

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
April 3, 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 April 3, 2018 which was rescheduled from April 2, 2018. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, 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, Community and Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Assistant Finance Director Laraine Wieder, 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, Downtown Venue Promoter Walker Brewer, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately fifteen (15) 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. Chaplain Russell Thompson, Lexington Police Department, gave the invocation. Mayor MacDougall asked Boy Scout Evan Bowman, Troop 518 of Red Bank United Methodist Church, to lead 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 Baker and seconded by Councilmember Williams to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:23 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Carnes. 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: Two legal items regarding a discussion of pending litigation and legal advice for a Town Ordinance; four contractual matters regarding an economic development matter, issues regarding a Utilities contract, a potential purchase of property and a potential sale of Town property; and, one Personnel matter regarding Boards and Commissions appointments. No vote was taken. A motion was made by Councilmember Maness and seconded by

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Councilmember Baker to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: There being no objection from Council, Mayor MacDougall requested to remove New Business item #6 (Amendment to the Façade Grant Eligibility Requirements).

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve the minutes as submitted for Council's March 19, 2018 Work Session. The motion was unanimously carried.

PRESENTATIONS

1. **Proclamation for National Service Recognition Day – Councilmember Maness:** Councilmember Maness read a proclamation recognizing April 3, 2018 as National Service Recognition Day and thanked those that serve their community. She stated that the proclamation would be mailed to the Corporation for National and Community Services in Washington, D.C.
2. **Presentation to Adopt-A-Cop from the Lexington County Chili Cookoff – Mr. Bill Shanahan:** Blowfish Baseball owners Bill and Vicki Shanahan along with Blowfish General Manager Theo Bacot presented a \$1,500 check to Lexington Police Department's Adopt-A-Cop program from the proceeds of the 3rd Annual Lexington County Chili Cookoff held at the Icehouse Amphitheater – after it was rescheduled three times due to weather. Mr. Shanahan said he also represented John and Kelly Clinger, owners of the Old Mill Brew Pub, who could not be present tonight. He thanked everyone for attending the event. He added that they love being in Lexington.

Mayor MacDougall thanked the Shanahans for choosing Lexington as the home of the Blowfish.

Mayor MacDougall congratulated Leroy Holiday, Utilities Department, for winning 1st Place in the Peoples' Choice Award at the Chili Cookoff and winning 2nd Place Overall.

VISION PLAN UPDATE

Mayor MacDougall announced (1) The *Lexington Live* Spring Concert Series at the Icehouse Amphitheater: April 12 – Men of Distinction; April 19 – Bombshell; April 26 – Finesse; May 3 – The Tams; May 10 – Tokyo Joe; May 17 – The Root Doctors. The concerts are free and start each Thursday at 6:30. For detailed information, visit www.icehouseamphitheater.com. (2) The Farmers Market will kick-off on Saturday, May 5, 2018 from 9:00 a.m. to 12:00 p.m. at the Lexington Square Park. The Market will run each Saturday from May through September. For more information call 358-7275 or email farmersmarket@lexsc.com. (3) The 8th Annual Lexington Wine Walk

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will be held on Saturday, May 12, 2018 from 6:00 p.m. to 10:00 p.m. at the Icehouse Amphitheater. Tickets are \$30 each and music will be provided by The Going Commando Band. For more information, visit www.lexingtonwinewalk.com. Mayor MacDougall stated that Mr. Brewer is doing a year's worth of work in two months with everything happening at the Icehouse Amphitheater.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston thanked Walker Brewer for doing a great job at the Icehouse Amphitheater this past weekend at the Good Friday Service and BBQ & Blues on Saturday night. Mayor Pro-Tem Livingston gave the Traffic Update: (1) The SC-6 One-Way Pair project continues with construction activity along North Lake Drive and Main Street. Please expect minor delays in and around these areas over the next few weeks. (2) The next Traffic Committee meeting will be Wednesday, May 16, 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 Annexing Lexington County Tax Map #4496-02-030 located at 5229 Sunset Boulevard.
2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #3500-04-040 located adjacent to 4765 Sunset Boulevard.
3. **Final Reading** of an Amendment to the Landscape and Tree Ordinance.
4. **Final Reading** of a Mobile Food Vendor Ordinance.

