

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
March 5, 2018

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 5, 2018. The meetings were attended by: Mayor Steve MacDougall, Councilmembers Kathy Maness, Todd Carnes, Ron Williams, and Steve Baker. Mayor Pro-Tem Hazel Livingston was absent. Councilmember Ted Stambolitis resigned on February 28, 2018.

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, Community and Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Events, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, IT Manager Bea Daniels, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately thirty (30) 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. Pastor Tim Brokaw, Midlands Christian Church, gave the invocation. Mayor MacDougall asked if any military veterans were present to lead the Pledge of Allegiance. Mr. Todd Lyle led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:36 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 Carnes and seconded by Councilmember Baker to go into *Executive Session*. The motion was unanimously carried by all those present (5). Council adjourned from *Executive Session* at 6:22 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Maness. The motion was unanimously carried by all those present (5). 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 legal advice regarding a Town Ordinance; four contractual issues regarding an economic development matter, a Utilities contract, an SCDOT contract, and the purchase of real estate, and one personnel matter regarding a routine personnel review. No vote was taken. A motion was made

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by Councilmember Baker and seconded by Councilmember Williams to ratify the Mayor's report. The motion was unanimously carried by all those present (5).

DELETIONS ON AGENDA: None.

PRESENTATIONS

1. **Proclamation for Dr. Lucas C. Clamp, 2018 South Carolina Secondary Principal of the Year – Councilmember Maness:** Councilmember Maness thanked Dr. Clamp for everything he has done at River Bluff High School. She added that she has known Dr. Clamp and his mother, who was present, for a long time and they both have made great contributions to the school systems in South Carolina. Councilmember Maness read a proclamation commending Dr. Clamp for recently being named the 2018 South Carolina Secondary Principal of the Year.

Dr. Clamp thanked the Mayor and Council and his mother who has been a mentor and great inspiration as an educator. He stated that it is very humbling to receive the award and he made a good decision to move to Lexington 15 years ago. He also thanked the Town for being a great partner with the schools in Lexington.

2. **Proclamation Celebrating the 60th Anniversary of the Lexington Woman's Club – Councilmember Williams:** Councilmember Williams thanked the seven members of the Lexington Woman's Club accepting the proclamation. He read a proclamation commending the Lexington Woman's Club on their 60th Anniversary.

Ms. Deidre Harmon, LWC President, thanked the Mayor and Council for the recognition. She stated that their club has a rich history in Lexington and have worked on many projects that have enhanced the community and enriched the lives of others.

3. **Proclamation Recognizing the 16th Annual March for Meals Month, March 2018 – Councilmember Baker:** Councilmember Baker read a proclamation recognizing the 16th Annual March for Meals Month and commending Lexington Meals on Wheels for all the work they do in Lexington.

Ms. Annie Mack, Lexington Senior Center Director, thanked the Mayor and Council for their continued support of Meals on Wheels and for the Mayor for coming out to help deliver meals. She added that without the Town's support and the support of their volunteers they could not deliver 700 meals each week to senior citizens.

VISION PLAN UPDATE

Mayor MacDougall announced (1) line up for the Spring Concert Series of "Lexington Live" at the Icehouse Amphitheater starting on Thursday, April 12th with Men of

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Distinction, followed by Bombshell April 19th, Finesse April 26th, The Tams May 3rd, Tokyo Joe May 10th and The Root Doctors May 17th. For more details and a full calendar of events, visit www.icehouseamphitheater.com. (2) The Town of Lexington's Farmers Market will kick-off the season on Saturday, May 5th from 9:00 a.m. to 12:00 p.m. at Lexington Square Park. The Farmers Market will run each Saturday from May to September. Applications are still being accepted for vendors. Please call 803-358-7275 if you are interested or email farmersmarket@lexsc.com. (3) The 8th Annual Lexington Wine Walk will take place Saturday, May 12th from 6:00 p.m. to 10:00 p.m. at the Icehouse Amphitheater located at 107 West Main Street. The Going Commando Band will perform classic rock, country and blues throughout the night. Tickets are \$30 each and include a commemorative wine glass, wine tastings and hor d'oeuvres. You must be 21 or older to attend and have a photo ID. For more information or if you are interested in being a participating restaurant or exhibitor, visit www.Lexingtonwinewalk.com.

TRAFFIC UPDATE

Mayor MacDougall gave the Traffic Update: (1) The SC-6 One-Way Pair project continues with construction activity along West Main Street and South Church Street. Please expect minor delays in and around these areas over the next few weeks. (2) The next Traffic Committee meeting will be March 14, 2018 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 for a Multi-County Industrial Park Incentive at 307 Industrial Drive.
2. **Final Reading** of an Ordinance Allowing Abandoned Buildings Tax Credits.
3. **Final Reading** of an Ordinance to Acquire Property on Shore Road.
4. **Final Reading** of an Ordinance Limiting Lane Closures on US 1, Highway 378, and SC 6.

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

RESIGNATION: Mayor MacDougall announced that he had received a letter of resignation this week from Councilmember Ted Stambolitis. He stated that Ted had moved outside the Town limits and to abide by the law a Councilmember must live in

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the Town limits. Mayor MacDougall stated that Ted had made the decision to resign his seat which was the right thing to do. He added that Ted was supposed to attend the meeting tonight to thank everyone for working with him and being a part of his life for the past 11 years. He may have gotten busy at the restaurant but they would talk to him soon. Mayor MacDougall requested that the record show the receipt of the letter of resignation from Councilmember Ted Stambolitis which was effective February 28, 2018. (Copy attached.)

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve **Final Reading of an Ordinance for a Multi-County Industrial Park Incentive at 307 Industrial Drive**. The motion was unanimously carried by all those present. (Copy attached.)
2. A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Allowing Abandoned Buildings Tax Credits for the former Boral Brick Property**. The motion was unanimously carried by all those present. (Copy attached.)
3. A motion was made by Councilmember Williams and seconded by Councilmember Baker to approve **Final Reading of an Ordinance to Acquire Property on Shore Road for the Pump Station Expansion by exchange of CCFs**. 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 Limiting Lane Closures on US 1, Highway 378, and SC 6**. The motion was unanimously carried by all those present. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #3500-03-151, 152, 153, 012, 155, 154, 065, 052 and 011 Located on Darby Ambrose Lane**: The Drafts family own 43.8 acres on nine (9) parcels located on Darby Ambrose Road and petitioned to annex the properties. The Cregger Company is proposing a Planned Development that includes a corporate office and warehouse on the property as well as a mixed use development and residential area. Properties in Town near this property are zoned General Commercial. Darby Ambrose Road is classified as Limited Local road. Due to the intended use of the property the owners requested a mix of Industrial, General Commercial and Protected Residential zoning on the property with a Planned Development Special Overlay. The Planning Commission reviewed this proposal during their February meeting and tabled the discussion of the Planned Development until additional information could be provided by the applicant.

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As a result, the Planning Commission recommended against annexing the property with the requested zoning at this time. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Williams to table the item until the Planning Commission could review the plan. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #4496-02-030 Located at 5229 Sunset Boulevard:** SGC Mineral Springs, LLC owns 4.3 acres at 5229 Sunset Boulevard and petitioned to annex the property. An automotive repair and car wash are being planned on the site. Properties in Town near this property are zoned General Commercial. Sunset Boulevard is classified as an Arterial road and Mineral Springs Road is classified as a Collector. The Planning Commission reviewed this annexation during their February meeting and recommended the same zoning and road classifications for this parcel.

A motion was made by Councilmember Carnes and seconded by Councilmember Baker to approve First Reading of an ordinance annexing Lexington County Tax Map #4496-02-030 located at 5229 Sunset Boulevard. Councilmember Carnes asked if Staff had reviewed the site plan. Mr. Hanson responded, yes it had been reviewed but not yet completed or approved. He stated that they had discussed the project with the developers six months ago regarding the traffic plan. He added that some of it has to do with the position of the building. Councilmember Carnes confirmed that they propose to share a curb cut. Councilmember Maness confirmed that the developer would have to make improvements at Mineral Springs and asked if Council was ready to vote on the item or wait to be sure of all the changes. Mr. Hanson stated that they would have to include 1 ½ lanes at Mineral Springs. He added that Council would be voting on the annexation and zoning, not the traffic plan. Municipal Attorney Cunningham stated that if Council wanted a say in the development of the property, it would be best to annex it. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Annexing Lexington County Tax Map #3500-04-040 Located Adjacent to 4765 Sunset Boulevard:** Sam Jones-Lexington, LLC owns six (6) acres in the 4700 block of Sunset Boulevard and petitioned to annex the property. A Hampton Inn hotel is being planned on a portion of the property. Properties in Town near this property are zoned General Commercial and Sunset Boulevard is classified as an Arterial Road. The Planning Commission will review this annexation during their March meeting to recommend a zoning and road classification for this parcel. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Carnes for First Reading approval of an ordinance annexing Lexington County Tax Map #3500-04-040 located adjacent to 4765 Sunset Boulevard. Councilmember Baker asked if this item was similar to the previous item regarding Council having a say on the development. Mr. Poole responded yes, universally that is true. Councilmember Maness stated that she did not like to have this type item come before Council before it goes to the Planning Commission so she wanted to make sure there wasn't a deadline that had to be met. Mr. Hanson stated that he and Mr. Edwards had been working with the developer for over a year. He added that Mr. Edwards and SCDOT have agreed on a traffic plan so he thinks the developer is ready to move forward. Mr. Hanson confirmed that the item would come back to Council for the second reading. Councilmember Carnes asked procedurally, what if something unfavorable happens when the item goes to the Planning Commission, what are Council's options in lieu of Final Reading, or can it be delayed for another 30 days. Mr. Poole responded that the Comprehensive Plan puts some time limits on what the Planning Commission can do and when an automatic approval can take place if they do not take action within certain time frames depending on the type of item. He added that there are no time lines placed on Council therefore Council could table it, fail it or take action no matter how you voted the first time, but Council does require two readings. Councilmember Williams asked if there was a decel lane included in this project. Mr. Edwards responded, yes and they are in full agreement and it includes a shared driveway. The motion was unanimously carried by all those present.

