

MINUTES
Town of Lexington
Executive Sessions and
REGULAR COUNCIL MEETING
July 16, 2018

Town Council held the Council Work Session in the Eli Mack Room preceded by an Executive Session, followed by the Regular Council Meeting and second Executive Session in the Council Chambers (*summer schedule*) on July 16, 2018 starting at 6:00 p.m. at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ron Williams, Steve Baker and Todd Lyle. Councilmember Todd Carnes was absent.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Prosecutor Cliff Koon, Transportation Director Randy Edwards, Police Chief Terrence Green, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately twelve (12) 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 introduced the Council Members. Pastor Jeff Kersey, Mt. Horeb United Methodist Church, gave the invocation. Mayor MacDougall asked Councilmember Lyle to lead the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 7:00 p.m.

DELETIONS/ADDITIONS ON AGENDA

Mayor MacDougall requested to add Presentation #2 (Proclamation for Lieutenant Colonel Brian J. Pipkin). There being no objections from Council, Presentation #2 was added as requested.

PRESENTATIONS

1. **CALEA Gold Standard Assessment Award – Police Chief Terrence Green:** Chief Green proudly announced that the Lexington Police Department received the prestigious CALEA Gold Standard Assessment Award in Frisco, Texas on March 24, 2018. He stated that this voluntary assessment format focuses on processes and outcomes associated with standards specific to agency policies. He added that

MINUTES
REGULAR COUNCIL MEETING
July 16, 2018

it works to measure the impact of accreditation as opposed to simply confirming compliance through a file-by-file review. Chief Green stated through three years of hard work and dedication, Inspector-OPS Missy Silcox and her Supervisor, Lieutenant-OPS Chad Snelgrove, were able to secure the Gold Standard Assessment for the Lexington Police Department, the fourth accreditation award. He added that in order to receive the award, the Lexington Police Department must comply with approximately 484 standards and provide the department with the MARTA Manager to ensure that all policies and procedures conform to the most up to date professional law enforcement standards. Chief Green commended Inspector Silcox and all the men and women of the Lexington Police Department. Mayor MacDougall joined Chief Green in the presentation of the award.

2. **Proclamation for Lieutenant Colonel Brian J. Pipkin – Councilmember Todd Lyle:** Councilmember Lyle read a Proclamation designating Monday, July 16, 2018 as Lieutenant Colonel Brian J. Pipkin Day in the Town of Lexington. Councilmember Lyle stated that LTC Pipkin is an outstanding leader and he had the pleasure of serving under him. He thanked LTC Pipkin and his wife and family for their service to our country. He added that LTC Pipkin is an outstanding soldier, a phenomenal pilot, raises the standards wherever he goes, and was able to bring his entire battalion back safely – 100%. LTC Pipkin served as Battalion Commander with the South Carolina Army National Guard's 1-151st Attack reconnaissance Battalion, an Apache attack helicopter battalion out of McEntire Air National Guard Base and recently returned home from a deployment to Afghanistan.

LTC Pipkin thanked the Mayor and Council. He stated that they deployed last October with over 200 soldiers from South Carolina and a total of 400 soldiers from four different states. They were in southern Afghanistan and were responsible for half of the country. They flew over 11,000 hours and were responsible for freeing over 150 Taliban prisoners. LTC Pipkin stated that it was important to note that it was not all United States military led and every mission was in support of an Afghan force. He added that they just arrived back home last night from a very successful deployment.

Mayor MacDougall welcomed LTC Pipkin back home. He thanked Mr. Sammy Hendrix for giving him a heads up about the unit's arrival last night.