Mr. D. J. Stone, The Blended Bakery – 210 Clermont Lakes Drive, wished to give Council some information that may help them. He stated that in reference to the proximity of a mobile food truck to a restaurant, Louisville, Kentucky recently removed their 150 foot restriction as part of a settlement with two food truck vendors who alleged that the 150 foot rule was unconstitutional. He added that the Institute of Justice is in litigation with Baltimore and Chicago over similar restrictions and El Paso and San Antonio backed off similar restrictions. Mr. Stone felt like the Town's restrictions were favoring one type business over another and asked that Council reconsider the proximity restriction. He added that three out of the five locations they proposed were under the 200 foot rule

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which included Lexington Medical Center but they would not be able to set up there very frequently just based off their needs.

Mayor MacDougall thanked Mr. Stone. There being no further comments, Mayor MacDougall declared the Public Hearings closed.

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #3500-04-040 located adjacent to 4765 Sunset Boulevard**. A Hampton Inn hotel is being planned on a portion of the property. The motion was unanimously carried. (Copy attached.)
2. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve **Final Reading of an Ordinance Amending the Landscaping and Tree Ordinance**. The motion was unanimously carried. (Copy attached.)
3. A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of a Mobile Food Vendor Ordinance** to allow Mobile Food Vendors to operate within the Town limits as submitted. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance for Porsche Drive Water Tower Property Acquisition:** Scepter Enterprises, LLC (“Scepter”) requested that the Town allow the Joint Municipal Water & Sewer Commission (the “Commission”) to provide sewer service to a parcel off of Industrial Drive and Porsche Drive. The area is the Town’s service area; however, the Commission has a gravity line that runs adjacent to the parcel which would relieve Scepter of the need to construct a pump station for sewer service. The Town has agreed to release the parcel to the Commission in exchange for approximately 0.92 acres of property adjacent to the Town’s Porsche Drive Water Tower. The property would serve as the location of a new water tower anticipated to be constructed in the future. (Copy attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Williams to approve First Reading of an Ordinance for Porsche Drive Water Tower property acquisition. The motion was unanimously carried.

2. **First Reading of an Ordinance to Purchase Property (Title Only):** Town Council was asked to purchase a piece of property in the Town limits that consists of roughly four acres. The proposed contract price is \$288,400. The

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property purchase is necessary to accommodate one of the Town's upcoming road projects. The Seller requested to remain anonymous until the time of the transfer.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to approve First Reading of an Ordinance to Purchase Property (Title Only). The motion was unanimously carried.

3. **First Reading of an Ordinance to Issue Combined Waterworks and Sewer System Revenue Bonds of 2018:** The Town's currently adopted Waterworks and Sewer System Capital Improvements Plan for the next five years includes approximately \$28 Million in projects. The overall financing plan includes a mix of capital contribution fee income, retained earnings, and revenue bond issuances. During fiscal year 2018, the financing plan includes the issuance of revenue Bonds to refund the \$10 Million Waterworks and Sewer System BANs maturing on June 1, 2018. A series of BANs provided interim financing for the related projects and these Bonds are the permanent financing. The Bonds are preliminarily anticipated to have a par value of approximately \$10.6 Million with a thirty (30) year maturing schedule. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Carnes for First Reading approval of an ordinance to issue Combined Waterworks and Sewer System Revenue Bonds of 2018. The motion was unanimously carried.

4. **Boards and Commissions Applications:** Two Boards and Commissions applications were received requesting appointments to Town of Lexington Boards and Commissions. (1) Ms. Julia Bartels submitted an application and indicated an interest in serving on the Traffic Committee and the Virginia Hylton Park Committee. Ms. Bartels is a Town Resident. (2) Ms. Jeanette Lowicz with Wingate by Wyndham was transferred to another city and Ms. Jana Medlin, also with Wingate, submitted an application to fill the vacancy on the Accommodations Tax Advisory Committee. Ms. Medlin is a Town Resident and qualifies to serve as a hospitality industry representative. At the March 19, 2018 Work Session, Council discussed appointing Ms. Bartels to the Traffic Committee and the Virginia Hylton Park Committee and appointing Ms. Medlin to the Accommodations Tax Advisory Committee. (Copies attached.)

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston to approve the appointment of Ms. Bartels to the Virginia Hylton Park Committee and the Traffic Committee and to appoint Ms. Medlin to the Accommodations Tax Advisory Committee. The motion was unanimously carried.

