

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
April 3, 2017

Town Council held an Executive Session at 5:30 p.m. followed by the Saxe Gotha Lexington Public Finance Corporation Board meeting and the Regular Council meeting at 6:30 p.m. in the Council Chambers on April 3, 2017. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Ted Stambolitis, Todd Carnes, Ron Williams and Steve Baker.

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, Municipal Judge Brian Jeffcoat, 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 and Media Coordinator Jennifer Dowden, 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.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Commander Matthew Berrens, Chaplain, US Navy, gave the invocation. Councilmember Carnes led 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 Mayor Pro-Tem Livingston and seconded by Councilmember Baker to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:12 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Williams. 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: four contractual matters regarding a Multijurisdictional Agreement, a proposed Utilities Contract, licensing issues for a proposed contract and a potential Memo of Understanding with SCDOT; one legal matter regarding an update on pending litigation and one personnel matter. No vote was taken. A motion was made by Councilmember

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

Stambolitis and seconded by Councilmember Williams to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

DELETIONS ON AGENDA

Councilmember Williams recommended that New Business Item #6 (First Reading of an Ordinance Annexing Lexington County Tax Map #5498-03-002 located adjacent to 165 Zenker Road) be deleted from Council's agenda and referred back to the Planning Commission. There being no objections, the item was deleted.

APPROVAL OF MINUTES: A motion was made by Councilmember Baker and seconded by Councilmember Maness to approve the minutes for Council's Regular Council Meeting held on March 6, 2017 and Council's Work Session held on March 20, 2017 as submitted. The motion was unanimously carried.

PRESENTATIONS

1. **Proclamation Designating April 4, 2017 as Mayor and County Day of Recognition for National Service Day – Councilmember Ted Stambolitis:** Councilmember Stambolitis read a Proclamation declaring April 4, 2017 as National Service Recognition Day. The AmericCorps, Senior Corps and the Corporation for National and Community Service address challenges facing cities and counties. The Proclamation will be mailed to the national headquarters. (Copy attached.)
2. **Proclamation Designating April 2017 as Autism Awareness Month – Councilmember Ron Williams:** Councilmember Williams read a Proclamation designating April 2017 as Autism Awareness Month. Citizens and businesses were asked to shine a blue light to encourage awareness and support of those whose lives are touched by autism. Ms. Adrianna Kleckley, Founder and President of Carolina Behavior and Beyond, along with her brother Ruben, accepted the Proclamation and thanked the Mayor and Council. She added that their office is now located on Main Street in Lexington and they serve over 200 children. (Copy attached.)
3. **Proclamation Declaring Saturday April 22, 2017 as “Walk Like MADD” Day – Councilmember Steve Baker:** Councilmember Baker read a Proclamation declaring Saturday April 22, 2017 as “Walk Like Madd” Day in Lexington. Mothers Against Drunk Driving is one of the largest victim services groups in the Unites States and supports victims and survivors at no charge, serving one person every 8.6 minutes. Last year the “Walk Like MADD” events raised almost \$3M in 80 cities. Ms. Kimberly Cockrell accepted the Proclamation and thanked the Mayor and Council for their support. She added that this is a 100% preventable crime which has affected many families in Lexington. She hoped their mission of “no more victims” will be recognized.

