

MINUTES
Town of Lexington

COUNCIL WORK SESSION

February 22, 2011

Town Council held an Executive Session and the February Council meeting prior to Council's Work Session on February 22, 2011 in the Eli Mack Sr. Room. The meeting was 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, Planning, and Municipal Clerk Becky Hildebrand.

One member of the news media was present and approximately twenty (20) citizens and students were present.

CALL TO ORDER: Mayor Halfacre called the Work Session to order at 6:30 p.m. He stated that the Executive Session was ratified during Council's Regular Meeting held prior to the Work Session. He added that he was happy to see the City of Columbia officials following Lexington's lead again by visiting Greenville to see how they do business. Mayor Halfacre reported that he and Council Member Maness, along with some of the Vision Plan Committee and staff visited Greenville, Travelers Rest and Simpsonville last week to see their successes in economic development.

PRESENTATIONS

- 1. Town of Lexington Vision Plan – Ms. Irene Tyson, The Boudreaux Group:**
Ms. Tyson advised Council that the committee had completed Phase I of the Vision Plan and had already started on the final two phases. She stated that Phase I involved research and meeting with the public. She added that the group had met with 200+ people: the Economic Development Committee, focus groups, Council Members, faith based community members, Lexington Chamber, School Board Members, and other key individuals. (Copy of schedule attached.) Ms. Tyson stated that they had a very informative trip to Greenville, Travelers Rest and Simpsonville and were able to visit parks and other economic development sites. She stated that Phase II involves taking everything they have learned and putting it together in order to get their hands around the Town of Lexington and a plan to move forward. They learned that everyone loves living in Lexington and the number one issue in Lexington is growth and traffic. Ms. Tyson stated that they have taken their first stab at identifying six districts in Lexington. (Copy of map

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attached.) The districts include: Main Street, Saxe Gotha (Historic District), Sunset Boulevard, South Lake, West Lexington, Lake Murray, and Corley Mill. Ms. Tyson added that each different district would have a different standard and strategy. She added that they would continue to listen and learn as the process continues. A draft of Phase II should be completed within a few months. The plan will relate to the Town's Comprehensive Plan, which Council already approved. All the districts will have a preliminary infrastructure plan and cost models would be prepared. For example, for the Main Street district to be a success they would have to work to get commercial trucks off of Highway 1. They had already started discussions with SCDOT. Ms. Tyson confirmed that plans would include pedestrian and bike traffic also.

Mayor Halfacre thanked Ms. Tyson for her report. He wished to add: (1) The Lexington Chamber has initiated a traffic review beyond the Town limits. Norman Whitaker (COG) and Johnny Jeffcoat are part of the group. (2) During their Greenville visit, Ms. Nancy Whitworth, Director of Economic Development, was a great resource with 25 years experience. (3) Mayor Halfacre distributed several articles related to economic development obtained from the NLC Savannah Economic Development Conference. He stated that they all mention mixed use properties and private/public partnerships. (4) Doug Echols, Mayor of Rock Hill, invited Mayor Halfacre to Rock Hill to see their Vision Plan 2020. Mayor Halfacre hopes to visit Rock Hill soon.

2. **Candidate Signature Petitions vs. Filing Fee – Ms. Constance Caractor Flemming:** Ms. Flemming asked Council for consideration to change from signature petition ballot to a filing fee ballot based on a percent of salary when running for Town Council. She addressed several personal situations regarding the unsafe nature of going door to door to obtain over 600 signatures. She added that there was a recent incident where someone was robbed by a person saying they were obtaining signatures for a petition. Her research indicated (1) that candidates don't always go door to door to obtain signatures. The candidates go to the polls during other elections and/or use others to help obtain the signatures. (2) Citizens are more concerned with identify theft and hesitate to give the information required on the signature petition. (3) Signature petitions make the candidate work harder to show that they want to be on the ballot. (4) Signature petitions may show how a candidate will work when in office. The State Election Commission indicates that the majority of municipalities no longer use signature petitions and using the filing fee has not shown lack of work ethics when a candidate is elected in that the final decision is left up to the voter. (5) A number of individuals indicated to her that as long as the Town continues to use the signature petition method to put people on the ballot, they can keep "those people" off the ballot because they won't be able to get enough people to sign. She did not ask for an explanation of "those people". (6) The most prejudicial reason for continuing signature petitions is potential candidate's fear of collecting "x" number of signatures, which will continue to grow with each election. In closing, Ms. Flemming stated that as Lexington celebrates its 150th birthday, it is time to

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revisit this issue and strongly consider using the filing fee method. She stated that the filing fee method would allow each citizen the opportunity to run for an elected office without fear of collecting so many signatures or risking life and limb. She added that the filing fee would be equally paid for each Town position based on salary which would also help defray the cost of the election. Ms. Flemming stated that the Lexington County Election Commission advised her that it is not too late to make this change; have it approved by the Justice Department; and, have it in place by the November 2011 election. She thanked the Mayor and Council for allowing her to make the presentation and on behalf of all the concerned citizens for considering this issue and continuing to make Lexington a great place to live. (Copy of presentation attached.)

