

MINUTES
Town of Lexington

COUNCIL WORK SESSION

May 16, 2011

Town Council held an Executive Session and a Special Council meeting followed by a Council Work Session on May 16, 2011 in the Eli Mack Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier, and Councilmember Todd Shevchik. 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, Interim Planning, Building and Technology Director John Hanson, Events and Media Coordinator Jennifer Dowden, and Municipal Clerk Becky Hildebrand.

There were approximately thirty (30) citizens and students present and one (1) reporter from the news media.

EXECUTIVE SESSION REPORT

Executive Session was reported during the Special Council meeting. (See separate minutes for Special Council Meeting held on May 16, 2011.)

CALL TO ORDER: A motion was made by Mayor Halfacre and seconded by Mayor Pro-Tem Tyndall to call the Work Session to order at 6:37 p.m. The motion was unanimously carried.

ADDITIONS/DELETIONS

Mayor Halfacre requested to add three items:

1. Presentation – Ricky Smith – Lexington Youth Football League regarding Sign Ordinance.
2. New Business Item #5 – Corley Mill Road Traffic Study.
3. New Business Item #6 – Board and Commission Appointments.

There being no objections from Council, the items were added.

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APPROVAL OF MINUTES: A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to approve the minutes from the May 2, 2011 Regular Council meeting with one correction. The motion was unanimously carried.

PRESENTATIONS

1. **Cutting Across Parking Lots – Mr. Russell Cornwell:** Mr. Cornwell stated that he has lived in Lexington for 4 ½ years and he is concerned with cars that cut across parking lots. He was hit in the Wal-Mart parking lot on Highway #1 by a car that cut across the parking lot. He also described the parking lot at Wal-Mart in Lexington on Highway #378 where people cut through the parking lot instead of waiting their turn at the stop sign right behind Chick-fil-A. Mr. Cornwell stated that he had talked to several people who told him he would need to come to Council to get something done about it.

Mayor Halfacre told Mr. Cornwell that he was sorry that someone had hit his big red truck. He called on Chief Green to explain the situation. Chief Green stated that the Town's statistical records from July 2010 to current shows that there were 150 accidents in Lexington and only four were due to people cutting across parking lots. He also confirmed that the Town does not have jurisdiction on private property. Mayor Halfacre suggested that Mr. Cornwell contact Wal-Mart. Mr. Cornwell responded that he had called the main office of Wal-Mart in Arkansas and they were not concerned. Mayor Halfacre stated that maybe Chief Green could look at ways to get the word out, possibly through a news bulletin.

2. (added) **Lexington Youth Football League and Sign Ordinance – Mr. Ricky Smith:** Mr. Smith requested that the Town's Sign Ordinance be changed to allow non-profits, such as the Lexington Youth Football League, to post a banner/sign for 60 days a year. He added that when they ask local businesses to post their banners and/or signs, some cannot because it cuts into the time they are allowed for their business banners. Mr. Smith needed to get the information out to the public about the football league's registration.

Mayor Halfacre stated that he thought this was a fair request and he would support it. Town Administrator Poole stated that there may be some legal issues with allowing a non-profit more time than other businesses. He added that when "speech" is allowed, such as on signs, everyone has to be treated the same. He suggested that Mr. Smith talk to some local CPA's or attorneys, who do not usually use up all their allowed time, and maybe they could help. Mr. Poole stated that signs could be placed in windows and/or outside Town limits. He confirmed that the Town also has to be treated the same as a request from a business. He added that the Town was not contacted this year to assist the football league. He asked Mr. Smith to contact him or John Hanson if he has questions about a particular location. Mayor Halfacre stated

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that he understood Mr. Smith's position, but the Town could not open a flood gate of sign requests. Councilmember Frazier stated that he would like to help and asked if the registration information could be placed on Channel 2 if the ordinance could not be rewritten. Councilmember Shevchik stated that he would help get the information out through Lexington Life Magazine in June and July.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on June 13, 2011.)

1. **Lexington Wildcat Athletic Booster Club Fee Waiver Request – Events and Media Coordinator Jennifer Dowden:** The Lexington Wildcat Athletic Booster Club will be hosting a silent auction fund-raiser on August 6, 2011. The event will raise funds to support the athletes and athletic department of Lexington High School. The organization is asking for a Fee Waiver for August 6, 2011 for the Conference Center. The event would be an all weekend rental as requested for additional set-up and break down. (Copy of request letter attached.) The value of the waiver request is: \$600 (In-Town) Rental Fee or \$1,000 (Out-of-Town). The deposit of \$250 would still be required and has already been paid.