5. **Icehouse Amphitheater Rental Policy Change:** At the March 19, 2018 Work Session, Council discussed changes to the Icehouse Amphitheater Rental Policy.

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The primary changes were limiting rentals to a four hour event for \$475 plus \$100 for each additional hour and charging a rental fee for the sound system and stage lights. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the Icehouse Amphitheater Rental Policy changes as drafted. Councilmember Williams thanked Mr. Brewer for the Thursday night movie for the kids and their parents who enjoyed watching Wonder Woman. He thanked Mr. Brewer for revamping the rental policy to make it more usable for the Town and the community. Councilmember Carnes asked if the insurance requirement was ever a hurdle for non-profits, such as churches, to obtain. Mr. Poole responded that most groups place a rider on their existing policy. He added that most of the cost is when alcohol is served. Mr. Walker stated that he was not aware of any groups that had a problem obtaining the required insurance. The motion was unanimously carried.

6. Deleted. (**Amendment to Façade Grant Eligibility Requirements**)
7. **Midlands Rivers Coalition:** Last year the Town became a member of the Saluda River Coalition which was made up of river related businesses, environmental groups, local and state government, property owners, industry and other river users. The goal is to ensure the safety of the natural waters for recreational use by doing more frequent monitoring to supply data to the river users so they can make informed decisions on when they can recreate on the river. The Coalition has now enhanced the monitoring program to include additional sampling locations on the Saluda and Broad River. Sampling will start this year in May and go through September. The Coalition changed its name to the Midlands Rivers Coalition in order to include the Broad River. Their funding will still be collected and administered by the COG. DHEC will hold a Public Hearing on April 3, 2018 at 6:30 p.m. at DHEC in Peeples Auditorium at 2600 Bull Street, Columbia, to update the public on the Coalition, the summer monitoring program, the 208 Plan and issues with the evaluation of NPDES permit renewals. The Town pledged \$2,000 last year towards monitoring for the Coalition and is being asked to pledge \$2,000 again this year to assist in the continued monitoring of the rivers. Funds would come from the current budget.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to approve a \$2,000 pledge to support the Midlands Rivers Coalition. The motion was unanimously carried.

8. **Midlands Technical College – FastTrac Program:** Midlands Technical College requested that the Town host the FastTrac program which allows 20 local new and existing business owners to participate in the course. The FastTrac program will take place each Tuesday evening for ten weeks from

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August to October 2018 in the Eli Mack Room. Midlands Technical College requested the use of the Eli Mack Room for free along with a Town contribution of \$5,000, which would pay for the course for 20 participants; or the Town could pay a portion and require the difference to be paid by the participants. The value of the Eli Mack room rental would be: \$75 per meeting plus a one-time refundable deposit of \$100 (\$850) plus \$12.50 for the Tech Package, all of which could be waived for a non-profit organization.

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the request for FastTrac. Councilmember Carnes proposed an amendment to the motion to state that Council would approve one-half of the amount (\$2,500) contingent upon having a minimum of 15 participants and that the remaining \$2,500 be paid by the participants in a cost share scenario. He added that he understood there was a maximum of 20 participants and, with a cost share, their portion would be \$125. Mayor MacDougall stated that in Council's last meeting Mr. Ledbetter told Council there was a \$3,000 minimum. Mr. Poole clarified that if the count was low enough the cost would be reduced but never go below \$3,000. Councilmember Williams seconded the amended motion. Mr. Poole recommended to make the program easier to facilitate that the motion could state that the participants would pay \$125 and the Town would pay the difference of the program cost. He added that way if there are 18 or 20 participants the Town would still pay the difference. Councilmember Carnes agreed to amend his amended motion accordingly. Councilmember Williams seconded the second amended motion. The amended motion carried with a vote of five (5) in favor and one (1) opposed (MacDougall).