Mayor Halfacre thanked Ms. Flemming for the presentation and stated that Council would receive the information as presented and go from there.

ADDITIONS/DELETIONS

Mayor Halfacre requested that one (1) item be added to the agenda as follows:

(Add) Item #4 – Judge Appointment.

There being no objections, the item was added as requested.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on March 7, 2011.)

1. **Tampering with Water Lines and Meters – Municipal Attorney Brad Cunningham:** The Utilities Department asked Town Council to consider altering §50.25 of the Town Code of Ordinances. In its current condition, the ordinance prohibits altering or bypassing a meter, but does not specifically deal with situations where an unauthorized direct connection is made to a water line when a meter has yet to be installed. The change would make the ordinance more specific and easier to enforce. (Copy of proposed ordinance attached with new language underlined.)

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to place the item on Council's March 7, 2011 agenda. Mr. Cunningham confirmed that only three words are being changed and that Mr. Lutz brought this to his attention. He also confirmed that the penalty for violation of the ordinance could be a fine of \$500 or 30 days in jail or as determined by a judge. The motion was unanimously carried.

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2. **Purchasing Ordinance Modifications – Assistant Town Administrator Stuart Ford:** In recent weeks, several possible modifications to the Purchasing Ordinance and other steps have been considered to encourage participation of local vendors and subcontractors in the procurement process. Based upon Council’s direction, an ordinance would be prepared to incorporate any recommended modifications to the Purchasing Ordinance. As a reminder, the local preference credits do not change the actual contract award amount for any vendor. The credits are applied to qualifying vendors when determining ranking of lowest bid amounts. Options recently identified include the following:
- (1.) Creation of a preamble to the Purchasing Ordinance that encourages local vendor participation in the procurement process.
 - (2.) Expansion of the local vendor preference by slightly increasing the maximum dollar limits (currently: In-Town \$3,000 and In-County \$2,500).
 - (3.) Expansion of the local vendor preference to include an in-state credit.
 - (4.) Expansion of the local vendor preference to include subcontractors by:
 - a. Extending the local vendor credit based upon percentage of contract value awarded to local subcontractors where the prime contractor is not eligible for the credit, but the subcontractors are eligible.
 - b. Creation of a registry of local vendors/contractors eligible for the credit to be available for contractors as they prepare proposals.
 - c. Inclusion of a statement in all requests for proposals encouraging the participation of local subcontractors in the bid process.
 - d. Requiring proposers to document *attempts* to include local vendors/contractors in the bid process.
 - e. Advising proposers in bid documents of the various local vendor credits.

A motion was made by Councilmember Frazier and seconded by Mayor Pro-Tem Tyndall to place the item on Council’s March 7, 2011 agenda.

Mayor Halfacre stated that Councilmember Frazier originally stated a concern about contracts being awarded to out-of-town and out-of-state contractors who also hired subcontractors from out-of-state. Councilmember Stambolitis requested that the percentage be raised to 7% and the cap be raised to \$3,000. Mr. Cunningham confirmed that the percentage could not be raised, but the cap could be increased. Mr. Poole stated that staff had reviewed all the ideas and they were recommending everything that was legally possible.

Mayor Pro-Tem Tyndall asked for clarification on #2. and #4.a. She suggested that “local vendors” be expanded to include three counties in the Midlands (Lexington, Richland and Kershaw). She thanked Staff for incorporating several ideas and added that she asked people that she works with every day for their input. She added that some of them worked in Lexington and had offices in Richland County. Mayor Pro-Tem Tyndall stated that Councilmember Frazier had worked very hard on this issue and she encouraged Staff to come up with additional ideas. Mr. Ford suggested that

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the counties could line up with the COG (Central Midlands Council of Governments for Fairfield, Lexington, Newberry and Richland counties).

Councilmember Frazier supported getting a list of local Lexington County vendors to supply to the out-of-state contractors. He added that he had met with American Engineering and expressed his concerns. He stated that contractors for Amazon.com were from Alabama and Georgia, yet taxpayers paid for the property. Mr. Poole confirmed that the list would have limitations based on state licensing. He added that to show “attempts” to include local vendors, the contractor would have to show the name of the contractor and the bid price. Mr. Poole stated that this still would not force them to select local vendors, but at least they would be considering local vendors.

Councilmember Stambolitis stated that he wanted to preserve local businesses and by providing a list of local vendors would give contractors local information. Mr. Poole confirmed that certain local businesses could not be given preference. He used Greenville as an example in that if they had limited city owned automobiles to Greenville based companies, city staff would be driving BMW’s. He stated that there has to be a balance including State laws.

Councilmember Maness asked if County Council could implement a similar ordinance. Mr. Jeffcoat replied that the County moves slower than the Town, but they had discussed the issue. He agreed that trucks at the Amazon.com work site primarily had North Carolina and Georgia tags.