VISION PLAN UPDATE

Mayor MacDougall announced the 2017 *Lexington Live* Concert Series. The Spring Concert series will be presented by the Lexington Medical Center and concerts will be held at the Icehouse Amphitheater at 107 West Main Street. The Town's Icehouse Amphitheater was just named the 2017 Municipal Association of South Carolina (MASC) Achievement Award winner. All concerts will be held on Thursday evenings from 6:30 to 9:30 and include: April 13th – Men of Distinction; April 20th – Sol Fusion; April 27th – Finesse; May 4th – Liquid Pleasure and Kid's Night; May 11th – Right to Party and May 18th – The Root Doctors. For more information and a full event calendar, visit www.icehouseamphitheater.com.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the traffic update: (1) A new median and drainage improvements are being installed on Sunset Blvd. at Hope Ferry Road in association with the new Lowes grocery store. The work will occur after 7:00 p.m. Citizens were advised to anticipate delays and use extra caution around this area. (2) Road work is ongoing at Northwoods Road near 378/SC6. A new right turn lane and sidewalks are being constructed and citizens were urged to use extra caution in this area. (3) The Phase-1 Adaptive Traffic Signal Project is nearing the end with all new signals becoming fully adaptive by the end of April. The next Traffic Committee meeting will be Wednesday, April 5, 2017, at 8:00 a.m. in the Third Floor Conference Room at Town Hall. Citizens were encouraged to call 359-1027 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 #3420-01-041 located at 105 Pilgrim Point Drive.
2. Final Reading of an Ordinance Annexing Lexington County Tax Map #4200-09-030, 028, 045, 099 and 006 located at 1205 Old Cherokee Road.
3. Final Reading of an Ordinance Annexing Lexington County Tax Map #5497-02-013 located at 5205 Augusta Road.
4. Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-02-036 located at 309 Barr Road.

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 Stambolitis to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-041 located at 105 Pilgrim Point Drive**. The motion was unanimously carried.
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Baker to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #4200-09-030, 028, 045, 099 and 006 located at 1205 Old Cherokee Road**. The motion was unanimously carried.
3. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #5497-02-013 located at 5205 Augusta Road**. The motion was unanimously carried.
4. A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-02-036 located at 309 Barr Road**. The motion was unanimously carried.

NEW BUSINESS

1. **Resolution to Annex Town Owned Property at 237 Cascade Court:** Staff asked Council to consider annexing Town owned property at 237 Cascade Court. The parcel consists of 1.19 acres of land and is the site of the Town's Millcreek Pump Station. The Resolution must be approved to begin the annexation process. (Copy attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Maness for approval of the Resolution as stated. The motion was unanimously carried.

NEW BUSINESS CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to members of Council and are considered routine. Consent Agenda items will be approved by one motion of the Council with no separate discussion. If separate discussion is desired on any item, that item may be removed from the Consent Agenda at the request of a Councilmember for action later in the agenda.

Items C1 through C10, Annexation of Portions of Lexington County Tax Map #3500-03-020 and 005 as well as Lexington County Tax Map #3500-03-122, #3528-01-145, #3500-03-002, 156, 003, 162, #3596-06-005 and #3696-06-006: Items C1

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

through C10 involve annexations of a portion of two parcels as well as all of eight other parcels. (Listed separately below.) Approximately 418 acres of property are included with these annexations. All parcels are either related to or adjacent to the TIF District that is under consideration. Development that has been proposed on these parcels include a 227 acre site that is planned to have a mixture of uses including 312 single family homes, a 308 unit apartment complex, a 115 acre conservation easement as well as some small limited or office commercial areas. Other major aspects of these annexations include a 32.6 acre parcel that is currently under development with 58 single family homes and the 146 acre River Bluff High School. The Planning Commission will review these annexations during their April meeting to provide recommendations on the zoning of the properties and the road classifications of Corley Mill Road.

