

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
March 4, 2019

Town Council held an Executive Session at 5:30 p.m. followed by the Regular Council meeting at 6:30 p.m. in the Council Chambers on March 4, 2019. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams and Steve Baker. Councilmember Todd Lyle was absent.

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 ten (10) 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 Pastor Tim Brokaw, Midlands Christian Church, to give the invocation. Mayor MacDougall asked Councilmember Maness to lead in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:34 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:13 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Carnes. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: Two legal issues regarding pending litigation and advice regarding agenda items and one contractual issue regarding Downtown Economic Development. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Maness to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve the minutes from the Council Work Session and Council Special meeting both held on February 19, 2019. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Miss Lexington 2019, Miss Lexington Teen 2019 and Miss West Columbia Teen 2019 Proclamations – Councilmember Steve Baker:** Councilmember Baker read proclamations honoring Yvannah Garcia Miss Lexington 2019 and Ashleigh Smith Miss Lexington Teen 2019. Ms. Haleigh Tomlin Miss West Columbia Teen 2019 was not able to attend and filling in for her was Little Sister Selena Magni. (Copies attached.)

Dr. Ebony Bowers, Co-Local Executive Director for the Miss Lexington Scholarship Competition, thanked the Mayor and Council for recognizing the young women who will represent Lexington in the Miss South Carolina competition. She added that the new Miss South Carolina will receive \$60,000 in scholarships.

Councilmember Maness thanked Dr. Bowers and her mother, Constance Flemming, for bringing the competition back to Lexington. She and Ms. Flemming discussed it a few years ago during the Miss South Carolina competition when no one was there to represent Lexington. Ms. Flemming commented that it would have to change and it did thanks to her and her daughter. Councilmember Maness wished all the young ladies good luck in the Miss South Carolina competition.

VISION PLAN UPDATE

Mayor MacDougall announced upcoming events to be held at the Town's Icehouse Amphitheater including: (1) St Patrick's Shamrock Parade and Festival this Saturday from 12:00 p.m. to 5:00 p.m. with the parade starting at 2:00 p.m. (2) Movies in the Park include *Jumanji* on March 15, 2019 and *Peter Rabbit* on March 29, 2019, both starting at 8:00 p.m. (3) The Lexington Live Spring Concert Series will start on April 11th with The Embers, April 18th with Whiskey Run, and April 25th with Finesse. For more information visit www.icehouseamphitheater.com.

TRAFFIC UPDATE

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Mayor Pro-Tem Livingston gave the Traffic Update: (1) The Ginny Lane and I-20 Exit ramp project is making good progress despite the rainy weather. Final paving and new lane configurations are expected in two weeks. Please continue to use caution through this area. (2) The S. Church Street sidewalk is also making significant progress as the weather has permitted. The work stretches between Gibson Road and Woodland Drive. Be aware of traffic delays and lane closures around this area. (3) The next Traffic Committee meeting will be March 13, 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 #5422-02-014 located at 209-B Parker Street.
2. **Final Reading** of an Ordinance Amending 155.03.08 of the Zoning Ordinance – Required Parking.
3. **Final Reading** of an Ordinance Amending Section 154.06.18 of the Land Development Ordinance – Dumpster Pads.
4. **Final Reading** of an Ordinance Entering into a Mutual Aid Agreement with the City of Myrtle Beach Police Department.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve **Final Reading of an Ordinance to Annex Lexington County Tax Map #5422-02-014 located at 209-B Parker Street.** Councilmember Williams asked with Protected Residential in an area surrounded by homes, what will preclude them from renting this out for a party at a later date. Mr. Hanson stated that Protected Residential is appropriate for the area, but it is a grandfathered use. He added that there are no restrictions for them not to rent it out for a party as long as it is used for a meeting facility. The motion carried with a vote of five (5) in favor and one (1) opposed (Williams). (Copy attached.)

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2. A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Amending Section 155.03.08 of the Zoning Ordinance – Required Parking**. Councilmember Carnes stated that in conversations with business owners that have these type of parking lots where the compact spaces are going unused, it is up to their discretion if they change the striping if they had compact spaces on the front end. He asked what would preclude them from striping spaces that are too narrow and could the Town show some leniency if they will take them back to full parking spaces even if they lose a few. Mr. Poole stated that they would be grandfathered with the spaces they have so there would not be a requirement to change, but you could modify the ordinance to allow them to meet the parking requirements with the existing parking spaces if they adjust the parking spaces. He added that the current ordinance is not worded that way. Councilmember Carnes stated that he would like to ask the Planning Commission that question because it makes sense if the business is going to take 30 compact spaces and make 22 full size spaces because the compact spaces are not being used. He directed his question to the Planning Commission's Chair Keith Frost. Mr. Frost stated that the Planning Commission did not discuss that specific issue although there are mechanisms to do it. He added that the business would have a very good argument with the Board of Zoning Appeals if they have 33% and want to cut back to 10% with five spaces short. Councilmember Carnes asked Mr. Frost if he was comfortable starting the process in the Planning Commission since they originated this item. He added that he would want the businesses that are affected to make them aware of the new ordinance. Mr. Poole stated that they may find that many of the parking lots were built in excess of the requirement therefore only a few may be affected. He added that Staff could look at a few that they are aware of before proceeding if necessary. Councilmember Carnes agreed to Mr. Poole's recommendation because he only knew of one business that might have an issue with it. The motion was unanimously carried by all those present. (Copy attached.)

3. A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance to Amend Section 154.06.18 of the Land Development Ordinance – Dumpster Pads**. Councilmember Baker asked if the amended ordinance would require businesses to incur a big expense to correct the pad. Mr. Poole stated that an old business would not if they already have it in place, but new businesses would have to comply. He added that it is about the same cost because it is a grease trap with sand in it to create the filter. The motion was unanimously carried by all those present. (Copy attached.)

4. A motion was made by Councilmember Baker and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Entering into a Mutual Aid Agreement with the City of Myrtle Beach Police Department**: Councilmember Maness stated that she was glad for the Lexington Police

Officers to be in Myrtle Beach when she is there. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #3300-04-111 located in the Sterling Bridge Subdivision:** Old Cherokee Investors owns 19.37 acres located at the rear of the Sterling Bridge Subdivision and petitioned to annex the property. Phases 4 and 5 of the subdivision with 53 additional lots are planned on the site. Properties in Town near this property are zoned Protected Residential 2. The Planning Commission reviewed this annexation during their February meeting and recommended the same zoning for this property.

Mayor MacDougall recused himself from the discussion and the vote for New Business #1 and #2 due to being professionally employed by the principal. (Recusal form attached.) He turned the meeting over to Mayor Pro-Tem Livingston. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3300-04-111 located in the Sterling Bridge Subdivision as stated. The motion was carried with a vote of five (5) in favor and one (1) recused (MacDougall).

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #3300-04-089 located in the Sterling Bridge Subdivision:** Mungo Homes Properties, LLC owns 36.5 acres located at the rear of the Sterling Bridge subdivision and petitioned to annex the property. The remaining phases of the subdivision are planned on the site. Properties in Town near this one are zoned Protected Residential 2. The Planning Commission reviewed this annexation during their February meeting and recommended the same zoning for this property.

Mayor Pro-Tem Livingston called for the motion if there were no questions. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3300-04-089 located in the Sterling Bridge Subdivision as stated. The motion carried with five (5) in favor and one (1) recused (MacDougall). (Copy attached.) Mayor Pro-Tem Livingston turned the meeting back over to Mayor MacDougall.

3. **First Reading of an Ordinance Entering into a Mutual Aid Agreement with the Kershaw County Sheriff's Office:** The Lexington Police Department is entering into a Mutual Aid Agreement with the Kershaw County Sheriff's Office. (Copy of proposed agreement attached.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance entering into a Mutual Aid Agreement with the Kershaw County Sheriff's Office as stated. The motion was unanimously carried by all those present.

4. **First Reading of an Ordinance Amending Section §93.57, Retail and Commercial Garbage Collection Hours:** At the February 19, 2019 Work Session Town Council reviewed several options for Commercial Solid Waste Collection. A motion was made to place the item on Council's March 4, 2019 Agenda for an amendment to Section §93.57 (last amended on August 19, 2013) to change the hours of Retail and Commercial Solid Waste Collection from 7:00 a.m. to 7:00 p.m. to 6:00 a.m. to 7:00 p.m. Monday through Friday and remain 7:00 a.m. to 7:00 p.m. on Saturday.

A motion was made by Councilmember Baker and seconded by Councilmember Maness, for the purpose of discussion only, for First Reading approval of an Ordinance Amending Section §93.57, Retail and Commercial Garbage Collection Hours as stated. Councilmember Maness stated that this problem came to their attention because of some problems that her neighborhood had experienced when it was changed in 2013. She stated that she was opposed to this change even though it was 7:00 a.m. to 7:00 p.m. because they still have trouble with the trucks coming too early. She added that the Police Officers have had to write tickets for it and she does not agree with changing the ordinance. Mayor Pro-Tem Livingston stated that it wasn't just neighborhoods affected because it also affected the Downtown Historic District, therefore she was opposed to the proposed change. Councilmember Williams stated that he had made the motion to put it on the agenda for a proposed change, but after the past two weeks of trying to find solutions, he could not determine a solution that benefits the citizens or the collection companies. He requested that Staff continue to work on the issue and hopefully find a solution and bring it back to Council at a later date. Mayor MacDougall called for the vote if there were no further questions. He restated that the motion was for First Reading approval. The motion failed with a vote of six (6) opposed to the motion.

5. **Adoption of a Resolution Directing the Planning Commission to Make a Recommendation for a Town Development Impact Fee:** During the February 19, 2019 Work Session Town Council discussed implementing a development impact fee. The first step in the process to adopt an impact fee is for Town Council to pass a Resolution directing the Planning Commission to make a recommendation on an impact fee and a capital improvement plan. (Copy of Resolution attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Carnes to adopt a Resolution Directing the Planning

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Commission to Make a Recommendation for a Town Development Impact Fee as stated. Municipal Attorney Cunningham stated that it was not necessary for Councilmember Williams to read the entire Resolution because it simply follows the formula of State law, but a copy would be available if one is requested. The motion was unanimously carried by all those present.

6. **Commercial Waste Pickup – One-Way Pair Modification:** To improve downtown traffic the Town recently completed the SC-6 One-Way Pair Project. While the traffic flow has greatly improved in this area, the ability to collect commercial solid waste has been impacted. One business located at 301 North Lake Drive can no longer receive overhead dumpster service creating a customer service issue. In conjunction with the commercial waste service provider, Staff developed a solution to this specific access issue by relocating overhead power lines and modifying the curb and access to the dumpster. The anticipated cost is approximately \$30,000. Staff would direct the original site contractor to perform the work in early March as part of the final closeout for the One-Way Pair Project.

A motion was made by Councilmember Baker and seconded by Councilmember Williams to approve the Commercial Waste Pickup for 301 North Lake Drive as recommended by Staff including funding in the amount of \$30,000 from the One-Way Pair Project budget. Mr. Poole explained that 30% of the \$30,000 goes to relocate the line and SCE&G will relocate the pole. He added that the remaining cost is curb modifications and concrete pad. Mayor MacDougall confirmed that the work is required because the power line interferes with the trash being picked up. Councilmember Maness confirmed that the problem was created by the Town as a result of the One-Way Pair Project which makes it important to take care of it. Mr. Poole agreed that it was an unforeseen issue that resulted from the modification. The motion was unanimously carried by all those present.

7. **National Senior Games Donation Request:** Greg Jones, a fifteen year Town of Lexington Utilities Department employee, qualified to compete in the 2019 National Senior Games in Albuquerque, New Mexico in June. He is requesting a donation to help cover the expense of \$3,500 to attend the games and represent Lexington, South Carolina.

A motion was made by Councilmember Carnes and seconded by Councilmember Baker to approve a donation in the amount of \$1,000. Councilmember Carnes stated that Greg made a presentation to Council during the last Work Session and told them about some of his medals. Councilmember Maness stated that in 1980 Greg qualified to represent the United States in the Olympics to be held in Moscow, but the United States boycotted the games. She thought it was awesome that Council

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could help someone on Town Staff and she is very proud of him. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Councilmember Williams made the following announcements: (1) Lexington School District One Arts Showcase (performing arts) will be at the Icehouse Amphitheater on March 5th at 6:00 p.m. In addition, Student Visual Art Projects will be on display at Town Hall from March 5th through March 12th. (2) As the Mayor mentioned in the Vision Plan Update: The St. Patrick's Shamrock Festival will be held at the Icehouse Amphitheater Saturday, March 9th from 12:00 to 5:00, and the Shamrock Parade will start at 2:00 on Main Street. Movies in the Park returns to the Icehouse Amphitheater starting on Friday, March 15th with Jumanji and Friday, March 29th with Peter Rabbit. Both shows will start at 8:00 p.m. On March 9th the Lexington County Recreation and Aging Commission's Zumbathon will be held from 10:00 a.m. to 12:00 p.m. at the Lexington Leisure Center. Admission is \$10 or \$5 for seniors 60 or over. All proceeds will benefit Lexington County's Meals on Wheels Program. (3) Several Town Boards will meet in March: --The Advisory Committee will meet March 12th at 6:00 in the 3rd floor conference room.--The Traffic Committee will meet March 13th at 8:00 a.m. in the 3rd floor conference room.--The Planning Commission will meet on March 20th at 8:00 a.m. in the Council Chambers. Citizens were encouraged to get involved with one of the Town's Boards or Commission by going to the Town's web page and complete a Boards and Commissions Application. (4) Council will meet again on March 18th at 6:00 for Council's Work Session meeting held in the Eli Mack Room. Councilmember Williams thanked everyone for watching their Town Council in action tonight.

Mayor MacDougall wished Councilmember Williams a Happy Birthday Wednesday, March 6th.

Councilmember Baker wished to explain trash pick-up which was discussed tonight. He stated Council rejected the change to 6:00 a.m. to 7:00 p.m. pick-up time but they would continue to look for solutions to the problem. He wished to restate that there are several openings on the Town's Boards and Commissions and he encouraged citizens to engage with the Town to become part of all the things going on.

Councilmember Maness announced that Council has appointed the Advisory Committee to work on the Town's 2020 Census. She welcomed Ms. Edith Harmon to the meeting who is the Chair of the Advisory Committee. She added that the Census is very important because that is how Towns receive funding from the Federal Government. They will help ensure that everyone in the Town of Lexington gets counted. Councilmember Maness was excited for the Advisory Committee to be involved in the Census and she knew they would do a fabulous job.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

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Ms. Edith Harmon, 220 Meetze Avenue, stated that she came tonight to speak against the change in the pick-up time for garbage and she wanted to confirm that it was no longer a subject. Mayor MacDougall stated that is correct, but Council will continue to look for ways to help alleviate the problem of some cans not being able to be picked up, but changing it to 6:00 a.m. was not an option. Ms. Harmon stated that her neighborhood was terrorized many years ago by early morning dumpster collection so they did not want to see it rear its head again.

Mr. Chuck Corley, 121 Berly Street, wished to reiterate what Ms. Harmon said, because you cannot imagine what it is like at 3:00 a.m. when you are sound asleep when sudden, bam-yah, over and over and then beep, beep, beep when they are backing up. He added that he appreciated everything that Council does and the Town is in good hands with them.

Ms. Sandy Collins, 213 Bridlewood Court, just outside of Town, stated that she had called and emailed about the inclusive playground in the park, and as a retired pre-school teacher and the grandmother of a special needs child, she advocates and fights for these children. She added that from the bottom of her heart, thank you for what the Town is planning for the park and she would like to do whatever she can to make this playground inclusive for all the children in Lexington because there are 3,500 children with disabilities in Lexington according to the Compliance Secretary. Ms. Collins stated that there are lots of things to look at like changing tables for people over 35 pounds, which is not in this building. She has to leave with her grandson when there is need for a change. Ms. Collins added that she knows we are talking about all the senses but we also need to talk about the proprioceptive sense and the vestibular sense. She stated that therapists use this playground and her grandson has learned to sign so many things from the swinging aspects and from other kids. She added that the improved inclusive playground will be another way to make this community even better. Ms. Collins stated that she has left her name and hopes to help because this is a heart issue for her. She showed Council a picture of her grandson.

Mayor MacDougall encouraged Ms. Collins to get in touch with Mayor Pro-Tem Livingston. Mayor Pro-Tem Livingston confirmed that Ms. Collins has already volunteered to serve on the Parks Committee.

Mr. Tom Mack, 381 Spruce Glen Road, stated that he appreciated the opportunity to speak to Council earlier this week and their ability to be so approachable. He added that Councilmember Maness helped him several years ago with stopping the dumpster emptying at 3:00 and 4:00 in the morning which happened 200 feet from his property. Mr. Mack stated that he very much appreciated Council reversing their decision to change the pick-up time and to look at other alternatives in the best interest of the quality of life that we have in Lexington.

Councilmember Maness thanked the neighbors from Hope Ferry Plantation for being well represented in the audience tonight.

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Ms. Yvannah Garcia Miss Lexington 2019 stated that she is a resident of Columbia but is representing Lexington as Miss Lexington 2019. She wished to remind everyone that she is holding a Ladies of Lexington Tea on April 13th from 2:30 to 4:30 at Private Property with all the proceeds going to Children's Miracle Network Hospital where she works. She thanked the Mayor and Council for their support.

ADJOURNMENT

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 7:24 p.m.

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.