not ready for First Reading by the scheduled April Council meeting, permission is sought to place it on the Council meeting agenda as soon as is practical in the due course of business.

A motion was made by Councilmember Williams and seconded by Councilmember Carnes to place the item on Council's April 4<sup>th</sup> meeting for First Reading or an agenda as soon as practical if the item was not ready by April. Councilmember Stambolitis asked what business was proposed to go on the location. Mr. Poole responded that he could discuss it with him off-line. The motion was unanimously carried.

6. **Amendment to Police Towing Policy – Municipal Attorney Brad Cunningham:** In August, 2012, Town Council put in place a change to the Police Wrecker and Towing Policy that limited the number of wrecker/towing services in the towing rotation to six. There has been a large increase in the number of calls and accidents which are requiring use of the rotation and the Police Department requested the number in the rotation be increased to seven (7). There is a pending application from a service which is located in Town and has a Town of Lexington

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Business License. The Policy gives the Chief of Police authority to approve new applications, but not to increase the number of services on the list.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to place the item on Council's April 4<sup>th</sup> agenda for consideration. Councilmember Williams confirmed that the Chief of Police had the authority to remove a company from the list if needed and the company would receive a letter. Councilmember Stambolitis stated that the Chief should increase the number as business increases. Chief Green explained that when there are multiple wrecks all the towing companies are busy. He added that Council set the Ordinance to limit the number of towing services used by the Police Department. Municipal Attorney Cunningham stated that Council previously set the limit in order to make it worth it to the towing service for their turn to come up to be called. Town Administrator Poole confirmed that all seven companies are located in Town. Chief Green stated that there are other companies, but these seven had requested to be included in the rotation for the Town. The motion was unanimously carried.

7. **Discussion of LED Commercial Signs – Director of Planning, Building and Technology John Hanson:** It was requested to place the item on Council's Work Session agenda to discuss LED signs for commercial properties. Currently the Town's Sign Ordinance does not allow any type of electronic signage. A change to the ordinance with a review by the Planning Commission would be required in order to permit these types of signs.

Mayor Pro-Tem Livingston asked why this was brought to Council. She added that she did not think it was a good idea. Town Administrator Poole responded that he and Mayor MacDougall had recently discussed how LED signs have changed and Staff would like to look into it further since LED signs are not LED dots that scroll any longer, but look more like a television screen. He added that the Ordinance's no-electronic sign rule has held strong for many years.

Mayor MacDougall stated that he saw information about LED signs at a recent NLC Conference. He thought it was worth discussing now instead of playing catch-up with technology later.

Councilmember Williams stated that new LED signs were better than the old type of signs where the letters blow off. He added that they could still be restricted as to brightness, not flashing, and how often they could be changed. He stated that the new Fatz Café sign would have looked better as an LED sign.

Councilmember Stambolitis stated that the Sign Ordinance is also in place so signs do not distract motorists. He added that the signs with removable letters can be vandalized and teens can put profanity on them. He thought the new LED signs were a valid tool for marketing but they need more control.

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A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to ask Staff to bring a proposed LED sign ordinance back to Council for review. Mayor Pro-Tem Livingston requested that the proposed policy include strong penalties. She requested that the Planning Commission be involved or include some of the sign companies. Town Administrator Poole stated that the current policy has a \$500 per day penalty, but it may not be strongly enforced. The motion was carried with six (6) in favor and one (1) opposed (Livingston).

**COUNCIL/STAFF COMMENTS:** None.

**PUBLIC COMMENTS**

Ms. Paula Kauffmann, 201 Allenbrooke Way, presented a check to the Town in the amount of \$18.97 because her real estate tax went down. She stated that if all the homes in her neighborhood went down, she was concerned that the Town would need the money for road repairs. Mayor MacDougall thanked her and stated that Council was keenly aware of the taxes and they were very responsible with citizens' money. He added that citizens were guaranteed services and those services would be provided. He invited Ms. Kauffmann to come back to the next Council meeting. Town Administrator Poole stated that in some areas the real estate tax went up so it was probably a wash for the Town, but the Town had not had a millage increase in 28 years.

**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 Maness to adjourn the Council's Work Session at 7:24 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.*