- C1. Annexation of a portion of Lexington County Tax Map #3500-03-020 located adjacent to 4708 Sunset Boulevard: Dwight and Sam Corley own 70.7 acres located adjacent to 4708 Sunset Boulevard and petitioned to annex a portion of the property. The property is mostly undeveloped. Properties in Town near this property are zoned General Commercial (GC). The portion being annexed does not have any road frontage. (Copies attached.)
- C2. Annexation of a portion of Lexington County Tax Map #3500-03-005 located adjacent to the Town of Lexington's Millstream Pump Station: Hunley Property, LLC, owns 69.1 acres located adjacent to the Town's Millstream Pump Station and have petitioned to annex a portion of the property. The property is undeveloped. Properties in Town near the property are zoned General Commercial (GC) and Protected Residential (PR). The portion being annexed does not have any road frontage. (Copies attached.)
- C3. Annexation of Lexington County Tax Map #3500-03-122 located adjacent to the Millstream Place subdivision: The Town of Lexington owns 1.1 acres at the rear of the Millstream Place Subdivision and agreed to annex the property. The Town's Millstream pump station is located on the site. Properties in Town near this property are zoned General Commercial (GC) and Protected Residential (PR). (Copies attached.)
- C4. Annexation of Lexington County Tax Map #3528-01-145 located adjacent to the Town of Lexington's Millstream Pump Station: Lexington County owns 6 acres located adjacent to the Town's Millstream pump station and agreed to annex the property. The stormwater detention pond for the Millstream Place subdivision is located on the property. Properties in Town near this property are zoned General Commercial (GC) and Protected Residential. The parcel does not have any road frontage. (Copies attached.)
- C5. Annexation of Lexington County Tax Map #3500-03-002 located along Corley Mill Road near River Bluff High School: Lenna C. Young and Cindy C. Waters own approximately 27 acres on three parcels in the area near River Bluff High

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

School and petitioned to annex the property. These are three of the parcels associated with a Planned Development being proposed in the area. The Planned Development will consist of a mixture of uses including 312 single family homes, a 308 unit apartment complex, a 115 acre conservation easement as well as some small limited or office commercial areas. Properties in Town near this property are zoned General Commercial (GC) and Limited Commercial (LC). Corley Mill Road is classified as a Collector Road. (Copies attached.)

- C6. Annexation of Lexington County Tax Map #3500-03-156 located along Corley Mill Road near River Bluff High School: Lenna C. Young and Cindy C. Waters own 4.2 acres on Corley Mill Road near River Bluff High School and petitioned to annex the property. This is the fourth parcel associated with a Planned Development being proposed in the area. Properties in Town near this property are zoned General Commercial (GC) and Limited Commercial (LC). Corley Mill Road is classified as a Collector Road. (Copies attached.)
- C7. Annexation of Lexington County Tax Map #3500-03-003 located along Corley Mill Road near River Bluff High School: Merry Land Clay Land, LLC, owns 3.9 acres on Corley Mill Road near River Bluff High School and petitioned to annex the property. The property is currently undeveloped. Properties in Town near this property are zoned General Commercial (GC) and Limited Commercial (LC). Corley Mill Road is classified as a Collector Road. (Copies attached.)
- C8. Annexation of Lexington County Tax Map #3500-03-162 located across Corley Mill Road from River Bluff High School: FBF Holdings, LLC, owns 32.6 acres located across Corley Mill Road from River Bluff High School. A single family residential subdivision with 58 homes is being constructed on the property. Properties in Town near this property are zoned General Commercial (GC) and Limited Commercial (LC). Corley Mill Road is classified as a Collector Road. (Copies attached.)
- C9. Annexation of Lexington County Tax Map #3696-06-005 located at 320 Corley Mill Road: Lexington County School District One owns 146.1 acres located at 320 Corley Mill Road and petitioned to annex the property. River Bluff High School is located on the site. Properties in Town near this one are zoned General Commercial (GC) and Limited Commercial (LC). Corley Mill Road is classified as a Collector Road. (Copies attached.)
- C10. Annexation of Lexington County Tax Map #3696-06-006 located within the River Bluff High School Complex: Mt. Zion Church owns 1.7 acres on two parcels located within the River Bluff High School complex. Two cemeteries are located on the parcels. South Carolina law allows a municipality to extend its corporate limits to include any cemetery adjoining the municipality for the purposes of police and sanitary measures. Properties in Town near this one are zoned General Commercial (GC) and Limited Commercial (LC). The property does not have any road frontage. (Copies attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading of Consent Agenda Items C1 through C10 as stated. Town Administrator Poole stated that Council understands the work that goes on behind the scenes of a TIF District, but he would like to thank Stuart Ford, Brad Cunningham, and John Hanson for all their work as part of the Annexation Team because this is a big deal. Mayor MacDougall agreed and added that it is a very big deal because they are annexing more property in one night than in the last two years. The motion was unanimously carried.

