

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
April 18, 2016

Town Council held a Council Work Session preceded by an Executive Session on April 18, 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 (7:00) and Ron Williams.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Prosecutor Cliff Koon, Transportation Director Randy Edwards, 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, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were 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 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 Williams gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:00 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. (Councilmembers Maness and Carnes were not present for the vote.) Council adjourned from *Executive Session* at 5:50 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Maness. The motion was unanimously carried by all those present. Mayor MacDougall reported that

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Council met in *Executive Session* to discuss: two routine personnel matters; and, three legal issues related to Town owned property, pending litigation, and planning. (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 Maness to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present.

ADDITIONS/DELETIONS TO AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the Minutes from Council's Regular meeting held on April 4, 2016. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Healthy Learners – Director of Development Todd K. Buehrig and Executive Director Jo Pauling Jones:** Ms. Jones explained how Healthy Learners, a ministry of the Sisters of Charity Health System, has been around for 23 years, but they are trying to get the word out to the public about all the services they provide to school children in a six county area. She stated that children need to be healthy to reach their full potential, so they provide medical, glasses, dental and hearing care. She added that they are made aware of situations from the school counselors and have made a huge impact in their area last year by serving 1,481 children. She introduced Cindy Poole, RN, who has been on their staff for more than 20 years. Mr. Buehrig stated that they are a non-profit and 82% of all donations support their programs. He added that they work hard along with many great sponsors, along with 100% Board participation, to get the funding they need each year. A copy of the hand-out provided to Council is attached. Mr. Buehrig requested Council's support of the program.

Councilmember Maness thanked them for coming and stated that they have provided many services to children in need who did not have health insurance. She confirmed that they are not currently serving in Lexington District One, but they have received calls for the district. Mr. Buehrig added that they serve 92 schools now and would need additional resources to expand their services. He added that DeeDee Chewning was the Founding Director 13 years ago and she said Medicaid would put them out of business, but there continues to be a need for their services.

Councilmember Stambolitis asked how they would identify children in need. Ms. Poole responded that people may contact the school nurse. Ms. Jones added that they do not duplicate services and some children fall between the cracks of Medicaid or re-enrolling. Councilmember Stambolitis stated that he had not heard of their service before and asked how could Council help. Mr. Buehrig

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stated that they could help get their story out or be a partner with them. Councilmember Stambolitis asked the Mayor and Council if they would agree to let Healthy Learners post a public notice on the Town’s Channel 2. Mayor MacDougall stated that they could certainly entertain that idea and Mr. Buehrig could get with staff to determine what could be aired.

BUSINESS ITEMS: (For Discussion and Recommendation for Council’s May 2, 2016 Regular Council Meeting.)

- Accommodations Tax – Special Projects Manager Wesley Crosby:** The Accommodations Tax Advisory Committee (Marvin Robinson, Chair) met on April 12, 2016 to review and make recommendations regarding the FY 2015 65% fund allocation of the Town of Lexington Accommodations Tax funding. A spreadsheet listing the applicant who applied and the Accommodations Tax Committee’s award recommendations was presented to Council for their review and approval. (Copy attached.) Additionally, a budget provided by the Greater Lexington Chamber and Visitor Center regarding the designation of FY 2015 30% Advertising and Promotion Special Fund was provided. (Copy attached.) The FY 2015 30% amount is \$43,315.67.

Summary:

	<u>Requested</u>	<u>Committee Recommended</u>
Capital City Lake Murray Country	\$ 10,000	\$5,000.00
Columbia City Jazz Dance School	\$ 15,000	\$ 0
Columbia Metro Convention & Visitors Bureau	\$ 10,000	\$ 6,000.00
Columbia Regional Sports Council	\$ 3,000	\$ 3,000.00
Columbia Volleyball Club	\$ 15,000	\$ 3,000.00
Lexington Chamber & Visitor Center	\$ 24,500	\$20,000.00
Lexington County Museum	\$ 8,000	\$ 8,000.00
Lex County Recreation & Aging Comm.	\$ 25,000	\$12,500.00
River Bluff High School & LHS Baseball	\$ 2,000	\$ 0
The River Alliance/Tartan Day	\$ 5,000	\$ 4,000.00
Town of Lexington/Amphitheater	\$ 30,000	\$30,000.00
Town of Lexington/Snowball Festival	\$ 3,000	\$ 3,000.00
White Knoll High/Red Bank Baseball	<u>\$ 3,000</u>	<u>\$ 0</u>
Total of all Requests:	\$153,500.00	
Total Funds Available		\$94,500.00

Councilmember Stambolitis stated that last year they had asked for more transparency from the Lexington Chamber regarding the funds and how they were spent, yet they have not updated Council and are receiving money again. He added that their web page does not provide any helpful information to visitors about churches, events, how to open a business, soccer events, Lake Murray, or many others topics. He thought it should be more inclusive of all activities in the Town, not just Chamber events. Councilmember Stambolitis

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stated that he knew they were under new leadership and he was optimistic about that, however, he called their office recently one afternoon around 3:00 and no one ever answered the phone. He requested that Council see a plan regarding the Visitors Center before the money was distributed to the Chamber. Councilmember Williams stated that only 54 restaurants were listed but the Town had 110. Mayor Pro-Tem Livingston stated that the Chamber web site would only list those that are members of the Chamber.

