

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
January 7, 2019

Town Council held an Executive Session at 5:00 p.m. followed by the Regular Council meeting at 6:30 p.m. in the Council Chambers on January 7, 2019. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams, Steve Baker and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Events and Media Coordinator Jennifer Dowden, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately twenty-five (25) citizens present for the Council meeting and no members of the news media were present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. He called on Councilmember Carnes to give the invocation. Mayor MacDougall asked Councilmember Baker to lead in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:32 p.m. He welcomed County Councilmember Darrell Hudson who was present for the meeting.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:00 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Williams to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Baker was absent for the vote.) Council adjourned from *Executive Session* at 6:20 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Maness. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: Legal issues regarding pending litigation and advice regarding agenda items; one contractual issue regarding Downtown Economic Development; and one routine personnel matter. No vote was taken. A motion was made by Councilmember Lyle and seconded by Councilmember Maness to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Carnes to approve the minutes from the Regular Council meeting held on December 3, 2018. The motion was unanimously carried.

PRESENTATIONS

1. **School Choice Week Proclamation – Councilmember Steve Baker:** Councilmember Baker read a proclamation declaring the week of January 20 – 26, 2019 as Lexington School Choice Week in the Town of Lexington. He added that the proclamation would be mailed to National School Choice Week in Mission Viejo, California. (Copy attached.)
2. **Presentation to Retired Reserve Officer Ed Rivers – Police Chief Terrence Green:** Chief Green honored recently retired Reserve Officer Sergeant Ed Rivers with a shadow box containing Sgt. Rivers’ two badges and a Lexington Police Department Challenge Coin. He added that Sgt. Rivers served the Lexington Police Department for 11 years, without pay, as a Reserve Officer which makes him the longest serving Reserve Officer in the Lexington Police Department. Chief Green stated that he always called Ed his favorite employee because he didn’t have to pay him, he didn’t have to provide benefits, and he never complained. He added that Sgt. Rivers was a dedicated and diligent worker and was promoted to Sergeant in 2006 with a minimum of 2,640 service hours. Chief Green stated that Sgt. Rivers is a hometown boy, a 1988 graduate of Lexington High School, a 1992 graduate of the University of South Carolina in Criminal Justice, served with the Lexington Sherriff’s Department from 1992 to 1998, and began his teaching career at Lexington Technology Center through current, and also joined the National Guard in 2009. Sgt. Rivers is married and has one son who is stationed at the Air Force Base in Oklahoma. Chief Green thanked Sgt. Rivers for all the ways he has given back to his community.

Sgt. Rivers wished to thank Chief Green and stated that it has been an honor and a privilege to work with such an outstanding Police Department. He added that when he first put his application together to submit it to become a Reserve Officer, he told his wife he thought he would hang on to it for a while since they had just named a new Chief, Chief Green. Sgt. Rivers stated that he could not think of a better place to work and he appreciated everything that was done for him.

3. **Presentation to Officer of the Year, Patrolman Jennifer Klinsic – Police Chief Terrence Green:** Chief Green presented the 2018 Art Rish Officer of the Year Award to Patrolman/CAT Member Jennifer Klinsic. He explained that each year the Officers select one of their own who shares the same characteristics of former Inspector Rish. He added that Inspector Rish was an exceptional, valuable and dedicated employee of the Town of Lexington who was always diligent to his call of duty and always kept a positive attitude despite his lengthy battle with cancer.

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Chief Green was proud to present the award to Officer Klinsic who started with the Lexington Police Department in 2014 and whose colleagues made the following statements about her: she has been completely focused on the mission of the Lexington Police Department in building partnerships with the community; in working with the Community Action Team for the past two years she not only learned about her new position but gave careful consideration to organizations outside the Police Department and extended involvement with them in many ways such as setting a goal to raise \$25,000 for the Special Olympics. Officer Klinsic exceeded that goal to \$33,250 with the help of Lexington's citizens through her leadership. The money was raised through "No Shave November and December" and "Cops on the Coop" in partnership with Chick-fil-A. She has the initiative and determination to lead the department to places they have not been. She also took a lead in this year's largest Fall Festival which raised \$7,000 for the Adopt-A-Cop Program. Chief Green stated that Officer Klinsic also works with the department's Citizens Academy and is a self-defense instructor for the department.

Officer Klinsic wished to thank the entire Lexington Police Department because this was not a single effort by her and every Officer had a hand in raising money and filling in the gaps as needed. She added that it was bittersweet to receive this award because every Officer deserved it this year and she thanked them for helping her out with all the events. Officer Klinsic stated that she never had the chance to meet Officer Rish but she understood that he was an amazing guy. She added that when she first started with the department she was given a pair of handcuffs that had Officer Rish's name on the label and she has not given them up and she would hold them very dear to her.

Mayor MacDougall congratulated Officer Klinsic. He added that due to her efforts, the Lexington Police Department's name will move up on the patch.