NEW BUSINESS (continued)

2. **First Reading of an Ordinance Approving a Planned Unit Development off Corley Mill Road:** The attached document describes a proposed Planned Unit Development (PUD) off Corley Mill Road. (Copy attached.) The PUD is part of a Development Agreement and TIF District planned for the area. A Planned Unit Development generally consists of a tract or tracts of land planned and developed as a whole in a single development stage or phased series of development stages according to an approved PUD Master Plan. The intent of the PUD is explained in the Town Code of Ordinances as follows:

§ 154.08.01 – Intent

- (A) The intent of the planned development is to better bridge the inherent difference between residential and nonresidential uses; and to better accommodate change within those areas of the Town of Lexington where due to economics or other factors responsible for change, potentially incompatible development could compromise property values or adversely impact existing land use, transportation facilities or infrastructure.
- (B) Through the planned development advocated by §154.08.01 through §154.08.14, it is possible to ameliorate differences between potentially incompatible uses by exacting concessions and conditions as necessary to achieve “land use compatibility”.

(Ord. 99-004, § 2 (§ 8-1), passed 2-1-99)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance approving a Planned Unit Development off Corley Mill Road as stated. The motion was unanimously carried.

3. **First Reading of an Ordinance Approving a Development Agreement off Corley Mill Road:** The attached document describes a proposed Development Agreement to be executed in conjunction with a Planned Unit Development

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

(PUD) off Corley Mill Road. (Copy attached.) Both the PUD and Development Agreement must be authorized by Ordinance of Town Council.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Williams to approve First Reading of an Ordinance approving a Development Agreement off Corley Mill Road as stated. The motion was unanimously carried.

4. **First Reading of an Annexation of Lexington County Tax Map #4200-02-086 located at 130 Nightingale Court:** McGuinn Homes, LLC owns .79 acres located at 130 Nightingale Court and petitioned to annex the property. A single family home is being constructed on the site. Properties in Town near this one are zoned Protected Residential (PR) and Protected Residential 2 (PR2). Nightingale Court is classified as a Local Road. The Planning Commission reviewed this annexation during their March meeting and recommended Protected Residential (PR) zoning for the property and Local road classification for Nightingale Court.

A motion was made by Councilmember Carnes and seconded by Councilmember Baker to approve First Reading of an Ordinance annexing Lexington County Tax Map #4200-02-086 located at 130 Nightingale Court. The motion was unanimously carried.

5. **First Reading of an Annexation of Lexington County Tax Map #4200-09-005 located at 294 Foxglen Road:** Christa Nichols owns 1.1 acres located at 294 Foxglen Road and petitioned to annex a portion of the property. A single family home is located on the site. Properties in Town near this property have been recommended to be zoned Limited Commercial (LC). Old Cherokee Road is classified as a Collector Road and Foxglen Road has been recommended to be classified as a Local Road. The Planning Commission reviewed this annexation during their March meeting and recommended Protected Residential (PR) zoning for the property and the same road classifications for Old Cherokee Road as well as Foxglen Road.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve First Reading of an annexation of Lexington County Tax Map #4200-09-005 located at 294 Foxglen Road. Councilmember Carnes asked for clarification of the size of the property being annexed because of the 1.1 acres the attachment indicates that only .05 acres is being annexed. Town Administrator Poole explained that only the piece at the front of the property is being annexed. He added that the Town does not provide service to the property so they are under no obligation to annex, however there is a large development under construction that makes it adjacent so it is a connecting annexation. Mr. Poole stated that the owner was willing to sign the annexation agreement but not for the entire parcel. He explained that the development is the

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

Sterling Bridge Development which is a residential and commercial development, plus New Providence Elementary school. He added that it is a 100 acre tract that ties into it that puts the Town on Old Chapin and Old Cherokee which is a good position. Councilmember Carnes asked if the Town initiated this transaction. Mr. Poole stated that the Town made the developer aware of it and the developer acted on it. The motion was unanimously carried.