Mayor Halfacre requested that Council move forward with the issue and take into consideration the recommendations as long as Council is happy with the final proposal. The motion to place the item on Council’s March 7, 2011 agenda was unanimously carried.

- 3. Temporary Capital Contribution Fee Policy Extension – Assistant Town Administrator Stuart Ford:** Council approved a Temporary Capital Contribution Fee Policy Amendment on February 2, 2009 to encourage development during the recession. The policy, in part, waived the requirement that purchase of certificates after the initial prepayment be in minimum increments of 10 certificates (allowing for minimum purchases of one certificate instead of 10). The temporary policy expired on February 1, 2011. Given the continued slow pace of economic recovery, the Town of Lexington wishes to extend the amended temporary measure through June 30, 2011 to encourage development. (Copy of temporary policy attached.)

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to place the request on Council’s March 7, 2011 agenda. Mr. Poole advised Council that the time would come when the extension should not be granted in that there is a price for the Town to pay. He added that there would be an impact over time because the Town has

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contracts stating that CCF's would be purchased a certain way. Mr. Poole stated that even though the purpose of the extension is understandable, the Town carries debt that would not allow it to continue forever. Mayor Halfacre stated that the Town receives accolades all the time for being business friendly and this has been one of the reasons why. The motion to place the item on Council's March 7, 2011 agenda was unanimously carried.

4. **Judge Appointment – Town Administrator Britt Poole:** Council was requested to consider appointing a third judge in order to hear cases for the Town. Supreme Court Justice Jean Toal recently issued a directive for Municipal Courts to make certain efforts to clear the backlog of cases. The Town currently has 250 cases that exceed 120 days. The position would be part-time judge for a two year term.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to place the request on Council's March 7, 2011 agenda. Mr. Poole confirmed that the appointment is in response to Judge Toal's directive and was in no way a reflection on the Town's current judges who do a great job for the Town. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **4TH Quarter 2010 Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases made in the fourth quarter of 2010 were submitted to Council to accept as information and to direct that the summary be recorded in the minutes of the Work Session. (Copies attached.)
2. **Employee Insurance Program and New Voluntary Benefits – Assistant Town Administrator Stuart Ford:** In late 2010, the Town evaluated the employee health insurance program compared to some possible alternatives. As a result, the determination was to continue in the State Employee Insurance Program. However, an on-going evaluation of benefits continues. Any recommendations that may result from the evaluation process would be coordinated to occur in conjunction with open enrollment in the fall of 2011 with an effective date of January 1, 2012. During the evaluation of the health insurance benefits, the Town received proposals for voluntary supplemental benefits. As a result, the Town is implementing new benefits that will include short-term disability, universal life, cancer, critical illness, and accident coverage. These benefits will be fully paid for by employees and offer additional coverage options that many may find valuable. Group meetings will be held March 3rd and 4th with enrollment following March 8 – 10, 2010.

Mayor Halfacre stated that a previous employee would have probably benefited from these benefits. Mr. Poole emphasized that the supplemental benefits are at no cost to the Town.

COUNCIL COMMENTS

Mayor Randy Halfacre stated that he is a member of a Mayor's Coalition. He added that the members, consisting of approximately 45 Mayors, have become a very good advocacy group for lobbying efforts. Mayor Halfacre stated that on the recent trip to Greenville he learned that they host a Farmers Market downtown. He asked Mr. Jeffcoat to move forward with the idea for Lexington and call Mr. Dooley to inquire if his empty lot on Main Street could be used for a local farmers market. He added that a market would be nice to have on Main Street from April to September and let local growers and other artisans come in to sell their wares. Mr. Jeffcoat confirmed that he would contact Mr. Dooley. He would like to see Lexington have a market similar to the one on Whaley Street where you can get fruits, vegetables, and seafood. Mayor Halfacre stated that you have to start small sometimes and he was encouraged by Eddie Havird's plans to remove the asphalt in front of Palmetto Propane and grass it in for concerts. He added that there is also a men's store scheduled to open, Radius Church is going into the old Ace Hardware building and all of these things will help bring business to Main Street. Mayor Halfacre asked Mr. Jeffcoat to inquire about a business incubator similar to the one at USC. He would like to see one of the buildings on Main Street used for that purpose and be a place where business owners could get plugged in and learn to grow their business. Mayor Halfacre commended NLC on a great economic development conference where he heard many great ideas.

Police Chief Terrence Green updated Council on the tanker truck accident. He stated that it had been a long day for the many agencies that helped work the scene today. He thanked his officers, Town staff, Lexington County Fire Service, Lexington County Sheriff's officers and the many others that helped with the wreck and traffic situation all without incident. Chief Green stated that many citizens were not happy about being rerouted, but due to the hazardous nature of the accident, all measures were taken to keep citizens and businesses safe.

Mayor Halfacre thanked Chief Green, the Police Department, the Parks, Streets and Sanitation Department and the Utilities Department for the role they played in assisting with the accident.

PUBLIC COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

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ADJOURNMENT: There being no further comments or questions, a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 7:30 p.m. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor