

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
May 4, 2020

Due to State Restrictions regarding the COVID-19 pandemic, Town Council held a Zoom Virtual Meeting. Citizens were invited to view the meeting LIVE on YouTube or on the Town's Spectrum Channel 1301. If citizens had any questions during the meeting regarding agenda items, they were directed to call 803/808-4219 or email wcrosby@lexsc.com.

Town Council held a virtual Executive Session at 5:30 p.m. followed by a virtual Regular Council meeting at 6:30 p.m. on May 4, 2020. Town Council did not hold a Work Session during May. The meetings were virtually 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 who virtually attended: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Transportation Director Randy Edwards, Planning, Building and Technology Director John Hanson, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Special Projects Manager Wesley Crosby, Events and Media Coordinator Laurin Barnes, IT Manager Bea Daniels, Digital Media Coordinator Darrell Pritchard and Municipal Clerk Becky Hildebrand.

There were no 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 Town Council's second virtual meeting and introduced the Council Members. Mayor MacDougall thanked everyone for the way they have handled the impact of COVID-19 which continues to affect all of us.

Mayor MacDougall addressed the rules of procedure for the Zoom virtual meeting as part of the Town's Emergency Ordinance adopted on March 17, 2020 in part to provide for the temporary suspension of rules related to Town Council meetings and to provide for continuity of operations during the COVID-19 emergency.

He anticipated that Town Hall would remain closed for public access through the end of the week, at which time it would be determined if it was in the public's best interest to extend any restrictions due to COVID-19. As an order of procedure, Mayor MacDougall would read each item, call for a motion and a second followed by discussion and a roll call vote to allow each Councilmember to vote regarding an item. The meeting would be replayed several times during the week on the Town's Spectrum

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Channel and would be available on the Town's website. He encouraged citizens to call in on the number provided if they had a question regarding an agenda item and Wesley Crosby would answer any citizen calls and relay them to Council. Laurin Barnes would answer any media calls during the meeting. He reminded Council that many Staff members were virtually attending the meeting via Zoom and could be called on if Council had any questions for them.

He called on Councilmember Carnes to give the invocation. Mayor MacDougall 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 5:33 p.m. after a motion was made by Councilmember Lyle and seconded by Councilmember Carnes to go into *Executive Session*. The motion was unanimously carried. Council adjourned from the *Executive Session* at 6:16 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Lyle. 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 issues regarding pending litigation and advice regarding agenda items and one contractual issue regarding downtown development. No vote was taken. A motion was made by Councilmember Lyle and seconded by Councilmember Carnes to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve the minutes from Council's April 20, 2020 meeting as submitted. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

PRESENTATIONS: None.

PUBLIC HEARINGS

Mayor MacDougall called the Public Hearing to order and requested that those wishing to speak call 803/808-4219 and limit their comments to five minutes.

1. **Final Reading** of an Ordinance Amending the Hospitality Tax Ordinance to Enable Property Tax Cuts, Pandemic Economic Recovery Response Measures, and Related Matters.
2. **Final Reading** of an Ordinance for a Budget Adjustment, Transportation.

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3. **Final Reading** of an Ordinance Entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department.
4. **Final Reading** of an Ordinance Entering into a Mutual Aid Agreement with the Pine Ridge Police Department.

Mr. Crosby reported that he had not received any telephone calls from citizens regarding any of the Public Hearing items.

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

OLD BUSINESS

1. **Final Reading of an Ordinance Amending the Hospitality Tax Ordinance to Enable Property Tax Cuts, Pandemic Economic Recovery Response Measures, and Related Matters.** Town Council provided two emergency ordinances which provide in part for the suspension of water and sewer cut-offs, and waiving of penalties for late payment of water and sewer bills, hospitality Taxes, and business licenses through June 30, 2020. Long-term measures require additional action by Town Council to enable a substantial cut in property taxes for businesses and residents and the institution of a Limited Small Business Emergency Loan Program totaling up to \$1,000,000. The removal of the sunset date in the Hospitality Tax Ordinance will provide for both immediate and future recurring funds to sustain a 21% Town property tax rate cut. Additionally, all current and on-going traffic improvements would be fully funded while providing a mechanism for funding of future traffic projects and other major needs and priorities. (Copy attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Lyle and seconded by Councilmember Baker to approve Final Reading of an Ordinance Amending the Hospitality Tax Ordinance to Enable Property Tax Cuts, Pandemic Economic Recovery Response Measures, and Related Matters.

Councilmember Lyle stated that, being one of the newer Councilmembers, he has seen how difficult it is to make improvements to traffic. He added that he was in favor of this ordinance for the sole purpose of having funds available to make traffic improvements because that is the number one comment he and other Councilmembers get from citizens.