6. (Deferred to the Planning Commission.) **Annexation of Lexington County Tax Map #5498-03-002 located adjacent to 165 Zenker Road.**
7. **First Reading of an Annexation of Lexington County Tax Map #4200-02-085 located at 136 Nightingale Court:** Christopher and Sherri Tracy own .79 acres located at 136 Nightingale Court and petitioned to annex the property. A single family home is being constructed on the site. Properties in Town near this property are zoned Protected Residential (PR) and Protected Residential 2 (PR2). Nightingale Court is classified as a Local Road. The Planning Commission will review this annexation during their April meeting to provide a recommendation on the zoning and road classification.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to approve First Reading of an annexation of Lexington County Tax Map #4200-02-085 located at 136 Nightingale Court. The motion was unanimously carried.

8. **Rezoning of 124 Vera Road:** Mr. Greg Wingard requested to rezone 124 Vera Rod from Protected Residential (PR) to Industrial (IND). The request was made to allow the property to be used for a towing service drop yard. Properties in Town near this property are zoned General Commercial (GC). Properties across the street from this one are zoned Industrial (I). The Planning Commission reviewed this request during their March meeting and recommended against the zoning change.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to accept the Planning Commission's recommendation against the zoning change. Mayor MacDougall asked if the properties in Town were zoned General Commercial and the properties across the street were zoned Industrial, why recommend against the zoning. He asked Mr. Keith Frost, Planning Commission Chair, to explain the decision for Council. Mr. Frost stated that in the Comprehensive Plan there are designated areas for commercial, industrial and residential development. He stated that they try to buffer residential from heavy commercial. He stated that Vera Road is commercial and once you cross Vera Road it is an industrial area which is why they decided to use Vera Road as the dividing line coupled with the concerns

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

of the adjacent property owners. Mayor MacDougall called on any residents that were present.

Ms. Mary Stokes Clark, 124 Vera Road, stated that she was trying to sell her property and the gentleman who was with her (Mr. Wingard) wanted to buy it for industrial use. She added that there is a rented mobile home on the property now and everything on the back street is all commercial or industrial.

Mr. Thomas Shumpert, NextHome Specialist Real Estate, Columbia, SC, stated that they marketed the property but did not realize there would be a problem with rezoning. He added that Mr. Wingard is familiar with rezoning and has done it in the past. Mr. Shumpert stated that this area is industrial based on all the tax maps. He added that next door is residential, but zoned commercial. He stated that his client has already been damaged by all the industrial and now cannot sell her property.

Councilmember Stambolitis stated that it might be a good idea to revisit the Comprehensive Plan because they are right, and in his opinion, it is industrial and it would be hard to sell. He added that maybe they could help compensate the owner or hear some discussion from the Planning Commission Chair.

Mr. Keith Frost, Planning Commission Chair, stated that he would love to address it and as he said earlier, it is not industrial all the way around this property. He stated that across the street begins industrial activity and everything on the North side of the road on Highway 6 is commercial. He stated that if it were a commercial request, they would not be having this discussion, but it is an industrial request. Mr. Frost stated that anything you want to do can go into industrial activity and he did not think they wanted that going next door to the corridor on Highway 6 or next to the new engineering building, and some residents who are there even though they might be zoned commercial. He added that is how the Planning Commission looks at things – residential, to commercial, to industrial to have the buffers.

Councilmember Stambolitis asked for clarification of the names of the owner and the realtor. He asked them if the project would not fit on this property if it is zoned commercial. Mr. Shumpert responded that Mr. Wingard had indicated that his project needs to be zoned industrial. Councilmember Stambolitis confirmed that a towing yard would not be allowed on commercial zoned property. He asked the realtor if it were marketed commercial, could it then be sold because it is a nice piece of property. Mr. Shumpert responded yes, and they would have to move forward to get it zoned commercial regardless because it is residential, but it would not work for this buyer. He agreed that it was not all lost

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

and he could remarket it and sell it and get the asking price. Councilmember Stambolitis stated that Lexington is a growing market and Ms. Clark should not have any problem selling the property and the Town has a progressive Planning Commission and they will also help.

Councilmember Baker stated that he would have to recuse himself from the conversation and the vote as his company and Mr. Wingard's company does business together. (Copy of Recusal form attached.)

Town Administrator Poole stated that as a point of order, the motion on the floor is to accept the Planning Commission's recommendation, so a "yes" vote is "no – not to allow the zoning". He added that it sounds like the owner may want the request to go back to the Planning Commission to be reviewed as commercial so they would not have to go through the process again, it would save the owner some trouble in the future, and the Chair indicated they would be supportive of that request. Councilmember Williams stated that they should asked the owner if she wants it to go back to the Planning Commission and if she did, he would remove his second to the motion. Ms. Clark responded that she would agree to send it back to the Planning Commission.

Councilmember Maness withdrew her motion and made a new motion to send the request back to the Planning Commission for a recommendation. The motion was seconded by Councilmember Williams. Councilmember Stambolitis wished to amend the motion to include "and review it for commercial zoning". Councilmember Maness stated that Council could not tell the Planning Commission what to do. The motion carried with a vote of six (6) in favor and one (1) recused (Baker).

9. **First Reading of an Amendment to §132.01 of the Town of Lexington Code of Ordinances Regarding Disorderly Persons:** Staff asked Town Council to consider amending §132.01 of the Town Code of Ordinances to read as attached. The suggested revisions are underlined. The revisions are suggested so as to make the ordinance more clearly enforceable in Municipal Court in certain situations. (Copy attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember Baker to approve First Reading of an Amendment to §132.01 of the Town of Lexington Code of Ordinances Regarding Disorderly Persons: The motion was unanimously carried.

10. **First Reading of an Intergovernmental Agreement with Lexington School District One:** The Town is currently in the process of establishing a Tax Increment Financing (TIF) District in the Corley Mill Road area. The required Redevelopment Plan has been presented to the various taxing authorities. Lexington School District One agreed to participate subject to a proposed

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

Intergovernmental Agreement. (Copy of Ordinance and Agreement attached.) TIF financing is estimated to generate \$10 Million for projects costs in addition to HTax funding of \$7.5 Million dedicated o improvements within this corridor.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to approve First Reading of an Intergovernmental Agreement with Lexington School District One. Mayor MacDougall reminded Council that they had received a package containing a copy of the agreement at the beginning of the meeting. The motion was unanimously carried.

11. **Title VI Policy:** In an effort to maintain its eligibility for Federal funding and Grants, the SCDOT asked the Town of Lexington to adopt the attached Title VI Policy. The Policy goal is to ensure that minorities and those of Limited English Proficiency (LEP) receive adequate opportunity to bid on these contracts. It is also suggested that a Title VI Liaison or Designee be appointed to satisfy SCDOT requirements. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve the adoption of the Title VI Policy as stated. The motion was unanimously carried.

12. **Boards and Commissions Appointment Process:** At the February 21st and March 20, 2017 Work Sessions, Council discussed changes to the Application for Boards and Commissions appointments. A copy of the proposed changes was provided to Council and includes: revisions to the opening paragraph, question regarding participation in recent elections, and a question regarding involvement in the Lexington community. (Copy attached.)

A motion was made by Councilmember Carnes and seconded by Councilmember Baker to approve the revised Boards and Commissions Application. Councilmember Baker explained that the revisions are requesting information about a citizen's current involvement in the community and the Town's requirement of additional investigation prior to appointing someone to a Board. The motion was unanimously carried.