A motion was made by Councilmember Frazier and seconded by Councilmember Maness to place the request on Council's June 13, 2011 agenda. The motion was unanimously carried.

2. **Landfill Development RFP – Director of Parks, Streets and Sanitation Dan Walker:** Council requested a scaled down version of a soccer complex at the old landfill. The Parks Director sought out estimates for clearing and grubbing the land, disposing of the debris, cutting/filling to grade, 3.5' clay cap, 6" topsoil, irrigation and seeding. The cost would be determined by bid and was estimated at \$958, 120 for the soccer fields. There was also discussion of placing a 3 to 5 acre dog park on the landfill site. A discussion was held with the Mayor about placing the dog park at 350 S. Church Street. This parcel contains 2.28 acres. At this location the Town can tie the dog park into the Virginia Hylton Park. The parcel would be grubbed out down to the existing park, fenced in, with picnic tables and dog stations. The cost of the dog park would have to be determined.

Mr. Walker stated that Greg Force had helped with the estimated cost and had also talked to DHEC regarding the topsoil. He stated that DHEC recommended that the Town protect itself and do a soil sample. He added that if a dog park was added to the old landfill, it would take approximately 3 to 5 acres and it would eliminate 3 of the soccer fields. Mr. Walker stated that if the dog park was put at 350 S. Church Street next to the old Boozer house, the labs would love the pond and it could be fenced to keep the noise down.

Mayor Pro-Tem Tyndall stated that she did not want the dog park next to the old Boozer House. Councilmember Maness stated that it would be too close

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to the Palmetto Collegiate Institute. Councilmember Shevchik was concerned about staff protecting citizens from the dogs. Mayor Halfacre stated that the dog park could be moved to another location where the neighbors would not be inconvenienced. He added that parking would be limited at the S. Church Street location. Town Administrator Poole stated that the cost of 3 ½ feet clay cap on top of the landfill would be expensive and the Town could buy property cheaper somewhere else.

Councilmember Stambolitis asked when DHEC required the cap on the property since this was the first he had heard of it. Town Administrator Poole stated that Mr. Walker had been asked to obtain additional information about the landfill and bring it back to Council for discussion. He added that DHEC had provided the information a week ago. He stated that Council requested the additional information to see if the landfill project could be part of the Vision Plan. Councilmember Stambolitis requested that the engineer confirm DHEC's request.

Mayor Halfacre recommended that the Vision Plan include the landfill project and postpone the dog park. He thanked Councilmember Stambolitis for all his hard work on the project.

3. **Proposed Ban on “Texting” While Driving – Chief of Police Terrence Green:** With the rising use of text messaging there has been an increase in text messaging related accidents. Attached is a draft of an ordinance that would prohibit the practice, and provide for civil penalty of \$25 for infractions. If the ordinance is passed, there should be a public information campaign prior to the ban going into effect.

Mayor Pro-Tem Tyndall stated that from the feedback she received when Council last discussed “texting”, she understood that Chief Green opposed the ordinance because it would be hard to enforce. Chief Green responded that if someone is driving down the road they may be looking at their phone but not texting and that is hard to prove. He did not think Council wanted a completely “hands free” ordinance. Chief Green stated that they had looked at other city ordinances including Columbia, Clemson and Camden. He did not think they had more than 3 to 5 incidents per year. He added that Clemson likes the ordinance; Camden is not enforcing it; and Columbia is only in the education phase for the Police Department and the public.

Councilmember Frazier stated that he did not want the Town to adopt the texting ordinance. He thought it was getting into people's business too much and they should be allowed to text. He did not see a reason to spend a fortune to issue a \$25.00 ticket. He also stated that it could be called a nonsense ticket. Councilmember Frazier confirmed that Columbia had not processed any of their texting tickets.

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Councilmember Stambolitis and Mayor Pro-Tem Tyndall disagreed and stated that a \$25.00 ticket may save someone's life. Councilmember Stambolitis stated that he had statistics that show that more people are killed while texting and driving than drinking and driving. Councilmember Stambolitis stated that the others cities must have thought it was important enough to save lives and prevent accidents.

Municipal Attorney Cunningham stated that a court can prove if someone was drinking and driving, but it is very difficult to prove if someone was actually texting while driving. He confirmed that the \$25.00 proposed ticket cost is compared to the \$25.00 ticket for not wearing a seatbelt. He added other cities charge between \$25.00 and \$100.00. He stated that a person could ask for a jury trial and the records could be subpoenaed and the phone company could be subpoenaed, but the phone could not be seized.