Councilmember Carnes wished to clarify that this is an offset and a user fee offsetting a property tax. He added that of all taxes, property taxes are one of the most difficult because land ownership is part of our freedom so it makes great sense for our town.

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Councilmember Williams stated that when he talked to the citizens about the original Hospitality Tax he promised that he would only support the tax if there was an end date on the tax and that it funded road improvements. He added that he agreed with the property tax rebate; he agreed with the continued funding of road projects; and he agreed with small business loans, however he felt that by removing the end date and having no specific road spending plan would break a promise that he made to the citizens. Councilmember Williams stated that due to the COVID-19 virus, he was unable to knock on doors and get feedback from citizens about making this change. He added that the citizens he had talked to did agree with extending the sunset clause, but not removing it, therefore, since he made a promise, he was not willing to break that promise. Councilmember Williams stated he did appreciate everyone's efforts on this item and he looked forward to working with everyone in the future.

Mayor Pro-Tem Livingston stated she too had originally thought an end date should stay in place, but after studying and praying about the issue, she felt this was the right thing to do because this brings it to a use tax and a by choice tax if you choose to eat out. She added that it also puts it on people who are traveling into the community to work or eat out, and doesn't just put it on the citizens. Mayor Pro-Tem Livingston stated that almost every community around Lexington has it and she felt it was something she has to do to give our citizens a break. (Copies attached.)

Mayor MacDougall called for a Roll Call vote if there were no further comments. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, no to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion carried with a vote of six (6) in favor and one (1) opposed (Williams).

2. **Final Reading of an Ordinance for a Budget Adjustment, Transportation:** For Fiscal Year 2020 Council budgeted \$135,000 for a street-sweeper for the Transportation Department. An additional \$38,000 is needed in order to get the sweeper with the needed peripheral equipment. The Transportation Department currently has a vacant position so money is available in the Salaries and Fringes line item that could be transferred to capital. Additionally, Council enacted Emergency Ordinances and amended the Hospitality Tax Ordinance to enable property tax cuts and pandemic emergency response measures which need to be funded in the current Fiscal Year budget. Accordingly, the attached Budget Adjustment ordinance incorporates the needed revisions for Fiscal Year 2020. (Copies attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to approve Final Reading of an Ordinance for Budget Adjustments as stated. Mayor MacDougall called for a Roll Call

vote if there were no questions or comments. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

3. **Final Reading of an Ordinance Entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department:** The Lexington Police Department requested to enter into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department. (Copy attached.)

A motion was made by Councilmember Lyle and seconded by Councilmember Carnes to approve Final Reading of an Ordinance entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department as stated. Councilmember Maness confirmed that Mayor MacDougall could sign the ordinance for now and all the other Councilmembers could sign later. Mayor MacDougall called for a Roll Call vote if there were no questions or comments. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

4. **Final Reading of an Ordinance Entering into a Mutual Aid Agreement with the Pine Ridge Police Department:** The Lexington Police Department requested to enter into a Mutual Aid Agreement with the Pine Ridge Police Department. (Copy attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Williams to approve Final Reading of an Ordinance entering into a Mutual Aid Agreement with the Pine Ridge Police Department as stated. Mayor MacDougall would sign the ordinance for now and all the other Councilmembers would sign later. Mayor MacDougall called for a Roll Call vote if there were no questions or comments. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

NEW BUSINESS

1. **Enactment of Emergency Ordinance #3:** The COVID-19 Emergency is ongoing and the economic and social impacts are significant. Although Lexington Town Council enacted two Emergency Ordinances since March 17, 2020, the severity and duration of the emergency necessitates the enactment of the Third Emergency Ordinance to extend provisions of the second Emergency Ordinance.

The Third Emergency Ordinance provides for the temporary suspension of rules related to Town Council meetings to allow for remote attendance and participation in public meetings and to provide for continuity of operations during the COVID-19 Emergency; suspends water and sewer cut-offs and related penalties through June 30, 2020; abates Business License late payment penalties through June 30, 2020; suspends assessment of Hospitality Tax late payment charges through June 30, 2020; provides for the Municipal Court to follow certain operational guidelines from the S.C. Supreme Court; and, authorizes creation of a Limited Small Business Emergency Loan Program totaling up to \$1,000,000. Emergency Ordinances under state law require one reading, are valid for up to 60 days, and require a 2/3 vote of Council. (Copy of Emergency Ordinance #3 attached.)

Change: Mayor MacDougall wished to state one change before asking for a vote. He stated that in the Ordinance, page 2, item #4, subsection (c), should be changed from “up to a 2 year loan” to “up to a 4 year loan”.

