

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
May 3, 2021

Town Council held an Executive Session at 5:30 p.m. followed by a Regular Council meeting at 6:30 p.m. on May 3, 2021. The meetings were attended by Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams, Steve Baker and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Assistant Police Chief Matt Davis, Planning, Building and Technology Director John Hanson, Downtown Development Johnny Jeffcoat, Utilities Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Assistant to the Town Administrator Wesley Crosby, Communications Manager Laurin Barnes, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

Approximately 10 citizens were present 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 Councilmembers. He called on Councilmember Lyle to give the invocation. He called on Councilmember Baker to lead in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:33 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 Mayor Pro-Tem Livingston to go into *Executive Session*. The motion was unanimously carried. Council adjourned from the *Executive Session* at 6:25 p.m. after a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston. 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: three legal items regarding pending litigation, advice regarding agenda items and advice regarding a Town Ordinance; one contractual item regarding a downtown development issue; and one routine personnel review. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to delete New Business Items 1, 2, and 3 (Annex Dooley Road; Rezone a portion of 4800 Block of Augusta Road; and Approve a Planned Unit Development) and defer the items to Council's May Work Session for further discussion. The motion was unanimously carried.

Mayor MacDougall invited the gentlemen who were present from JCF Living to speak since they had traveled to the meeting tonight. He added that Council removed the items from the agenda because they did not have enough information so he asked them if they would like to share some information about their project. Councilmember Maness stated that Council would also like for them to come back on May 17, 2021 for Council's Work Session.

Mr. Brian Coil, representing JCF Living, stated that they were looking at putting a 256 unit single family/duplex rental community with 143 structures in the 4800 block of Augusta Road. They currently have the property under contract. He stated that the front part of the parcel would be dedicated to commercial zoning which is approximately 10 acres total. Mayor Pro-Tem Livingston questioned the number of units because Council's document showed 256. Mr. Coil stated that correct number of units is 259.

Councilmember Maness stated that JCF Living went before the Planning Commission three times and Council has some questions about the revised plan that was brought back. Mr. Coil stated that the Planning Commission questioned the access for the commercial properties and how to get back to Dooley Road. He added after meeting with Staff they got that resolved. Councilmember Maness stated that she did not attend the Planning Commission meeting and Council would like for him to come back to the next Council Work Session and explain some of the questions. She added that the Councilmembers are ultimately the ones stopped by citizens in the grocery store and Dollar General and want to know why Council approved this and she would like to feel comfortable answering those questions. Mr. Coil responded that was understandable and he clarified that there were 256 units.

Mayor Pro-Tem Livingston asked if they have any similar projects in South Carolina. Mr. Coil responded that they have one under construction in Hardeeville, S.C. on Highway 170 and it is on 88 acres with 272 units.

Councilmember Lyle asked if there were other similar projects outside of South Carolina. Mr. Coil responded that they have a similar project in Lebanon, Tennessee and one in Huntsville, Alabama that will soon start the second phase with 220 units and the first phase was 175 units. He added that they are similar in product and layout. Mr. Coil stated that they also just received site approval on two sites in Panama City, Florida. Councilmember Lyle asked if they were all under JCF Living or is that an entity just for Lexington. Mr. Coil responded that JCF Living is just for Lexington. Councilmember Lyle asked who is the face of the development company. Mr. Coil

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responded that John Fitzmaurice is the owner. Councilmember Lyle asked if Mr. Fitzmaurice operates under a particular entity. Mr. Coil responded that each project gets an LLC. Mayor Pro-Tem Livingston asked if any of the other projects were finished. Mr. Coil responded that the first phase of Huntsville is complete. Councilmember Lyle asked how long had that one been up and running. Mr. Coil responded that it was finished in January, 2021. Mayor Pro-Tem Livingston asked if the Lexington project would be done in phases. Mr. Coil responded that it would be done all at once and they were trying to do it in conjunction with the SCDOT interchange project. He added that they hoped to start construction by the end of the year and roll along with SCDOT and be complete by December 2023.

Mayor MacDougall stated that as Mr. Coil could see, they have never seen a project like this so they have a lot of questions and they could finish up with questions at Council's next Work Session.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve the Minutes from Council's Regular meeting held on April 5, 2021 and Council's Work Session held on April 15, 2021 as submitted. The motion was unanimously carried.

PRESENTATIONS

1. **Municipal Clerks Week May 2 – 8, 2021 Proclamation – Councilmember Kathy Maness:** Councilmember Maness read a Proclamation proclaiming the week of May 2 – 8, 2021 as Municipal Clerks Week and commending Municipal Clerks for the Town of Lexington. She presented proclamation to Municipal Clerk Becky Hildebrand and Assistant Municipal Clerk Karen Hanner. (Copies attached.) Councilmember Maness thanked Municipal Clerk Hildebrand for all her help while she has gone through the ranks up to President of the National League of Cities. She also thanked Digital Media Coordinator Darrell Pritchard for being a great videographer during all her NLC recordings.

Mayor MacDougall thanked the clerks and added that, speaking for the entire Council, they are considered very valued employees at the Town and without them Council would not be as successful.

2. **Shawn Norris Richland District One 2019-20 Teacher of the Year Proclamation – Councilmember Kathy Maness:** Councilmember Maness was honored to read a proclamation recognizing Mr. Shawn Norris as the Richland District One 2019-20 Teacher of the Year and a Finalist and joining the prestigious ranks as one of the 2021 South Carolina Honor Roll Teachers of the Year. She also recognized Mr. Norris as a resident of the Town of Lexington. She was also honored to serve on the selection committee for Richland District One. Councilmember Maness added that when Mr. Norris came into the meeting room he blew their socks off and they all said "wow", so it was no surprise when he was named Richland District One's Teacher of the Year. They also enjoyed

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watching a video of Mr. Norris in his PE class. He truly loves his kids from the bottom of his heart. She thanked Mr. Norris and his family for being here tonight. Councilmember Maness added that this week is also National Teacher Appreciation Week and we have many wonderful teachers like Mr. Norris and his wife and their daughter who is in school to become a teacher. Mr. Norris added that his son has chosen the NFL route. Councilmember Maness stated that teachers in South Carolina and across the country have worked harder this year than ever because of the pandemic. She encouraged everyone to thank a teacher.

Mr. Shawn Norris stated that he was very humbled and feels he is doing what God created him to do. He added that as a kid he always loved sports and loved kids so it became a natural thing for him to teach. Mr. Norris stated that his first 17 years of teaching were at Hyde Park Elementary working with at-risk kids and it was an awesome place to learn to love kids where they are and meet their needs. He then had the privilege to come to Satchel Ford where he refers to it as the Disney World of elementary schools and reminds him of Pleasant Hill where his kids attended. Mr. Norris stated that he appreciated what the Town Council has done in leading the community especially during the pandemic. He understood, just like as a teacher, a lot of decisions come down that you may not agree with, but you appreciate the hard work and effort that goes into every decision. Mr. Norris wished to acknowledge his wife, Megan, who is one of the best teachers that he knows. He added that she teaches kindergarten and he calls that “combat”. He also introduced his daughter, son and parents and thanked them for all their support over the years. Mr. Norris thanked the Mayor and Council for honoring him.

Mayor MacDougall thanked Mr. Norris and told his parents that they should be very proud. Councilmember Maness told the Norris family that they were welcome to stay for the rest of the meeting or if they needed to leave that would be fine.

3. **Stantec Engineering Services Water and Sewer Rate Study - Mr. Bill Zieburtz, Director:** Mr. Zieburtz thanked the Mayor and Council and introduced Mr. Jeff Dykstra, Managing Consultant, with Stantec. Mr. Zieburtz stated that water and sewer may not be on Council’s top 10 most important things, but even growth, quality of life issues, or job opportunities are all dependent upon water and sewer infrastructure. He added that even though it may not be an exciting topic, water and sewer rates are necessary to keep you empowered to build the systems and funding to maintain it. Mr. Zieburtz explained that they are a small part of a large engineering firm that does water and waste water financing all the time all across the country. He added that he has personally been involved with the Town of Lexington for a long time. Using a slide presentation, Mr. Zieburtz explained the study to Council. (Copy attached.) He stated that for many decades the Town of Lexington’s Council and citizens have been willing to confront this very expensive topic very effectively by building a regional sewer system, building long term responsible contracts,

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with commitments that are now very visible in Town. He called on Mr. Dykstra to give a brief summary of what was previously presented to Council during a Work Session.

Mr. Dykstra referred Council to page 4 of the slide presentation and stated that the rate study looked at a comprehensive review of all utility rates, fees and charges divided into three parts. The first part was to perform a 10 year financial management plan, projecting out the revenue and expense, to determine if a rate increase is needed. Mr. Dykstra stated that they focused on the first five years, from 2022 to 2026, and identified a five year plan of rate adjustments that are needed to support utilities. He explained the financials as 5.50% for the first two years and 3.5% for the next three years. He stated that allows the funding, support and sustainability of the system and to complete the capital improvement plan and to maintain it. Mr. Dykstra stated that anytime you talk about rates it is always helpful to put things into a National and local perspective. From a National standpoint the average cost is 4.4% per year compared to the Town at 2.5%. He added that means the Town manages to run and maintain their system at a rate lower than the National average. Mayor MacDougall requested he say that again for the record because that is very important. Mr. Dykstra stated from a regional standpoint, shown on page 6, the Town's rates would remain competitive even with the proposed increases which for the first year would be \$3.62 per month. He stated that the second part of the study was a review of the Ancillary Service Charges and Fees, page 7. Mr. Dykstra stated that you don't hear much about these fees except on the initiation of service. He added that it is important to look at these costs which have not been reviewed in several years. He explained the costs as shown on the chart and it is important to set these fees according to their cost. Part three of the review is Capital Contribution Fees which are one time charges for cost of capacity for new development in order to grow development. Mr. Dykstra stated these rates have not been updated since 2007. They calculated and recommended an increase in water of \$100 per residential unit for a total of \$1,250 and an increase of \$800 in sewer fees for a total of \$2,700 for residential. It was also recommended that it be reviewed every three to five years. Mr. Dykstra summarized the adoption of the five year rate plan; adoption of the updated Ancillary Charges; and adoption of the updated Capital Contribution Fees.

Mayor MacDougall called on Council for any additional questions. There were none. He thanked Mr. Ziebertz and Mr. Dykstra for all the hard work they put into the rate study.

VISION PLAN UPDATE

Mayor MacDougall reported the following: (1) Decking and rails were being installed this week on the fishing piers at Gibson Pond Park. The new bridge is being delivered in three different sections with the first one slated to arrive later this week. The majority of the dam construction should be completed this month. (2) The official ribbon cutting

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for the Icehouse Amphitheater Pavilion will be held on Saturday, May 22nd at 9:00 a.m. The Market at Icehouse will also kick-off that Saturday too and will run every Saturday through the end of September. Mayor MacDougall added that it has already been great to have space for vendors to set up during concerts and uses for the pavilion are unlimited. (3) These are just a few of the projects that are a result of the Town's Vision Plan. Council recently reviewed the Vision Plan and updates will be forthcoming. Citizens can read the entire Vision Plan on the Town's web page.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the following Traffic Update: (1) Signal upgrades continue along Highway 378/Sunset Boulevard as new mast arm foundations are installed as part of the final phase of the Town's Adaptive Signalization System. (2) Construction is ongoing on North Lake Drive as work has now started on the southbound side of the road. Citizens were urged to use caution when driving through these areas. (3) There will be nighttime lane closures at the Mineral Springs and Sunset Boulevard intersection starting on May 4, 2021 for widening of this area. The new lanes are expected to be open in about a week. (4) Citizens were asked to call the Town's Transportation Department at 803-358-7273 if they were aware of a traffic signal issue, unsafe roadway situation or a pothole that needs repair.

PUBLIC HEARING(S)

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 Rezoning Lexington County Tax Map #4300-01-015 located in the 200 Block of Saluda Springs Road.
2. **Final Reading** of an Ordinance to Adjust Water and Sewer Rates.

There being no public comments or questions from Council, Mayor MacDougall declared the Public Hearings closed.

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Carnes to **approve Final Reading of an Ordinance to Adjust Water and Sewer Rates**. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. through 3. (Deferred to Council's May Work Session) (1) First Reading of an Ordinance Annexing Lexington County Tax Map #5596-02-033 located in the 100 Block of Dooley Road; (2) First Reading of an Ordinance Rezoning a Portion of Lexington County Tax Map Number 5596-02-032 located in the 4800 Block of Augusta Road; and (3) First Reading of an Ordinance Approving a Planned Unit Development on Lexington County Tax Map Number 5596-02-032 and 5596-02-033 located in the 4800 Block of Augusta Road.

During "Deletions" on the agenda, a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to delete New Business Items 1, 2, and 3 and defer the items to Council's May 17, 2021 Work Session for further discussion with the applicant and Staff. The motion was unanimously carried.

4. **First Reading of an Ordinance Annexing Lexington County Tax Map #4300-04-078 located at 311 Reed Avenue:** Reginald and Andrea Fuller own two parcels located at 311 Reed Avenue and petitioned to annex the property. A single family home is being planned on the site. Properties in Town near this property are zoned Protected Residential 2, High Density Residential and Limited Commercial. Reed Avenue is classified as a Local Road. The Planning Commission reviewed this annexation during their April meeting and recommended zoning these parcels Protected Residential and classifying Reed Avenue as a Local Road.

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4300-04-078 located at 311 Reed Avenue as stated. The motion was unanimously carried.

5. **First Reading of an Ordinance Annexing Lexington County Tax Map #5423-03-003 located at 110 Mill Street:** Rion Property Solutions, LLC owns a parcel located at 110 Mill Street and petitioned to annex the property. A single family home is located on the site. Properties in Town near this property are zoned Protected Residential and Mill Street is classified as a Local Road.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5423-03-003 located at 110 Mill Street as stated. The motion was unanimously carried.