4. **First Reading of an Amendment to the Landscape and Tree Ordinance:** At the February 20, 2018 Council Work Session, Council discussed a problem caused by trees planted in the narrow grass strip between the curb and sidewalk along streets in the Town. As these trees mature, their root system lifts the sidewalk producing trip hazards. An Amendment to the Landscape and Tree Ordinance, Subdivision Development was proposed as follows:

§156.11.02 – GENERAL

(C) All "Street Trees" planted in the right-of-way shall meet at least one of the following criteria:

- (1) Be planted no closer than five (5) feet to a public sidewalk, or*
- (2) Be an approved understory tree, or*
- (3) Be planted with an approved and inspected root control system in place.*

A motion was made by Councilmember Baker and seconded by Councilmember Carnes to approve First Reading of an Amendment to

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the Landscape and Tree Ordinance as stated. The motion was unanimously carried by all those present.

5. **Consideration of a Mobile Food Vendor Ordinance:** Town Council was asked to consider passing an ordinance to allow Mobile Food Vendors to operate within the Town limits. A draft of the proposed ordinance was provided for Council's review which indicates potential rules and regulations for licensing and operations of such vehicles. (Copy attached.) The regulations were drafted after a study of six such ordinances in other South Carolina municipalities. A permit fee is already established for the Zoning Permit required to operate pursuant to the ordinance. The Town would collect business license fees and hospitality taxes under the terms of an ordinance, as well as Zoning Permit fees.

A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve First Reading of the Mobile Food Vendor Ordinance as submitted. Councilmember Baker asked about the hours of operation (9:00 a.m. to 11:00 p.m.) and if it includes prep time. Mr. Hanson responded that "operation" means open for business. Councilmember Baker confirmed that it meant that the owner could arrive early to do prep work for an opening at 9:00 a.m. Councilmember Baker wished to amend the motion to include allowing a menu board to be placed within five (5) feet of the mobile food truck. He added that since Council would be discussing this item again at the next Work Session that is when they would discuss the distance from a mobile food truck to a brick and mortar restaurant. Councilmember Williams seconded the amended motion. The amended motion was unanimously carried by all those present.

6. **Amendment to Façade Grant Eligibility Requirements:** At the February 20, 2018 Work Session, Council discussed amending the Façade Grant Program eligible expenditures by adding new construction facades (maximum \$10,000) to the downtown TIF District.

Councilmember Carnes stated that he was in opposition of this item, but he would make a motion for Council's approval in order to put it on the floor for discussion. Councilmember Baker seconded the motion. Councilmember Williams asked if the motion could be worded to state if a business received any other benefits from the Town prior to applying for the grant, they would not be eligible for the grant. Municipal Attorney Cunningham stated that a Councilmember could amend a motion. Mr. Poole added that many businesses that locate to Lexington may receive additional benefits because the ordinance allows for the refund of the business license for bars/restaurants/retail located downtown. Councilmember Maness stated that based on what Mr. Poole just said, she would like to take this back to Council's next Work Session to have more conversation about the amendment. Councilmember

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Maness made a motion to take this item back to Council's March Work Session. The motion was seconded by Councilmember Williams. The motion was unanimously carried by all those present.

7. **"It's All About Herbs Festival" Sponsor Request:** Beverly Kleckley with "The Herb Bunch", a non-profit club affiliated with the Clemson Extension Service, contacted us regarding their 7th annual "It's All About Herbs Festival". The festival will be held Saturday, April 7, 2018 on the grounds of the Lexington County Museum. In 2017 the club presented a \$1,500 scholarship to Mariah Swygert of Batesburg-Leesville to continue her studies in Agriculture Education at Clemson University. This year they hope to increase the amount of the scholarship to \$2,000. The levels of contribution are: \$350 Gold Level; \$250 Silver Level; \$150 Bronze Level. At the February 20, 2018 Council Work Session, a recommendation was made for the Town to be a Bronze Level sponsor at \$150. (Copy of request letter attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Baker to approve a Bronze Level sponsorship of \$150 for the "It's All About Herbs" Festival. The motion was unanimously carried by all those present.