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Williams and seconded by Councilmember Baker for approval of Emergency Ordinance #3 as stated with one change. Councilmember Lyle wished to clarify that the reason for the change was a result of the Town seeking the guidance from a lending institute which advised that the longer term might give it a higher rate of success and may be more helpful for the end user. Mayor MacDougall stated that is good information and it would also help to make the loan easier to pay back. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

2. **First Reading of an Ordinance to Adopt the FY 2020-2021 Budget:** South Carolina law requires Town Council to adopt a balanced budget each year. (Draft Ordinance and Budget Revenue and Expenditures attached.)

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Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve First Reading of an Ordinance to Adopt the FY 2020-2021 Budget as stated. Councilmember Carnes requested that the record reflect that this is Council draft budget. He added that due to COVID-19 they have not been able to get together in person, but they would get together on any adjustments. Councilmember Carnes added that in reference to the previous item, Council hopes to start having regular meetings next month.

Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

3. **First Reading of an Ordinance to Provide for the FY 2020-2021 Tax Levy:** South Carolina law requires Town Council to adopt the Tax Levy each year. The attached draft ordinance for the Tax Levy for FY 2020-2021 includes the Tax Levy rollback for reassessment. The Tax Levy for FY 2019-2020 is 34.290 and with the reassessment rollback, the Levy for FY 2020-2021 will be 32.982.

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve First Reading of an ordinance to provide for the FY 2020-2021 Tax Levy as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

4. **Signal Mast Arms at South Lake Drive and Gibson Road:** SCDOT has completed the design for a new signal to be located at Gibson Road and South Lake Drive intersection. SCDOT will not cover the \$75,000 estimated cost for the mast arms and pedestrian poles to match other intersections in town. This operational issue was identified in the 2017 LTIP list. And a signal warrant study was completed by the Town in partnership with SCDOT, the Town is being requested to contribute the actual bid cost of the mast arm installation. Budget and Finance: Roads and Infrastructure Budget.

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to approve SCDOT's request to

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fund the bid cost estimated at \$75,000 for the mast arm installation and pedestrian poles to match other intersections in town. Councilmember Carnes stated that based on the description, this is one of the worst intersections in town. He added that he was not aware that the Town received a warrant for this intersection and wondered if there were other intersections in town similar to this one that could also receive a warrant. Director of Transportation Edwards responded that this was the only one and it has been on the burner for about five years, which shows how long it takes to get from warrant to design. He added that the warrant was passed in 2016 as identified in the LTIP. Director of Transportation Edwards stated that he was not aware of another intersection which was focused on for a signal. He added that there is a chance of one at River Bluff High School as that area develops.

Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

NEWS MEDIA QUESTIONS: Mayor MacDougall called on Ms. Barnes who was available to answer calls from the media. Ms. Barnes reported that she had not received any questions from the news media.

PUBLIC COMMENTS: Mayor MacDougall called on Mr. Crosby who was available to answer calls from the public. Mr. Crosby reported that he had not received any questions from the public.

COUNCIL/STAFF COMMENTS

Mayor MacDougall announced that this Saturday, May 9, 2020 is opening day for The Market at Icehouse from 9:00 to 12:00. He added it would be much like going to the grocery store and extra precautions would be taken to ensure safety for everyone. He added that social distancing and other measures would be in place to comply with COVID-19 restrictions. He encouraged everyone to come out and enjoy some fresh air, fresh produce and friendly faces.

Councilmember Maness announced that this is Teacher Appreciation Week and National Nurses Week and she wanted to thank them for everything they do. She added that teaching looks different right now so she encouraged everyone to thank a teacher and our nurses who are working very hard. Mayor MacDougall thanked Councilmember Maness for the announcements because he has one of each!

Mayor MacDougall expressed Council and Staff's condolences to Municipal Attorney Cunningham in the recent loss of his mother.

CLOSING STATEMENT

Mayor MacDougall stated that concluded business items for this meeting. He stated that on behalf of himself, Town Council and Town Staff, citizens and businesses in the Town of Lexington were again commended for not only getting through the COVID-19 pandemic, but also helping others get through it. Mayor MacDougall added that they have all heard such wonderful stories from around the community from adults and children. He stated that it has truly affected each one of us and the statement we have made for history is how we have treated each other with genuine concern for our neighbors during this difficult time. Mayor MacDougall stated that we will continue to follow the guidelines recommended by the Centers for Disease Control and by the Governor. He added that our community will come back strong, not only financially, but also healthy and mentally ready to continue making Lexington the place to be.

Mayor MacDougall stated that he and Council receive comments and recommendations from citizens and businesses – and they have listened. He added that they are very open to ideas and suggestions to improve the Town of Lexington for a bright future.

ADJOURNMENT

Mayor MacDougall thanked the Council members and citizens for attending the second Zoom 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 meeting adjourned. The Regular Council meeting was adjourned at 7:08 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.