13. **Mineral Springs Road Relocation Study:** In 2014 the Town of Lexington sought the funds from the Lexington County Penny Sales Tax for relocating a portion of Mineral Springs Road to the intersection of Sunset Boulevard (US 378) and Hope Ferry Road. The relocation would replace the current Tom Corley Place roadway at this intersection. To determine if this project has a suitable cost benefit ratio, it is necessary to complete a thorough traffic study and probable cost analysis of the concept plan. The Transportation Department requested Council to consider an expenditure in the amount of up to \$100,000. The study and cost opinion would take approximately 6 to 9 months to complete.

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

The funds could be made available from the Roads and Infrastructure portion of the General Fund Budget. (Copies attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Baker to approve the cost analysis study for a portion of Mineral Springs Road as stated. Councilmember Williams added that when he ran for office, citizens asked him about traffic at this intersection and how to improve traffic in Lexington. He added that it would be wise to use the money from the Roads and Infrastructure Fund to acquire engineering and feasibility to improve that intersection.

Councilmember Stambolitis wished to point out that the 2014 referendum was voted down and he thought to vote against the will of the people of Lexington would be inappropriate.

Councilmember Williams asked if Councilmember Stambolitis thought the project was not feasible and not needed. Councilmember Stambolitis responded, no, he was not, but it was put on the ballot as a referendum in 2014 and voted down by the citizens overwhelmingly at 70% against and this was part of that referendum and he further thought it would be wise to listen to the citizens.

Councilmember Baker stated that the citizens voted against a tax increase. He added that the Town is not requesting additional taxes, so he did not see how that was going against the citizens. He stated that it is their responsibility to do everything possible within their power to improve roads and traffic.

Councilmember Stambolitis stated that they do not know why the citizens voted against this project and it may not have been intended to be the victim of the vote, but further discussion would be more appropriate to gauge the public's opinion.

Councilmember Carnes stated that the referendum was about a funding mechanism not about any individual project. He added that to say the voters voted against the project is a misrepresentation of the entire referendum. He stated that they did turn down the penny tax. Councilmember Carnes stated that to his recollection 60 plus projects were on the referendum and to invalidate all 60 projects because they voted against the funding mechanism is a mischaracterization of what happened.

Councilmember Stambolitis stated that they do not know why the citizens voted against it whether it was the mechanism or the projects or both, but they did vote against it and he was sworn to support the Town of Lexington citizens and to do what they want us to do. He added that this

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

is not a statement against the project or the will to do well, he understood they want to improve traffic, but this is a controversial issue and it was voted down.

Mayor Pro-Tem Livingston stated that she respected what Councilmember Stambolitis was saying but she has sat on the Council for almost 20 years and it has taken forever to get anything done for roads. She added that Council needs to step out and do something, because she agrees with Councilmembers Carnes and Baker, that citizens did not vote this project down, they voted down a tax. She stated that this project was on the ballot when there was not a Fresh Market or Lowes Foods, and now with all this development, and now you want to talk about it for nine or 10 more months before we put something out there to even begin, when you know it took Council 10 or 11 years to put it what was done in front of Flight Deck. Mayor Pro-Tem Livingston stated that they could not sit back and wait and certainly not 20 more years because the citizens do not want us to wait to improve traffic in that area.

Councilmember Maness stated that she lives near that area and she knows how bad it is at that intersection. She agreed that citizens did not vote this project down, they voted down raising taxes and parks and other small projects in other parts of the county that the committee thought they needed to add to get input from the entire County Council. She added if only roads had been on the ballot, it would be a different story now.

Mayor MacDougall stated that he wanted to be clear, this project was put on the penny tax ballot and it was the number one project out of 184 projects that were listed throughout Lexington County, which explains how needed this project is for the area. He added that he serves on the COG (Central Midlands Council of Government) and the only way to get this project funded is to get it on the COG's TIP list and to get it on the list, the Town has to put "skin in the game" and do the design work. He stated that if they remember, when they discussed this a month ago, this was the way to get this project on the TIP list so when funds become available through Federal and State funding, this particular project would be in the driver's seat to be completed. Mayor MacDougall added that this is the only reason we are doing this and it is not because the citizens voted anything up or down – it is because we are taking a step forward to do what is right for this community.