8. **Boards and Commissions Application:** Ms. Jennifer Morgan submitted a Town of Lexington Boards and Commissions application. She indicated an interest in serving on the Traffic committee or Board of Zoning Appeals. Ms. Morgan is a Town resident. At the February 20, 2018 Council work Session, a recommendation was made to appoint Ms. Morgan to the Traffic Committee. (Copy of application attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Carnes to approve the appointment of Ms. Jennifer Morgan to the Traffic Committee. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Councilmember Carnes made the following announcements: (1) He wished Councilmember Ron Williams a Happy Birthday tomorrow! (2) The Lexington District One Arts Showcase will be at the Icehouse Amphitheater from 6:00 to 8:00 tomorrow. (3) The Board of Zoning Appeals will not meet in March but will meet again on April 5th at 5:30 here in the Council Chambers. (4) The Rockin' Shamrock ZUMBATHON will be on March 10th from 10:00 to 12:00 at the Lexington Leisure Center. Admission is \$10 and all proceeds go to Meals on Wheels. Visit www.lcrac.com for details. (5) Everyone was invited to come out for the 3rd Annual St. Patrick's Day Parade on March 10th at 2:00 on Main Street. The Lexington County Blowfish, Greater Lexington Chamber and Visitors Center and the Town of Lexington invite all families to come out for a great afternoon. (6) Don't forget to "spring forward" one hour on March 11th at

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2:00 a.m. for Daylight Savings Time. (7) The Traffic Committee will meet on March 14th at 8:00 a.m. in the 3rd floor conference room. (8) The Flashlight Easter Egg Hunt and Carnival In the Park will be March 16th from 6:00 pm. to 8:30 p.m. at the Gibson Road Soccer Complex. Kids ages 0 to 10 and all ages for Special Needs will hunt for over 100,000 plastic candy-filled eggs. Visit lcrac.com to purchase your ticket. (9) The next Council Work Session will be March 19th in the Eli Mack Room. (10) The Planning Commission will meet on March 21st at 8:00 a.m. in the Council Chambers. (11) "4 Events, 4 Cities, 4 Days": On March 22nd through the 25th the 8th Annual Tartan Day South is back! There will be a concert on Friday night at 6:30 with Celtic Commotion and exhibits at the Icehouse Amphitheater. On Saturday gates open at 9:00 for the main event at the Historic Columbia Speedway for a day of Highland Games and the Celtic Festival. For a full list of events and tickets visit tardandaysouth.com. (12) The movie Wonder Woman will be showing at the Icehouse Amphitheater March 29th at 8:00 p.m. (13) Town Hall will be closed on Good Friday, March 30th. The Municipal Clerk will be here until 12:00 noon to accept candidate petitions. (14) There will be a Good Friday Service at the Icehouse Amphitheater on March 30th at 6:30. It will be hosted by several area churches. (15) The Town will host BBQ & Blues at the Icehouse Amphitheater on March 31st starting at 11:00 a.m. The concert features Blues Hall of Famer Mac Arnold and Plate Full O Blues and our own Blues Deluxe. There will be samples of BBQ from Hudson's, Old Mill Brew Pub, Roy's Grille, PK BBQ, The Kingsman and Keg Cowboy. Tickets are \$15 in advance or \$20 at the door. (16) *Lexington Live* free Thursday concerts will start back on April 12th with Men of Distinction. Please visit icehouseamphitheater.com for a full list of events. He thanked everyone for watching Town Council in action tonight.

Councilmember Carnes extended the Town's condolences to the family of Jim Lowman who passed away on March 1st. Mr. Lowman was also known as Retired Brigadier General James M. Lowman. He served his country and community in many ways and also served on Town Council from 1989 to 1994 and again from 2000 to 2004. Councilmember Carnes asked everyone to keep the Lowman family in their prayers. He thanked Mr. Lowman for his life time of service.

Councilmember Maness welcomed several students from River Bluff High School's Government Class.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

Mr. D. J. Stone, 201 Clairemont Drive, The Blended Bakery mobile food vendor, thanked the Mayor and Council for considering the ordinance to allow mobile food vendors in the Town of Lexington. He proposed additional changes to the ordinance: (1) Allow them to set up tables at the food truck in order to place condiments outside for customers. (2) Remove the distance from a restaurant restriction because they already get the property owner's permission and it does not apply to brick and mortar restaurants. (3) Do not allow Town Inspectors on board the food truck because DHEC

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already requires no unauthorized person inside in order to keep the food contaminates out of the food prep area.

Mayor MacDougall thanked Mr. Stone and stated that Council would consider his changes.

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 Channel 2 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 7:30 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.