Councilmember Maness stated that she had not looked at the applications because she was out of town. She asked if the requested amounts were acceptable by the committee. She added that the Chamber had been working on their web site for 2 to 3 years. She stated that last year the Chamber was asked to work with Ms. Dowden. Ms. Dowden responded that the Chamber web site has a lot of restaurants and hotels and the Loving Lexington portion was added. She was not sure if funding was to re-invest in that portion of the web. She stated that she had worked with Connor at the Chamber to put together a CD.

Councilmember Shevchik, Council Liaison to the Accommodations Tax Committee, stated that the Chamber, under the State law for Accommodations Tax, is under different guidelines as the visitor center in Town. He added that he and Mayor MacDougall had lunch with Otis Rawl, new Chamber President and CEO and Marvin Robinson, Chamber Board Chair, and they had discussed the past problems. The Chamber does not receive many walk-in visitors; there are more virtual visitors to their web page. Councilmember Shevchik stated that the Chamber knows the issues and is receptive to making it better. He recommended having the Chamber President speak to Council at the next work session.

Mayor Pro-Tem Livingston confirmed that the Chamber would receive a total of \$63,300. She also confirmed that the Chamber is a 501(c)(6) which allows political functions.

Councilmember Williams stated that last year Councilmember Carnes had proposed that we do our own website for visitors if the Chamber was not ready. He questioned why they needed \$63,000 to run an internet based Chamber.

Mr. Poole responded that you can spend almost any amount on a web site and up to \$100,000 depending on the site.

Ms. Constance Flemming, Accommodations Tax Committee Member, stated that she agreed with Councilmember Shevchik and added that the Board had discussed some issues with the Chamber. She added that they discussed the Monday through Friday hours and why no one was there on Saturdays because the Board thought that was important.

Councilmember Maness asked what did Council want to do now because this was the third year that the Chamber received \$60,000+ and it was still not clear

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how the money was being used. She thought they should be held accountable for the funding they received. Councilmember Shevchik stated that we could do better. Mayor MacDougall stated that the Town cannot do their own visitor center when one already exists; based on the rules of Accommodations funding. Mr. Poole stated that the Chamber can use the funding for operations. Councilmember Williams stated that the Town does not have to give them the money. Mayor MacDougall responded that it would not be fair to the organization to pull funding and not tell them the issues first. Councilmember Maness stated that she thought they had been told last year. Councilmember Shevchik thought the new leadership should be given a chance.

Mayor Pro-Tem Livingston asked about others that had applied. Councilmember Shevchik said some did not receive funding because the application was incomplete.

Mr. Poole recommended that Council make a motion to send this back to the next Work Session. Mr. Crosby stated that he could send the applications of those that qualified for funding to Council along with how the money could be used. Councilmember Maness requested to see the last five years of the Chamber's funding and how the money was used.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to bring the item back to Council's next Work Session for further discussion and when Council Member Carnes, Council Liaison to the Chamber, could be present. The motion was unanimously carried by all those present.

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.

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.

At the March Work Session Council directed that possible revisions to the policy be brought to the April Work Session for further discussion.

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Mr. Poole stated that a working group of Staff members (Ford, Cunningham and Hanson) had prepared the attached proposal which states that the responsible party for a project that includes off-site water and/or sewer lines may apply to Town Council for cost participation up to 25% of the cost of the total water and sewer capital contribution fees paid as applicable for a given project if they pass Test 1 and Test 2. If the project can pass Test 1, Test 2 and Test 3 it may apply for up to 30% cost participation. (Copy of full proposal attached.) Mr. Poole added that the proposal is not yet ready to be voted on, but if Council agrees that it is a solid concept, he will bring it back to Council's May Work Session.

Mr. Poole gave a brief description of the proposal. If a developer has a proposed project, to qualify for cost participation, they must pass one question in Test 1 (is project outside Town's comprehensive planning area, outside corporate Town limits, but inside comprehensive planning area and includes sidewalks that meet standards, project is inside Town limits) or they do not move forward. If they pass Test 1, they move on to Test 2. Must pass 1 of 4 questions in Test 2 (sewer is unavailable, sufficient existing potential future customers are contiguous to propose a line, sufficient vacant or underdeveloped land is contiguous, sufficient customers in one or more subdivisions without public sewer). If they pass Test 2, they move to Test 3. Must pass 1 of 2 questions in Test 3 (project is located outside Town but outside Comprehensive Planning area and meets all neighborhood standards; project is located inside Town and meets the standards of a PR1 district neighborhood). If Test 3 is passed, the developer may apply for 30% cost participation.

Councilmember Stambolitis asked about qualifying for roads. He stated that some areas should be denied and the Barr Road area was already out of control and the Town should have some incentive to use. Mr. Poole responded that the Town and County road standards are the same.

Councilmember Maness asked how did we get to 30% from 25% when some on Council did not want to do cost participation at all. She stated that the Town does not need cost participation at this time because developers are coming so why should the Town lose the money. Mr. Poole responded that with this proposal the Town can exercise control of development and get a better product.

Mayor MacDougall stated that this would help give the Town an overlay district. He added that development is good now, but it will not always be good, and this would give Council a good tool to use because the Town's borders are growing. He stated that the Town is in the sewer and water business and that can be accelerated.

Mr. Poole stated that Council would still have 100% discretion to say no even if all three tests were passed by a proposed development.

Mayor Pro-Tem Livingston asked why 30%. Mr. Poole responded that it could be 20% or 25%, it was up to Council.

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A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to move the item to Council's May Work Session for further discussion of a proposed draft when Councilmember Carnes would be present. Mr. Poole added that the Planning Commission would also review the proposal for the Comprehensive Plan update. Councilmember Shevchik thanked Staff for preparing the draft which was a great solution to provide the Test levels in order to get the standards that the Town wants to have in developments. The motion was unanimously carried by all those present (5). (Councilmembers Maness and Carnes were absent for the vote.)

3. **Settlers Point – Councilmember Ron Williams:** Mr. Williams wished to discuss the Town's plans for the road repairs in Settlers Point. He stated that there are 168 homes in the neighborhood and they have tried to get a resolution through the builder.

Mr. Edwards stated that an engineer would not sign off on the plans yet. He added that there are road repairs and drainage issues that need to be corrected and a bid was just received on March 10th. Once they are up to a minimum standard, the Town could take the roads over. He said the price ranged from \$176,000 to \$212,000 and \$78,000 was agreed on for road repairs only. If not repaired, the \$300,000 Bond can be pulled. He stated that he has already done a lot of the leg work. He stated that after all the floods, it is hard to get a contractor to come do a small job when they have \$2M jobs already, unless you piggy back on a County contract. He expected to get an answer in 2 weeks with up to six months to do the work to end up with a decent product.

Mayor MacDougall asked what could be done to patch the roads for now because they are breaking apart. Mr. Edwards stated that this is not on KB's fix it list. Mr. Poole stated that the Town does not own the roads to fix them and State law prohibits a municipality from repairing private roads. Councilmember Williams asked if there could be a formal takeover and if the Town could pull the Bond. Mr. Poole stated that it makes no sense for the developer to turn the roads over. He added that the Bond could be pulled but Mr. Edwards' idea is better because the Bond could take 6 months. Mr. Edwards stated that if the roads are not repaired to standards, then they would pull the Bond and then they are our roads.

Councilmember Shevchik recommended giving the 60 days. Councilmember Williams recommended giving them 30 days with a report by the next Council Work Session and if no answers by then, pull their Bond so they would be able to tell the homeowners something. Mayor Pro-Tem Livingston recommended 30 days, not 3 months. She recommended that they not negotiate the warranty. Councilmember Carnes recommended that the Town's independent inspector complete the inspection.

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Mayor MacDougall requested that Mr. Edwards bring this back to the next work session because it has been going on for two years.

A motion was made by Councilmember Shevchik and seconded by Councilmember Williams to bring the item back to Council's May Work Session to discuss the future time line and options. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Emergency Procurements – Finance Director Kathy Roberts:** Council was provided a summary of emergency purchases made in the first quarter of 2016. Council was asked to accept the information and direct the summary be recorded in the minutes of this Work Session.

COUNCIL/STAFF COMMENTS

Councilmember Stambolitis gave an update on the meeting with Golden Hills, specifically residents on Scotland Drive, and Wellmore. The citizens were concerned about a retaining wall that was being built larger than they thought the plan showed along with excessive dust and debris from the project. He thought the developer was cooperative and came up with a good plan. He thanked Councilmember Williams and Mr. Hanson for attending. (Wellmore handout attached.)

PUBLIC COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to adjourn the Council's Work Session at 7:16 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.