VISION PLAN UPDATE

Mayor MacDougall announced the "Lexington Live" Spring Concert Series dates for the Icehouse Amphitheater as follows: April 11th, April 18th, April 25th, May 2nd, May 9th and May 16th. The full Spring Calendar, including the "Lexington Live" artists will be unveiled on January 15th. For more information visit www.icehouseamphitheater.com.

Mayor MacDougall invited everyone to join him February 4, 2019 at 6:30 p.m. for the Regular Council meeting and his State of the Town Address acknowledging all the Town's major accomplishments in 2018 and announcing the 2019 goals. The meeting and the State of the Town Address may also be viewed live on the Town's Spectrum station and it would also be replayed at www.lexsc.com.

TRAFFIC UPDATE

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Mayor Pro-Tem Livingston gave the Traffic Update: (1) The Ginny Lane and I-20 Exit ramp improvements are in progress but have been slowed due to significant rainfall. Night work is expected to resume over the next couple weeks installing new storm drain pipes across Ginny Lane. Continue to be aware of changing traffic patterns, congestion and nighttime lane closures in this area. (2) The S. Church Street sidewalk is well underway and is expected to make significant progress this month weather permitting. This work stretches between Gibson Road and Woodland Drive. Be aware of traffic delays and lane closures around this area. The next Traffic Committee meeting will be Wednesday January 9, 2019 at 8:00 a.m. in the third floor conference room at Town Hall. Citizens were encouraged to call 358-7273 if they were aware of a traffic signal issue, unsafe roadway situations, or a pothole that needs repair.

PUBLIC HEARINGS

Mayor MacDougall called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #5422-02-006 located at 209 Parker Street.
2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #4200-09-102 located at 255 Clearbrook Circle.
3. **Final Reading** of an Ordinance to Purchase Property.
4. **Final Reading** of an Ordinance Establishing a New Electric and Gas Franchise Agreement with SCE&G.
5. **Final Reading** of an Ordinance Establishing a New Electric Franchise Agreement with MCEC.

There being no comments, Mayor MacDougall declared the Public Hearings closed.

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance to Annex Lexington County Tax Map #5422-02-006 located at 209 Parker Street.** The motion was unanimously carried. (Copy attached.)
2. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve **Final Reading of an Ordinance to Annex Lexington**

County Tax Map #4200-09-102 located at 255 Clearbrook Circle. The motion was unanimously carried. (Copy attached.)

3. A motion was made by Councilmember Williams and seconded by Councilmember Baker to approve **Final Reading of an Ordinance to Purchase Property**. The motion was unanimously carried. (Copy attached.)
4. A motion was made by Councilmember Baker and seconded by Councilmember Carnes to approve **Final Reading of an Ordinance Establishing a New Electric and Gas Franchise Agreement with SCE&G**. Councilmember Maness asked if the changes with Dominion would affect the agreement. Town Administrator Poole responded that he was told it should not matter for this agreement because Dominion would acquire all assets in the purchase of SCANA and this agreement is only designating service areas for the first time between SCE&G and MCEC. The motion was unanimously carried. (Copy attached.)
5. A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve **Final Reading of an Ordinance Establishing a New Electric Franchise Agreement with MCEC**. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Annexing a Portion of Lexington County Tax Map #4300-04-026 and 048 located on Cherokee Trail:** Triplow, LLC owns 38.75 acres on two parcels located on Cherokee Trail and has petitioned to annex a portion of the properties. The portions to be annexed consist of a sewer easement that is being used as part of an 86 unit subdivision being constructed on Cherokee Trail. Properties in Town near these properties are zoned High Density Residential (HDR) and Protected Residential (PR). Cherokee Trail is classified as a Local road. The Planning Commission reviewed this annexation during their December meeting and recommended Protected Residential 2 zoning for the property and Local road classification for Cherokee Trail.

A motion was made by Councilmember Maness and seconded by Councilmember Lyle to approve First Reading of an Ordinance annexing a portion of Lexington County Tax Map #4300-04-026 and 048 located on Cherokee Trail as stated. The motion was unanimously carried.

2. **Annexation of Portions of Lexington County Tax Map #4300-04-055 and 182 Located on Cherokee Trail:** Essex Land Development, Inc. owns 30.89 acres on two parcels located on Cherokee Trail and has petitioned to annex 30.42 acres of the property. The portions to be annexed are shown as Tracts 1 and 2A on the attached survey. Essex Homes is constructing an 86 unit subdivision on the property. Properties in Town near this property are zoned High Density

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Residential (HDR) and Protected Residential (PR). Cherokee Trail is classified as a Local road. The Planning Commission reviewed this annexation during their December meeting and recommended Protected Residential 2 zoning for this property and Local road classification for Cherokee Trail. (Copy attached.)