ANNOUNCEMENTS

Councilmember Baker made the following announcements: (1) On behalf of the Mayor and Council he hoped everyone had a wonderful Easter holiday and that the kids have a safe Spring Break this week. (2) He wished Councilmember Kathy Maness a Happy Birthday this Thursday! (3) Congratulations to our Finance Director Kathy Roberts and Randy Pharr. They were married on Saturday and left on Sunday for a honeymoon trip to the mountains. Our best wishes to Kathy and Randy! (4) "It's All About Herbs" Festival is this Saturday at the Lexington Museum from 9:00 to 3:00. The Town is a sponsor of the event and everyone was encouraged to come out and enjoy the festival. And it's free! (5) The Town's Thursday concert series – *Lexington Live* - is back starting April 12th for six weeks at 6:30 at the Icehouse Amphitheater. The season will start with the Men of Distinction. The concerts are free to the public. Other concerts in April are: April 19th with Bombshell; April 26th with Finesse, with more to come in May. Visit icehouseamphitheater.com for a listing of all events. (6) Council will meet again on April 16th at 6:00 for the Council Work Session in the Eli Mack Room. (7) The Planning Commission will meet on April 18th at 8:00 a.m. in the Council Chambers. (8) The Pleasant Hill Middle School Choir will perform at the

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Icehouse Amphitheater on April 24th at 7:00. (9) Kid's Day is back for its 18th year! Join in the fun on April 28th at Town Hall from 10:00 a.m. to 2:00 p.m. Thousands come out every year for this event – and it's free to the public. (10) The Town will host a Rolling Stones Tribute band – “Satisfaction” – on April 28th at 6:00. This will be a great concert so go on-line or go to the Old Mill Brew Pub to purchase advance tickets for \$16.00. (11) The Lexington Community Band will perform at the Icehouse Amphitheater on April 29th at 2:00. This event is free to the public. (12) More events in May: May 3th at 6:30 *Lexington Live* with The Tams at the Icehouse Amphitheater; May 4th at 7:00 Lexington High School Jazz Band at the Icehouse Amphitheater; May 5th from 9:00 to 12:00 Town of Lexington's Farmers Market. For more details visit lexscfarmersmarket.com. (13) *Walk a Mile in My Shoes* will be held on April 12th at 6:30. The event encourages the community to get involved in the fight against sexual violence.

Councilmember Baker stated that there is always something to do in Lexington – especially in the Spring! He encouraged everyone to go outside and enjoy their town. He hoped everyone enjoys the many free events hosted by the Town and added that the Town has received great feedback and citizens were encouraged to send their ideas for future events. He thanked everyone for watching Town Council in action tonight.

Councilmember Maness announced that instead of going see *Wonder Woman* at the amphitheater on Thursday, she attended the Lexington District One Teacher of the Year presentation and there were a lot of wonder women and men there. She stated that there were 30 teachers from each school and Alicia Clamp from Red Bank Elementary was the District's Teacher of the Year. She looked forward to honoring her soon.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

Boy Scout Evan Bowman, Troop 518 of Red Bank United Methodist Church, stated that he was a Star Scout and needed three hours of conservation time to advance to Life Rank. He requested to build two bird houses at Gibson Pond Park. He added that it was his favorite park to walk his dog and go fishing with his sister when the pond was full before the dam broke. He asked who he should contact to achieve his goal.

Mayor MacDougall thanked Scout Bowman and told him that he could get with Dan Walker, Parks and Sanitation Director, after the meeting to work out a plan. He added that the Town would love to have him build the bird houses for Gibson Pond Park. Mayor MacDougall stated that the good news is that dam will be rebuilt and the pond will be back at full pool very soon.

Mayor MacDougall called on the candidate who was present to introduce himself as one of three that had submitted Signature Petitions to run for the open seat on Town Council.

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Mr. Bennett Casto, 106 Palm Court, stated that he had introduced himself to several people at Council's last Work Session. He stated that he has lived in Lexington for 10 years and had worked for Lexington County as an attorney in the Public Defender's Office for 10 years. Mr. Casto added that he loves Lexington and has always believed in what it could be. He stated that last Friday was a momentous day when he turned in his petitions and Council knows how hard it is to obtain the number of signatures needed to run for Council. He felt confident about it because they had checked their list which he compared to grading a homework assignment. Mr. Casto stated that they are very excited about serving the Town and he would make himself available after the meeting if anyone would like to talk to him and get a feel for why he is running for Council.

Mayor MacDougall thanked Mr. Casto and stated that he appreciated his interest in what goes on in the Town and for wanting to be a part of it.

Councilmember Maness asked Mr. Casto if he could let the citizens watching Channel 2 know the date of the election and why it is important for them to vote. Mr. Casto stated that the Special Election would be held on May 29th. He added that he was happy to remind citizens and he had also posted some items on his Facebook page. He reminded everyone that this election may be harder to remember because it is not in November, but it is wildly important and he respectfully asked for their vote.

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 7:13 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.