Mayor Halfacre thanked Councilmember Stambolitis for bringing the item to Council. He also thanked staff for updating Council on their findings and that it was now up to Council to decide. Mayor Halfacre stated that other statistics show that some states actually experienced an increase in accidents after adopting the no-texting law because citizens would then try to hide texting more so as not to be seen while texting and driving. He added that people can now listen to music and have a GPS on their phone.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to place the ban on "texting" on Council's June 13, 2011 for First Reading. Mayor Pro-Tem Tyndall stated that she thought Chief Green was against the ordinance. The motion was denied with one (1) in favor (Stambolitis) and six opposed.

4. **Update to Code of Ordinances Section 50.21 – Assistant Town Administrator Stuart Ford:** The Code of Ordinances Section 50.21 established procedures and fees for connection of irrigation meters on the water system. Paragraph (C) provides for various fees based on the size of the meter. The Town has updated its rates and charges periodically based upon section 50.20 "Water Service Rates". The continued inclusion of paragraph (C) in section 50.21 is unnecessary since rates are set when Council adopts an updated fee scale per section 50.20.

Staff proposes that paragraph (C) of section 50.21 be amended to state: "The Town shall collect an installation charge (for installations under sixty (60) lineal feet" at the time of connection based upon the current fee scale as adopted by the Town Council in accordance with Section 50.20 of the Code of Ordinances.

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to place the update to the Code of Ordinances on Council's June 13, 2011 agenda. The motion was unanimously carried.

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5. (Added) **Corley Mill Road Traffic Study – Town Administrator Britt Poole:** Due to the new schools in the area of Corley Mill Road, it was recommended that Council participate in the cost of an ongoing Traffic Study along Corley Mill Road. The study was initiated by a private developer, but is expected to produce results that would be helpful to overall traffic planning efforts in the area. Other jurisdictions (Lexington County, Lexington School District One) are considering participating also. If approved the Town would pay \$2,500 for access to the results of the traffic study.

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to approve \$2,500 and place the request for the traffic study on Council's June 13, 2011 agenda. Councilmember Maness confirmed that a portion of the traffic study is in Town. The motion was unanimously carried.

6. (Added) **Boards and Commissions – Municipal Clerk Becky Hildebrand:** To date most of the citizens who have responded regarding their terms on Board and/or Commission have agreed to serve again. The Talent Bank form was also placed on the Town's web page to help fill several vacancies. Council was requested to approve reappointments at Council's June 13, 2011 appointment.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness to place the approval of reappointments on Council's June 13, 2011 agenda. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Economic Development Self Assessment Tool – Town Administrator Britt Poole:** In a previous Council Work Session, it was requested to discuss a date for Council and Staff to do the Economic Development Assessment.

Mayor Halfacre stated that since the creator of the assessment tool is the keynote speaker at the June MASC Conference, that Council wait until after the conference to set a date. He suggested that Staff determine three or four possible dates, for Council and Staff to take a day to conduct the assessment. He thought a day would be appropriate since it had been four years since the last strategic plan.

STAFF COMMENTS

Town Administrator Poole welcomed John Hanson as the Interim Planning, Building and Technology Director.

Events and Media Coordinator Dowden reminded everyone of the grand opening for the Town's Farmers Market this Saturday from 9:00 to 1:00 at 116 E. Main Street. She expects 20 vendors and hoped everyone would come out and enjoy the market.

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Mayor Halfacre added that the new radio station 107.9 would also be broadcasting from the Farmers Market. He thanked Mr. Jeffcoat for assisting with some fee waivers for the market. He also reminded everyone that Flight Deck would have MayFest on Saturday as a fundraiser.

COUNCIL COMMENTS

Mayor Pro-Tem Tyndall thanked everyone for coming out to the 2nd Annual Wine Walk. She stated that they estimated 3,500 in attendance. Mayor Halfacre added that it was an amazing event.

Councilmember Maness encouraged all the students that were present to get registered to vote if they were 18 years old because the Town of Lexington would have an election this November. She added that Council members Thompson, Frazier and Shevchik were up for reelection.

PUBLIC COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA

Ms. Vickie Shealy, Lexington County Chronicle, asked about parking for the Farmers Market. Mayor Halfacre stated that the Town owned the property behind the location and citizens could park there. He hoped to see Ms. Shealy and the Mayor of Chapin at the market. Town Administrator Poole added that parking would also be available at St. Stephens Lutheran Church and at the BB&T bank on Main Street.

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

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor