

MINUTES
Town of Lexington
Executive Session and
Council Work Session

June 14, 2021

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Town Council held an Executive Session followed by a Council Work Session in the Conference Center, followed by the June Regular Council meeting (separate minutes) in the Council Chambers on June 14, 2021 at 111 Maiden Lane, Lexington, South Carolina (*Summer Schedule*). 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, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Economic Development Johnny Jeffcoat, Transportation Director Randy Edwards, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Parks and Sanitation Assistant Director Johnny Dillard, Assistant to the Town Administrator Wesley Crosby, Communications Manager Laurin Barnes, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were three (3) citizens present and no news media members were present.

OPENING STATEMENT and CALL TO ORDER

Mayor MacDougall welcomed everyone to the Council Work Session. He read an opening statement to explain the procedures of a Council Work Session which stated: “*Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council Meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings, but do allow for public comment at the end of the Work Session unless otherwise called on by Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council’s next Regular Council Meeting agenda for consideration and an official vote. Council Work Sessions are taped for use by the Municipal Clerk only and Minutes are taken and posted on the Town’s web page following approval of Council.*”

EXECUTIVE SESSION REPORT (Part 1)

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 Maness to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:00 p.m.

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after a motion was made by Councilmember Maness and seconded by Councilmember Baker to reconvene the Executive Session for the remaining two items following the Council meeting. 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; four contractual items regarding water/sewer contracts, downtown development issue, Gibson Pond Contract and a potential memorial. Mayor MacDougall stated that Council would reconvene the Executive Session to complete two items following the Council meeting. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Lyle to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: None.

PRESENTATIONS

Village Square Theater Sponsorship – Ms. Vickie Davis, Board Member and Artistic Director Debra Leopard: Ms. Davis was proud to announce the return of performances at the Village Square Theater for the 2021-22 season. Some of the shows will include Steel Magnolias, Little Women, Frozen and more. She requested Council's support at one of their four sponsorship levels ranging from \$1,000 to \$5,000. (Copy attached.)

Ms. Debra Leopard thanked the Mayor and Council for considering a sponsorship. She stated that they have a lot of talent at Village Square Theater and actors range in age from three years old to eighty years old. Ms. Leopard explained that the theater is a great outlet of enjoyment for the actors and the audience. She stated that during the pandemic shutdown they had a virtual theater, plus she did not take any salary during that time. She added that everyone is excited to attend shows, classes and more with the re-opening of the Village Square Theater.

Councilmember Carnes asked for the date of the opening show. Ms. Leopard responded that it would be Cinderella on August 1st.

Mayor MacDougall thanked Ms. Davis and Ms. Leopard for their presentation and stated that Council would get back with them.

APPROVAL OF MINUTES: A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve the minutes as submitted from Council's Special Meeting and Council's Work Session both held on May 17, 2021. The motion was unanimously carried.

BUSINESS ITEMS: (For discussion and recommendation for Council's July 12, 2021 Regular Council Meeting.)

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1. **Regional Gateway Projects – Town Administrator Britt Poole:** The Midlands Business Leadership Group (MBLG) was starting a highway interchange beautification project which would include several interstate interchanges:

- *Airport Boulevard Gateway:* A one-mile stretch beginning at I-26 and SC 302 continuing to the Airport Expressway (City of Cayce, Town of Springdale)
- *Fort Jackson Gateway:* I-77 and Forest Drive (City of Columbia)
- *Lexington Gateway:* I-20 and US 1 (Town of Lexington)
- *Harbison Gateway:* I-26 and Harbison Blvd. (City of Columbia)
- *Downtown Connector Gateway:* I-20 and SC 277 (Richland County)
- I-20 and I-26 (Lexington County, Richland County)
- I-20 and I-77 (Richland County)
- I-77 and I-26 (City of Cayce)

The goal is to foster a spirit of regionalism while improving the Midlands chances of landing economic development opportunities. The first interchanges to be improved are the Airport Gateway and Fort Jackson Gateway. MBLG set a goal of \$1.3 million to construct the first two interchanges. They have raised \$1.2 million thus far. They have asked local governments to participate in a pro rata share of the maintenance cost based on their population.

If the Town of Lexington chooses to participate the Town's share would be \$2,000 per interchange as they are constructed, with a maximum of \$16,175 annually once all are constructed. Local governments that have committed to participate at this time are Lexington County, Richland County, City of Columbia, City of Cayce, City of West Columbia and the Town of Springdale. Two additional pages of information were provided to Council along with a draft copy of the Intergovernmental Agreement. (Copies attached – 13 pages)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to place the item on Council's July 12, 2021 agenda for consideration. The motion was unanimously carried.

2. **Town Appointee to Capital Projects Sales Tax Commission – Municipal Attorney Brad Cunningham:** Lexington County is creating a Capital Projects Sales Tax Commission and advised the Town of Lexington that it may appoint one member to the Commission. According to State Law, the Commission must be composed of six members with three of those members selected by the County and three by municipalities. Those selected by the municipalities must be residents of an incorporated municipality in Lexington County.

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The Commission will be charged with compiling a project proposal for a countywide referendum on the tax. The proposal must be for specifically identified projects intended to be funded by a potential one cent Capital Projects Sales Tax. The proposal must also identify an ending date for the collection of the tax which can be collected no longer than eight years pursuant to State Law. All potential projects must be identified in the proposal before it can go to a referendum. Council was provided a copy of the text of the Capital Projects Sales Tax statute. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness to place the item on Council's July 12, 2021 agenda for consideration of the appointment of Mr. Sammy Hendrix who currently serves on the Town's Planning Commission and previously served on the County's Sales Tax Commission. Mayor MacDougall stated that Mr. Hendrix would be an excellent choice and requested that Town Administrator Poole call Mr. Hendrix to see if he would like to serve in this capacity. The motion was unanimously carried.

(Before the close of the meeting Mr. Hendrix responded to Mr. Poole's text message and stated that he would like to serve on Lexington County's Capital Projects Sales Tax Commission representing the Town of Lexington. He requested that his position on the Town's Planning Commission be held for him as was previously done.)

3. **Potential Memorial – Assistant to the Town Administrator Wesley Crosby:** Mr. Crosby stated that Mayor MacDougall had requested that Council discuss the potential of installing a monument at Sunset Blvd. and Old Cherokee intersection in memory of Emma Longstreet. Mayor MacDougall stated that he had talked to Mr. Longstreet recently about a monument honoring Emma, who would have recently turned 16 years old. He added that the monument could possibly include wording about the new Emma's Law.

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to place the item on Council's July 12, 2021 Council meeting agenda for consideration and direct Staff to provide additional information and to contact Saxe Gotha Presbyterian Church for a possible easement. The motion was unanimously carried.

4. **Business License Ordinance and Class Schedule Update – Assistant Town Administrator Stuart Ford:** The South Carolina General Assembly enacted a comprehensive standardization of Business Licensing which will become fully implemented state-wide on May 1, 2022. The new law will provide in part the following:

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- A Standard Business License Year and due Date (May 1st – April 30th with due date of April 30th)
- A uniform set of Rate Classes state-wide utilizing updated NAICS codes
- A state-wide internet portal for renewals and payments

The Town needs to adopt the updated Class Schedule and Rebalance Rates in accordance with State Law and adopt the updated Model Business License Ordinance to be effective May 1, 2022. This process must be completed prior to the renewal season which begins in early 2022.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to place the item on Council's July 12, 2021 agenda for First Reading of an Ordinance to Adopt the Updated Model Business License Ordinance and Standard Rate Classification as stated. Councilmember Williams asked if any businesses would have an increase or decrease in their rate. Mr. Ford responded that there were always some wins and some losses with coming into compliance with State Law, but no windfalls were expected in the Town. He added that some classes may also change. Councilmember Carnes confirmed that all municipalities should be in line by next year. The motion was unanimously carried.

5. **Amendment to the Landscape and Tree Ordinance – Director of Parks and Sanitation Dan Walker:** Mr. Walker stated that his department has received several complaints about different properties in Town where the mulch needs to be replaced. The Maintenance section of the Town's Landscape and Tree Ordinance does not cover mulch maintenance requirements. Therefore, when areas that have mulch which is wearing thin, the Town does not have a requirement for replacement mulch. Mr. Walker would like to add the following wording: "at no time shall cover become bare to the extent that more than 10% of the intended beds are without mulch covering". Council was asked to place this item on their July 12, 2021 agenda for First Reading consideration to allow Staff to add verbiage to require replacement mulch.

Mayor Pro-Tem Livingston asked Mr. Walker why he wanted to get down to 10%. Mr. Walker explained that it means 10% or gone. Mayor Pro-Tem Livingston asked if he was going to clarify that they can have rocks or pine straw or something like they do in the northeast of Columbia. She added that if they use rocks they need to use matting. Mr. Walker explained that it is up to the client if they use mulch, rock, bark or pine straw. Mayor MacDougall clarified it as "soil covering material".

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Councilmember Carnes asked if this topic comes up often. Mr. Walker explained that he had received several complaints about it. Councilmember Carnes asked if he had received valid complaints. Mr. Walker stated that there are a lot of businesses that have no mulch and if you do have mulch it needs to be renewed every year because it tends to decompose and a lot of places do not think about that and only mow the grass. Councilmember Carnes asked if someone has 20% of their mulch gone and you have an enforcement mechanism, what does the enforcement look like. Mr. Walker explained that they would have to re-mulch it and if they chose not to it would be a misdemeanor charge which can be a \$500 penalty and court costs. Mr. Poole clarified that it can be up to \$500 as determined by the Judge. Councilmember Carnes asked how many times has the Town written misdemeanor tickets for those types of landscape and maintenance where someone had to pay a fine. Mr. Walker stated that normally when he talks to the client 99.9% of the people address the issues that he discussed with them. He added in his 24 years at the Town he has only taken a dozen or so to court. Mr. Poole stated that in the past two to three years he only remembers one that actually went to court and it rarely happens.

Mayor Pro-Tem Livingston explained that it is usually not the smaller mom and pop type store, but more of the corporate stores like Dollar General, CVS and Lidl's. She added that every manager will tell you they have to have something from their corporate office. Mayor Pro-Tem Livingston stated that this requirement is in most landscape and tree ordinances.

Mr. Walker stated that one thing he would like to include if he could would be to have a six month waiting period in order to notify all businesses of the update once it is passed.

Councilmember Carnes asked what his business on North Lake Drive could be ticketed for under the Landscape Ordinance other than landscape beds and the height of the grass. Mr. Walker responded that someone could be ticketed for cutting trees down. He added that is job is not to go to court. His job is to get people in compliance and they give many opportunities to fix an issue before a ticket is issued. He agreed that corporate offices may present a delay and there have been times that a local manager is written a ticket in order to get the home office to comply. Mayor Pro-Tem Livingston stated that sometimes the manager will ask for the ticket so he can get it handled. Councilmember Carnes stated that he understood all that but if the Town does something like that, we are looking for enforcement and we need to be careful about overreach. Mayor Pro-Tem Livingston explained that the reason for it is to control weeds and maintenance. She gave examples of CVS and Dollar General where weeds are growing and mulched beds would control some of that. Mr. Walker stated that they were handling CVS tomorrow. Mayor Pro-Tem Livingston stated that it also helps with appearance and cleanliness because without it

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why would they need to do the first item they had tonight. She gave the example of Christy Burriss who invests in properties and keeps her properties up so when others don't do their maintenance it makes her properties look bad too. Councilmember Carnes stated that he would want to minimize it so people are not being told what to do and only gross offenders would be affected. Mr. Walker explained that they do not go out looking for properties. Mayor MacDougall stated that the update would give the Town some teeth to go after the offenders. Councilmember Carnes stated that he understands how we do it, but once you write it down that mulch has to be at 90% it is just too far for him personally. He gets what Mr. Walker wants to do, he would just like to find a better way to do it. He added that at any given time he may not meet that threshold. Councilmember Carnes stated that at some point the market will take care of it when some businesses look like junk and others do not.

Mayor MacDougall advised Mr. Walker that the update is good but to always keep in mind that we go the less alternative route and have a conversation first. Mr. Walker stated that he prefers to be Andy, not Barney.

Councilmember Williams asked if this would also apply to vacant property left unkempt. Councilmember Baker called for the question.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to place the item on Council's July 12, 2021 agenda for First Reading consideration. The motion carried with a vote of six (6) in favor and one (1) opposed (Lyle).

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

NEW MEDIA COMMENTS: None.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 6:31 p.m. and announced that Council would convene the Regular June Council meeting in Council Chambers within the next ten minutes.

Respectfully submitted by:

Becky P. Hildebrand, CMC

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APPROVED BY:

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.