Mayor MacDougall called for the vote restating that they have a motion and a second to approve the cost analysis study for a portion of Mineral Springs Road as stated. The motion carried with a vote of six (6) in favor and one (1) opposed (Stambolitis).

14. **Appointment of Municipal Court Judge:** Judge Brian Jeffcoat was appointed to a two-year term as full-time Municipal Court Judge in April 2015. His

MINUTES
REGULAR COUNCIL MEETING
April 3, 2017

appointment expires at the end of April 2017. Town Council was asked to consider appointing Judge Jeffcoat to a four year term. By State Statute, Municipal Court Judges must be appointed to terms of two or four years.

A motion was made by Councilmember Baker and seconded by Councilmember Maness to appoint Judge Brian Jeffcoat to a new four (4) year term. Mayor MacDougall stated that he along with all the members of Council would like to second the motion.

Councilmember Baker asked for a point of personal privilege to read a letter to Judge Jeffcoat on behalf of the Town Council. (Copy attached.) The letter commended Judge Jeffcoat for a job well done. It further commended him for reducing the back log of municipal cases to 70 from 500; processing new cases while moving old cases on the docket; handling over 7,000 jury trials, request for trials, and traffic matters; and for his commitment to resolve court issues with the utmost professionalism and attention to detail. The Town appreciates his dedication and expertise which has enhanced the reputation of the Municipal Court. Councilmember Baker wished to add, "wow", and stated that what Judge Jeffcoat has done has been amazing and the Town is blessed and encouraged to have him on Staff.

Councilmember Maness stated that she has been in Judge Jeffcoat's court room just to watch and she encouraged all Councilmembers to go and watch Judge Jeffcoat because he and his Staff interact with citizens very professionally. She added that she is very proud of him and she looks forward to sitting in his court room again.

There being no further comments, Mayor MacDougall called for the vote. The motion to appoint Judge Jeffcoat to a new four year term was unanimously carried. Mayor MacDougall congratulated Judge Jeffcoat and asked him to step forward to be sworn in.

Oath of Office for Judge Brian Jeffcoat

Mayor MacDougall, along with Judge Jeffcoat's Father, Mr. Johnny Jeffcoat, read the Oath of Office which was repeated by Judge Jeffcoat followed by signing the Oath. (Copy attached.)

ANNOUNCEMENTS

Councilmember Carnes announced the following: (1) Congratulations to Coach Dawn Staley and the USC Lady Gamecocks for winning the NCAA National Championship! He also congratulated the USC Men's Basketball Team for being in the NCAA Final Four. (2) Happy Birthday to Councilmember Kathy Maness this Wednesday, April 5th. (3) The Lexington Live free concerts will kick off Thursday,

**MINUTES
REGULAR COUNCIL MEETING
April 3, 2017**

April 13th at 6:30 at the Icehouse Amphitheater and will continue each Thursday through May 18th. (4) Town Hall will be closed for Good Friday on April 14th. He wished everyone in the faith community a Happy Easter. (5) Council will meet again on April 17th for Council's Work Session at 6:00 in the Eli Mack Room. (6) The Planning Commission will meet on April 19th at 8:00 a.m. in the Council Chambers. (7) The Board of Zoning Appeals will meet on Thursday, April 6th at 5:30 in the Council Chambers. (8) The Traffic Committee will meet Wednesday, April 5th at 8:00 a.m. in the 3rd floor conference room. (9) He extended Council's sympathy to Judge Leigh Leventis and his family in the recent loss of his son, Jamie Leventis. Councilmember Carnes thanked everyone for watching Town Council's meeting.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

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 called for a motion to adjourn the Council meeting. A motion was made by Councilmember Maness and seconded by Councilmember Maness to adjourn the Council meeting. The Regular Council meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

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.