6. **First Reading of an Ordinance Entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department:** The Lexington Police Department is entering into a Mutual Aid Agreement with the North Myrtle

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Beach Police Department. This agreement is for 2021 Atlantic Beach Bike Fest Event. (Copy of proposed agreement attached.)

A motion was made by Councilmember Carnes and seconded by Councilmember Baker to approve First Reading of an Ordinance Entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department as stated. The motion was unanimously carried.

7. **First Reading of an Ordinance for Sale of Town Property near Stoney Creek Subdivision:** Michael and Tracey Farnham have expressed interest in purchasing Town owned property behind the Stoney Creek Subdivision. The property consists of 4.03 acres and is largely unbuildable. The property was donated from the developer of the subdivision. The prospective buyers own adjacent property. An Ordinance and Contract will be available for Final Reading.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve First Reading of an Ordinance for Sale of Town Property near Stoney Creek Subdivision as stated. The motion was unanimously carried.

8. **First Reading of an Ordinance to Adopt the Fiscal Year 2021-2022 Budget:** South Carolina law requires Town Council to adopt a balanced budget each year. (Copy of draft ordinance and Budget Revenue and Expenditures are attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Williams to approve First Reading of an Ordinance to Adopt the Fiscal Year 2021-2022 Budget as attached. Councilmember Baker confirmed that the Town has not increased taxes in 28 to 30 years, plus the Town reduced property taxes this year by 21%. The motion was unanimously carried.

9. **First Reading of an Ordinance to Provide for the FY 2021-2022 Tax Levy:** South Carolina law requires Town Council to adopt the Tax Levy each year. (Copy of draft ordinance for the Tax Levy for FY 2021-2022 is attached.)

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve First Reading of an Ordinance to Provide for the FY 2021-2022 Tax Levy as attached. The motion was unanimously carried.

10. **Temporary Sanitary Sewer Agreement Policy:** The Town enters into Sanitary Sewer Agreements with developers establishing the terms and conditions for the provision of sewer service for new residential development. One term requires that one-hundred eighty (180) days after entering the agreement the developer will begin paying monthly minimum fees for every reserved service provided by

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the agreement. Given the unprecedented impact of the pandemic on supply chains, the substantial price increases for certain raw materials used in home construction, and the currently tight housing market, the temporary suspension of the monthly minimum charge would provide needed relief and encourage long-term stability in the housing market. The attached Policy suspends the monthly minimum charges on all existing Sanitary Sewer Agreements and provided for minimums on any agreement entered while the Temporary Policy is in effect will not begin until one-hundred eight (180) days after the temporary policy expires on January 1, 2022.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve the Temporary Sanitary Sewer Agreement Policy as attached. The motion was unanimously carried.

ANNOUNCEMENTS

Councilmember Maness made the following announcements: (1) On behalf of the Mayor and Council Members – she wished Mayor Pro-Tem Hazel Livingston a Happy Birthday later this month – on May 22nd. (2) She hoped everyone has had a chance to come out to one of the concerts with LEXINGTON LIVE. These free concerts are hosted by the Town of Lexington on Thursdays evenings at 6:30. Councilmember Maness was glad to have announcements tonight because this Thursday THE TAMS will be performing and she loves beach music. Plan to come out for a great night of entertainment! For a complete list of concerts, please visit icehouseamphitheater.com. (3) The Town of Lexington is happy to bring back The Wine Walk this year. It is on May 8th at the Icehouse Amphitheater and Pavilion from 6:00 to 10:00. (4) As the Mayor mentioned, the Official Ribbon Cutting for the Icehouse Pavilion will be on May 22nd at 9:00 a.m. This is being held in conjunction with this year's opening of The Market at Icehouse from 9:00 to 1:00. She added that everyone would enjoy getting out and visiting all the vendors at The Market every Saturday through September. (5) The Board of Zoning Appeals will meet this Thursday at 5:30 in the Council Chambers. (6) The Architectural Review Board will meet on May 11th at 9:00, also in the Council Chambers. (7) This year's Lexington County Law Enforcement Memorial Service will be on May 12th at 9:30 at the Lexington County Courthouse. (8) Council will meet again on May 17th at 6:00 p.m. for Council's Work Session in the Eli Mack Room. (9) The Planning Commission will meet on May 19th at 8:00 a.m. in the Council Chambers. (10) Town Hall will be closed on May 31st in observance of Memorial Day. (11) Council will start their summer schedule next month meeting on June 14th, July 12th and August 16th. Councilmember Maness stated that on behalf of the Mayor and her fellow Councilmembers, she would like to thank everyone for watching their Council in action tonight.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

CLOSING STATEMENT and 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 which will also be replayed several times during the week and a video will be available on the Town's website at www.lexsc.com.

Mayor MacDougall stated that without objection from Council, he declared the Council meeting adjourned. The Regular Council meeting was adjourned at 7:19 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.