

MINUTES
Town of Lexington
Executive Session and
Special Council Meeting
June 15, 2009

Town Council held an Executive Session followed by a Special Council Meeting and Council Work Session on June 15, 2009 in the Eli Mack Sr. Room. The Executive Session was attended by Mayor Randy Halfacre, Mayor Pro-Tem Hazel Leggett-Tyndall, Council Members Richard Thompson and Danny Frazier. Council members Kathy Maness and Ted Stambolitis were absent due to vacation. Councilmember Todd Shevchik was absent due to the death of his mother. The Executive Session was attended by Town Administrator Jim Duckett, Assistant Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham and Municipal Clerk Becky Hildebrand. Also present for the Special Council Meeting and Work Session were Police Chief Terrence Green, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Parks, Streets and Sanitation Director Dan Walker and Grants Administrator Wesley Crosby.

There were approximately five (5) citizens present and one (1) reporter from the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:50 p.m. after a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Thompson to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:05 p.m. after a motion was made by Councilmember Thompson and seconded by Councilmember Frazier. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session* to discuss: two routine personnel matters; one contractual issue regarding an economic development and the potential purchase of property within the Town; and, two pending legal issues. No vote was taken. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Thompson to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present.

INVOCATION, PLEDGE AND CALL TO ORDER: Councilmember Thompson gave the invocation and Mayor Pro-Tem Tyndall led in the Pledge of Allegiance.

Mayor Halfacre called the Special Council Meeting to order at 6:06 p.m.

NEW BUSINESS ITEMS

1. **Final Reading of an Ordinance Increasing the Time Warner Cable Franchise Fee to 5%:** The Time Warner Cable contract is up for renewal, and there have

MINUTES
COUNCIL WORK SESSION

June 15, 2009

been changes in State law recently that affect the granting of franchises. The Secretary of State's office now issues the franchise license rather than the local government. Also, as part of the changes, the Town can charge up to a five percent (5%) franchise fee instead of the former three percent (3%). All of the necessary paper work has been completed at the Secretary of State's office and the Town needs to proceed with an ordinance to enact the change to five percent (5%). Passing the ordinance will increase general fund revenue. First Reading of the ordinance was in May, 2009 and the Public Hearing was conducted June 1, 2009.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to approve Final Reading of the ordinance increasing the Time Warner Cable Franchise Fee to five percent (5%). The motion was unanimously carried by all those present.

2. **Main Street Crosswalk Bids:** On May 29, 2009 the Town opened bids for the repairs to the crosswalks on Main Street. The project was broken down into two bids; one for the actual asphalt repairs and one for the imprinting of the crosswalks. Bid results were as follows:

Bid #09-001 – (crosswalk asphalt repairs):

(1) Joe Singleton Company	\$117,410.00
(2) J C Wilkie	\$138,000.00
(3) H Senn Construction	\$160,000.00
(4) A O S Specialties Construction	\$175,000.00
(5) MTB Contracting	\$176,993.00

Bid #09-002 – (imprinting of the crosswalks):

(1) Asphalt Concepts	\$ 87,087.00
(2) J C Wilkie	\$ 99,900.00

Staff recommended that Council approve Joe Singleton Company for Bid #09-001 and approve Asphalt Concepts for Bid #09-002. Monies to come from Capitol Streets Improvements account.

A motion was made by Councilmember Thompson and seconded by Mayor Pro-Tem Tyndall to approve both bids as recommended by staff. Councilmember Frazier opposed the bid awards. He stated that the engineer for the project (Chao and Associates) is a local company and he requested that something be done to get around awarding the asphalt and imprinting bids to an out of town company as opposed to an in town company. He added that J C Wilkie has done good work for the Town before and with the 5% given to local bidders the bid would be in line with a difference of approximately \$10,000 to \$15,000. He was concerned for high unemployment in the area and wished to award the bid to a local company.

MINUTES
COUNCIL WORK SESSION
June 15, 2009

Mayor Halfacre stated that he was sympathetic to local companies, which is why they are given a five percent advantage. However, he added that he has to also be sympathetic to the taxpayers when there is a \$21,000 difference. Mayor Halfacre stated that the Town has to follow the state procurement rules unless there is a compelling reason to not award a bid to a particular company. He emphasized that the first project was “botched” and he did not want the same thing to happen “on his watch”. He wanted the engineer’s “feet held to the fire” to properly complete the project in a timely manner and he would look to the Town Administrator to see that it happened.

The motion to award the bids as recommended by staff was carried with three (3) in favor (Halfacre, Thompson, Tyndall) and one (1) opposed (Frazier).

PUBLIC COMMENTS

Mr. Chuck Corley recommended that Council look at the crosswalks in Newberry. He stated that they were done six to eight years ago and have already faded. He thought brick would look better. Mayor Halfacre responded that the Town had investigated the methods of repair and the engineers determined that brick crosswalks would fail again due to the heavy load created by 18 wheeler trucks on Main Street/US Highway 1. A representative was present from Chao and Associates and he stated that the technology has improved for imprinting asphalt and it was a good solution. He added that it has a good track record, permeates the asphalt; and, has been approved by SCDOT.

QUESTIONS FROM THE NEWS MEDIA

Mr. Tim Flach, The State Newspaper, confirmed that the new bids had saved money and construction would start immediately with an estimated completion date of 90 days for the asphalt repair followed by time for imprinting.

ADJOURNMENT: There being no further comments or questions, Mayor Halfacre called for a motion to adjourn the Special Council Meeting to go directly into the Council Work Session. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Thompson to adjourn. The motion was unanimously carried by all those present.

The Special Council Meeting was adjourned at 6:18 p.m.

MINUTES
COUNCIL WORK SESSION
June 15, 2009

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor