

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
April 18, 2011

Town Council held an Executive Session followed by a Council Work Session on April 18, 2011 in the Eli Mack Sr. Room. Both meetings were attended by: Mayor Randy Halfacre, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier, and Todd Shevchik. Mayor Pro-Tem Hazel Tyndall was absent to receive an award for being in the Top 10% Sales with Herndon Chevrolet. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Planning, Building and Technology Director Leah Youngblood, and Municipal Clerk Becky Hildebrand.

There were eight (8) citizens, Boy Scouts and students present and two (2) reporters from the news media.

EXECUTIVE SESSION REPORT PART I

Mayor Halfacre reported that the *Executive Session* was called to order at 5:33 p.m. after a motion was made by Councilmember Frazier and seconded by Councilmember Thompson to go into *Executive Session*. The motion was unanimously carried by all those present. (Council Member Shevchik was not present for the vote.) Council adjourned from *Executive Session* at 6:35 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Thompson. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one personnel issue regarding an interim Department Head; one contractual issue regarding economic development; and an update on two pending legal issues. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present. Executive Session Part II was held following the Council Work Session.

INVOCATION, PLEDGE AND CALL TO ORDER: Councilmember Thompson gave the invocation and Councilmember Maness led in the Pledge of Allegiance. Mayor Halfacre called the Work Session to order at 6:40 p.m. and welcomed everyone to the meeting. He apologized for the late start of the meeting. He later welcomed the Mayor of Chapin, Stan Shealy.

ADDITIONS/DELETIONS: None.

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APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the minutes from the April 4, 2011 Regular Council meeting. The motion was unanimously carried by all those present.

PRESENTATIONS

1. (Not in attendance.) **Business Licensing for 112 E. Main Street – Mr. Todd Taylor.**

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on May 2, 2011.)

1. **Appointments to Boards and Commissions – Municipal Clerk Becky Hildebrand:** The terms of the following Boards and Commission members expire June 30, 2011. Council’s approval was requested for reappointments or new appointments to be placed on the May 2, 2011 agenda.

<u>Advisory Committee</u>	<u>Board of Appearance</u> – 1 Vacancy
Albert Keck	Ginny Kurtz
Ashley Harwell-Beach	Roberts Suggs
Jerry Werries	
<u>Board of Zoning Appeals +1 Vacancy</u>	<u>Traffic Committee</u> – 3 Vacancies
Gerald Shealy	Jared Smith
Nathan Leaphart	
<u>Building Codes Board of Appeals</u>	<u>Election Commission</u>
Mike Summer	James Snell
Ian McLean	
<u>Historic Preservation Review Board</u>	<u>Planning Commission</u>
Chuck Corley	+2 Vacancies
John Bartlett	
Randy Lanier (non-attendance)	
<u>Accommodations Tax Advisory Committee</u>	
+ 2 vacancies	
Burt Patel and Virginia Hylton submitted resignations (copies attached) and must be replaced by someone in the accommodations industry.	

Councilmember Maness confirmed that the individuals listed had not yet been contacted. Mayor Halfacre confirmed that Council could discuss the reappointments during Council’s Executive Session in May.

2. **Economic Development Self Assessment Tool – Town Administrator Britt Poole:** During the March 21, 2011 Council Work Session, Mayor Halfacre requested consideration to participate in the Economic Development Self Assessment Tool (EDSAT) program by Northeastern University together with the National League of Cities. (Copy of letter attached.) Staff determined that funds were available to conduct the program in the current budget year in the amount of \$4,500. The program would be a one-day economic development session based

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on 200 questions in the EDSAT booklet. The Town's strengths and weaknesses would be identified by Council and Department Heads through discussions and then rated at the end of the process. Council was asked to consider:

- Consensus of Council to direct staff to secure the program from Northeastern University.
- Commitment of time for Council and Department Heads would be one full day off site.
- Determine a date suitable for Council.

Mayor Halfacre stated that the Town had not done a Strategic Plan in several years and the Vision Plan was for longer vision projects. He added some cities had completed the EDSAT program and found it very beneficial. Councilmember Maness stated that she was glad to see the Town participate in the program. It was the consensus of Council to direct staff to proceed with implementing the project. Mayor Halfacre requested that the Town Administrator come back to Council at the next Work Session with a more formalized proposal and three or four suggested dates.

3. **Development of the Old Town Landfill – Councilmember Ted Stambolitis:** Now that the landfill on Railroad Avenue has cleared all regulatory hurdles, the Town can begin developing the property for recreational use for the citizens of Lexington. There have been suggestions for soccer fields and a dog park. The Town can begin on both projects by designing, grading and clearing and planting grass at the landfill on Railroad Avenue. In addition, if cost or affordability becomes an issue, the Town could do the designing, grading, clearing, and planting grass in phases as it can be afforded. Once the recreational fields are fully developed, the Town can begin to rent field space to different organizations and groups for various events which would create revenue to help finance projects on the property.

Mayor Halfacre stated that they would need to discuss the item before putting it on Council's May 2, 2011 agenda. He added that a plan was needed and he thought the original request included soccer fields. He suggested that the plan be discussed at the Council's May 24th Vision Plan review meeting to include two parts: the sports fields and a dog park. Mayor Halfacre stated that Council wants to be more pedestrian friendly and the Vision Plan Committee has tried to incorporate that aspect into the plan.

Town Administrator Poole stated that staff had estimated a cost of \$1.8 million which included seven fields, parking and rest rooms. He added that it would be a "middle of the road" complex as compared to Sumter's complex which cost \$4.3 million. He later confirmed that the old landfill property would need 15,000 cubic yards of clay and 15,000 cubic yards of top soil. He stated that the Grants Administrator had been looking for grants for several years, but most of those

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type grants go to SC Parks, Recreation and Tourism. He also confirmed that the property is not located in a CDBG area. Town Attorney Cunningham added that the Town would not qualify for some grants because the Town holds potential liability as a responsible party under Brownfield grants.

Councilmember Stambolitis stated that it has taken the Town five years to get to this point and the Town should have a plan that can be accomplished in phases for the property and possibly tie it into projects being reviewed by the Vision Plan Committee. He suggested that Councilmember Frazier could get some of the grading done "in-kind" since he has a lot of connections in the construction business and the Town could provide additional funding. He recommended that the property include a dog park on several acres. He stated that the Lexington County multi-use fields did not start out nice in that they were originally dirt fields and were improved over a three to five year period. He suggested that the Grants Administrator look for grants every year under the EPA.

Councilmember Frazier suggested that they find a place, such as Michelin's, who may be grading and in need of a place to put the dirt. He stated that tons of dirt was moved from the Corley property and the cost is in hauling the dirt. He confirmed for Mayor Halfacre that the Corley deal on Highway 378 was already signed and they may need to find a location for the dirt. He suggested that Mr. Walker contact Joe Sox and Son to see if there was any dirt from the new high school project.

Parks, Streets and Sanitation Director Walker stated that he would check with DHEC to see if the dirt could be stock piled on the property for future use in that it was a C and D landfill. He added that glass and metal would be approximately two to three feet below the current surface and it would have to be cut into in order to grade the property. Mr. Walker stated that it would also cost approximately \$50,000 to grub the wood from 7 ½ acres. He estimated the total cost to be: \$180,000 (clearing and grading), plus \$50,000 (to grub 7 ½ acres), plus \$33,000 (to haul grub off the site), totaling \$263,000 if the top soil and clay were donated. He added that a plan had been drafted which included soccer fields, a building, rest rooms and it could be redrafted to include a dog park since it just needed to be an open field for dogs to run. Mr. Walker agreed to include cost estimates including fencing, grassed in, picnic tables and where a dog park could be located using 3 to 5 acres.