A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to approve First Reading of an Ordinance annexing portions of Lexington County Tax Map #4300-04-055 and 182 located on Cherokee Trail as stated. Councilmember Maness asked Mr. Hanson why the difference of what they owned, 30.89 acres, and what they wanted to annex, 30.42 acres. Mr. Hanson responded that the land swap was not yet complete between the owner and the developer. He added that the portion not being annexed is indicated in blue on the attached map and is across the street and is not part of the subdivision. Councilmember Williams asked if any of the property across the street in the town limits now. Mr. Hanson responded no. Councilmember Carnes asked if the attached site plan had gone through the Planning Commission. Mr. Hanson responded that it was a permitted project when it went to the Planning Commission so they did not have to review the site plan and it is as close as you can get to the Town's standards. Councilmember Carnes confirmed that the project was permitted through Lexington County first. He asked what the variances would have been if it had gone through the Town first. Mr. Hanson responded that there may have been a slight difference in active green space that would have been required by the Town. Mayor Pro-Tem Livingston asked how much difference was Town required green space. Mr. Hanson stated that he had not calculated it but it was not much difference. Councilmember Maness confirmed that the project did include sidewalks. She asked why the project was permitted through Lexington County first. Mr. Hanson responded that the property was not contiguous at that time and was not contiguous until the sewer line was installed. The motion was unanimously carried.

3. **First Reading of an Ordinance Annexing Lexington County Tax Map #3500-04-041 located at 4765 Sunset Boulevard:** Joyce Harris owns 1.6 acres located at 4765 Sunset Boulevard and petitioned to annex the property. John Harris Boyd Shop is located on the site. Properties in Town near this one are zoned General Commercial and Sunset Boulevard is classified as an Arterial road. The Planning Commission reviewed this annexation during their December meeting and recommended the same zoning and road classification for this parcel. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness for First Reading approval of an Ordinance Annexing Lexington County Tax Map #3500-04-041 located at 4765 Sunset Boulevard as stated. Councilmember Baker recused himself from

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the discussion and vote due to being in competition with John Harris Body Shop. (Copy of Recusal Statement attached.) The motion carried with a vote of five (5) in favor and one (1) recused (Baker).

4. **First Reading of an Ordinance Annexing Lexington County Tax Map #5496-04-011 located at 133 Vera Road:** Lone Wolf Properties, LLC owns 1.33 acres located at 133 Vera Road and petitioned to annex the property. A crane repair facility is being located on the site. Properties in Town near this one are zoned Industrial and Vera Road is classified as a Local road. The Planning Commission reviewed this annexation during their December meeting and recommended the same zoning and road classification for this parcel. (Copies attached.)

A motion was made by Councilmember Lyle and seconded by Councilmember Carnes for First Reading of an Ordinance Annexing Lexington County Tax Map #5496-04-011 located at 133 Vera Road as stated. The motion was unanimously carried.

ANNOUNCEMENTS

Mayor Pro-Tem Livingston made the following announcements: (1) She hoped everyone had a wonderful holiday and looked forward to 2019. (2) The press release just went out this morning – Mayor Steve MacDougall was named “One of the 50 Most Influential People” for the SIXTH year by Columbia Business Monthly Magazine and inducted into the “Hall of Fame”. Congratulations Mayor! (3) The Town’s Traffic Committee will meet this Wednesday, January 9th at 8:00 a.m. in the 3rd floor conference room. (4) Town Hall will be closed Monday, January 21st, in observance of Martin Luther King, Jr. Day. (5) The Board of Zoning Appeals will meet February 7th at 5:30 in the Council Chambers. (6) Council will meet again on Tuesday, January 22nd at 6:00 p.m. for the Council Work Session in the Eli Mack Room. (7) The Planning Commission will meet Wednesday, January 23rd at 8:00 a.m. in the Council Chambers. (8) The fourth Annual Lexington County Chili Cookoff will be Sunday, January 27th from 12:00 to 5:00 at the Icehouse Amphitheater. The event is hosted by the Old Mill Brew Pub and the Lexington County Blowfish. Tickets are \$10 for adults, \$5 for kids 12 and under. Tickets are available at Blowfish on Main, on-line, or the morning of the event. Proceeds will benefit Lexington County First Responders families in need. (9) Don’t forget to tune in to the next Council meeting on February 4, 2019 at 6:30 when Mayor MacDougall will present the State of the Town Address. Mayor Pro-Tem Livingston thanked everyone for watching their Town Council in action tonight.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

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Mayor MacDougall thanked the Council members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on cable channel 1301 and it will also be replayed several times during the week.

Mayor MacDougall stated that without objection from Council, he declared the meeting adjourned. The Regular Council meeting was adjourned at 7:06 p.m.

A motion was made by Councilmember Williams and seconded by Councilmember Lyle for Council to return to Executive Session to continue their discussion of one contractual item related to a downtown economic development issue. The motion was unanimously carried.

EXECUTIVE SESSION REPORT (continued from 6:20 p.m.)

Mayor MacDougall reported that the continued *Executive Session* was called to order at 7:07 p.m. to continue their discussion of one contractual item related to a downtown economic development issue. Council adjourned from *Executive Session* at 7:25 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Carnes. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1)(2) Council met in *Executive Session* to continue their discussion of one contractual item related to a downtown economic development issue. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to ratify the Mayor's report. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

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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.