It was the consensus of Council for Mr. Walker to bring a plan and estimated costs for the development of the Old Town Landfill, including a dog park, back to the next Council Work Session for further discussion.

- 4. Ban on Text Messaging While Driving – Councilmember Ted Stambolitis:** With the rising use of text messaging there has been an increase in text messaging related accidents. Councilmember Stambolitis proposed a ban on text messaging while driving in the Town of Lexington. The first offense would be a \$25.00

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fine, the second offense would be \$100.00 and the third offense would be \$500.00. If the ordinance is passed, there needs to be an effort to alert the public through inserts in the water bill, Channel 2, and the Town's web page. In addition, signs could be installed at major intersections.

Councilmember Stambolitis requested input from Police Chief Green. Chief Green stated that an ordinance to ban texting would be hard to prove. He had reviewed text banning ordinances from Columbia, Camden and Clemson and preferred the Columbia ordinance. He stated that he would recommend a flat rate plus costs which would be classified as criminal, not civil (blue ticket). He added that there should be no points and no insurance surcharge. Chief Green stated that Columbia is in the education phase of their ordinance. Clemson had written six tickets and Camden had written one ticket and five warnings. Chief Green stated that he and his department would enforce the ordinance as determined by Council. He stated that currently if they determined that texting was a contributing factor to a wreck, the report may have "inattention" written on it. He agreed that a texting ordinance could save a life, but there was no current State or internal tracking method to determine how an individual used their phone.

Councilmember Frazier stated that he did not like the idea of a ban on texting while driving. He stated that it would be a waste of trial time and money when you could not prove it beyond the shadow of a doubt.

Town Administrator Poole stated that there are many other towns that do not have a ban on texting ordinance. He added that the Town of Irmo has not yet passed their ordinance, but may have had first reading.

Ms. Vickie Shealy, Lexington Chronicle, stated that Irmo was looking at Camden's ordinance because it was easier to enforce. She added that Chapin has not yet talked about an ordinance.

Councilmember Stambolitis stated that it is important to save lives and to determine how this ordinance can be enacted. He stated that it is a proven fact that texting can cause fatal accidents especially in young and older drivers. He stated that cell phones should have a time stamp that could be used. He added that having a law against texting while driving would help prevent accidents. He agreed that education on the issue would be important and the Town should have a tool to warn the public.

Mayor Halfacre stated that the Town is not ready yet to recommend a text banning ordinance and should cogitate the issue further. Councilmember Shevchik would like to see the Camden ordinance. Councilmember Maness would like to see Columbia's ordinance. It was the consensus of Council to request that Chief Green bring the item back to Council's May Work Session with the proposed language and recommended fines for further discussion.

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5. (Removed) **American Heart Association Fee Waiver – Events and Media Coordinator Jennifer Dowden.**

6. **Utilities Fee Structure Changes – Director of Utilities, Engineering & Planning Allen Lutz:** The Utilities Department requested to have the fee structure changed for the following water and sewer tap fees, meter sizing fees, and services for irrigation fees. The tap fee for sewer has been in place since 1997 at \$324.00, with the water tap fee being \$410.00. Meter sizing fees have been in place since September of 2000. The fees for water service for irrigation was originally established in 1996 and adjusted for meter cost only in 2000. The fees need to be adjusted to recover the cost of material and labor, due to the increased cost over the past years. The increase would recover the costs of material and labor. (New Water and Sewer Connection Fees chart attached.)

Councilmember Maness stated that the increase is a big jump. Mr. Lutz responded that the labor cost is \$9.00 per hour using two men. He later explained that the request was to recover cost, not increase labor. Mr. Lutz added that they have approximately twelve water tap requests a year and only a few sewer requests per year.

Town Administrator Poole stated that they were only asking for a modification. He explained that “tap fees” listed on the chart are not CCF’s, it is the actual meter. Mr. Poole added that some meter costs have increased over 200%. He stated that Utilities Fees are not used that often. He gave an example that meter sizing currently cost \$269; the Town is only charging \$225; and, they are asking to increase it to \$270.

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to place the request on Council’s May 2, 2011 agenda for consideration. Mayor Halfacre stated that if the new fees are not adopted, others would be paying the bill. The motion was unanimously carried by all those present.

FOR YOUR INFORMATION

1. **Midlands Delegation Trip – Mayor Randy Halfacre:** A brief review of the April 4’ 2011 Washington, D.C. trip was given. Mayor Halfacre stated that it was the first time that delegates from the business and chamber environment went to Washington, D.C. as a group to talk to Congressmen about the Midland’s Region economic development including discussions about the local impact of Fort Jackson, McEntire Guard Base, Shaw Air Force Base and the Columbia Metro Airport. He stated that they met with U.S. Senators Graham and DeMint and U.S. Congressman Wilson. Senator Graham assured the group that there would be funding for Charleston to dredge the harbor. He also advised them that what use to be called “ear marks” was now called “personal

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invitations” and that Washington is “a mess”. Mayor Halfacre stated that funding had gone to the upper and lower part of the state; I-20 to Augusta needed repair, and the road expansion at the Columbia Airport needed to be completed. He stated that the delegation also went to the Pentagon and discussed the nuclear reactor expansion at Fort Jackson. He added that it was a \$7.1 Million bill, \$1 Million less than Boeing, but the reactor had taken a back seat due to the disaster in Japan.

Mayor Halfacre wished to comment on Amazon.com. He encouraged everyone to support Amazon.com and the promises that were made to them during the previous administration by coming to the State House tomorrow. He stated that no retail outlet in South Carolina was required to pay sales tax under Federal law. He added that his wife orders on-line all the time and does not pay sales tax. He asked everyone to contact their Senator and let them know that they support Amazon.com and the many jobs that will be brought to the area. He added that it is not a done deal yet. Mayor Halfacre stated that Amazon.com would receive a 5 year exemption, much like QVC received in Florence.

2. **Mutual Aid Agreements – Chief of Police Terrence Green:** The Lexington Police Department enters into mutual aid agreements with other law enforcement agencies in order to provide additional manpower as needed by the following agencies:

Aiken County Sheriff’s Department, Aiken Department of Public Safety, Batesburg-Leesville Police Department, Camden Police Department, Cayce Department of Public Safety, Chapin Police Department, Columbia College Police Department, Columbia Metro Airport Police Department, Forest Acres Police Department, Irmo Police Department, Kershaw County Sheriff’s Department, Lexington County Health Services District, Lexington County Sheriff’s Department, Myrtle Beach Police Department, North Augusta Department of Public Safety, Pelion Police Department, Pine Ridge Police Department, Richland County Sheriff’s Department, Saluda County Sheriff’s Department Saluda Police Department, South Congaree Police Department, Springdale Police Department, Swansea Police Department, USC Division of Law Enforcement and Safety, West Columbia Police Department, York County Sheriff’s Department.

Mutual Aid Agreements are not written but understood for the following: SC State Guard, SC Law Enforcement Division (SLED), SC Department of Highway Safety (SCDPS), SC Highway Patrol (SCHP), and the Federal Bureau of Investigation (FBI).

3. **Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases made in the first quarter were presented to Council and requested that they receive it as information and direct the summary be recorded in the minutes of the Work Session.

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STAFF COMMENTS: None.

COUNCIL COMMENTS

Councilmember Frazier requested that Council go back into Executive Session to discuss a contractual issue regarding a property on Main Street.

PUBLIC COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 7:36 p.m. The motion was unanimously carried by all those present.

EXECUTIVE SESSION PART II

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to go into Council Executive Session, Part II. The motion was unanimously carried by all those present.

Council adjourned from *Executive Session, Part II* at 7:45 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Stambolitis. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session, Part II* to discuss one contractual issue regarding an economic development opportunity on Main Street. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to ratify the Mayor's *Executive Session, Part II* report. The motion was unanimously carried by all those present.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
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.