VISION PLAN UPDATE

Mayor MacDougall announced: (1) The Icehouse Amphitheater will announce the fall schedule on July 20th starting at 9:00 a.m. on Facebook and the webpage at www.icehouseamphitheater.com. (2) The Town's Farmers Market runs each Saturday from July through September from 9:00 a.m. to 12:00 p.m. at Lexington Square Park. Applications are still being accepted for vendors for the 2018 season by contacting 803/358-7275 or email farmersmarket@lexsc.com. (3) Movies in the Park will continue in August with Coco on the 17th and The Darkest Hour on

MINUTES
REGULAR COUNCIL MEETING
July 16, 2018

the 24th. The movies are hosted by the Town and the Lexington County Recreation and Aging Commission at the Icehouse Amphitheater. Admission is free and movies start at 8:30. Mayor MacDougall stated that he was blown away by 800 people showing up to watch The Greatest Showman and it was wonderful to see all the neighbors out talking to each other.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston announced that the Highway 6 One Way Pair Project changed traffic flow on June 23rd and will wrap up in a few weeks with final striping, crosswalks and permanent signage. Citizens were asked to use caution in this area and familiarize themselves with the new traffic pattern. The next phase of traffic improvements will start the first part of 2019 and will include widening of the northbound direction of North Lake Drive from the end of the One Way Pair up to Dreher Street. Over the next few weeks construction will begin on intersection improvements at Ginny Lane and Highway 378 and I-20 West exit ramp. The next Traffic Committee meeting will be July 25th at 8:00 a.m. in the third floor conference room. Mayor Pro-Tem Livingston asked if anyone was aware of a traffic signal issue, unsafe roadway situation, or a pot hole that needs repair, please call 358-7273 to alert the Transportation Department.

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 #5311-01-242 and 243 located at 406 and 410 Montrose Drive.
2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #3500-01-071 located at 254 Corley Mill 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 Williams to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #5311-01-242 and 243 located at 406 and 410 Montrose Drive.** The motion was unanimously carried by all those present. (Copy attached.)
2. A motion was made by Councilmember Williams and seconded by Councilmember Baker to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #3500-01-071 located at 254 Corley Mill Road.** The motion was unanimously carried by all those present. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Consenting to the Establishment of the Fee-in-Lieu of Tax (FILOT) Agreement on the Tidewater Boats Property:** The property purchased by Tidewater Boats, LLC, requested to enter into a Fee-in-Lieu of Tax (FILOT) Agreement with Lexington County pursuant to S.C. Code §12-44-10, et seq. Since the property is within the Town limits, the Town of Lexington must pass an Ordinance consenting to the FILOT Agreement. (Copy of Agreement attached and legal description of the affected property.) The property is located at the intersection of Interstate 20 and U.S. 1 and consists of approximately 25 acres.

Note: In general, a FILOT Agreement is granted by, and at the discretion of, the county where the project is located. The industry must make the \$2.5 million investment over a five-year period to qualify. Large investment projects have eight years to meet their increased investment requirements. During this period, all property that is placed in service pursuant to the agreement is subject to a fee instead of ad valorem property taxes.

A motion was made by Councilmember Baker and seconded by Councilmember Lyle to approve First Reading of an Ordinance consenting to the establishment of the FILOT Agreement on the Tidewater Boats property as stated. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Rezoning 191 Caughman Farm Lane:** Springdale Development requested to rezone a portion of 191 Caughman Farm Lane from Limited Commercial (LC) to Protected Residential 2 (PR2). The request was made to allow the property to be developed into a 47 unit subdivision. Properties adjacent to this one are zoned General Commercial and Protected Residential. (Copy attached.)

A motion was made by Councilmember Lyle and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance rezoning 191 Caughman Farm Lane. Councilmember Maness requested that Mr. Hanson summarize the Planning Commission's comments regarding this property. She added that there are eight pages of minutes regarding this property but when she talked to Mr. Hanson this morning it is not the same as the 70 questions from the Planning Commission. Mr. Hanson explained that there were two items on the Planning Commission's agenda pertaining to this property. He added that one was the site plan approval for the 47 unit subdivision and one was for rezoning. He stated that in order to do the subdivision, the property would have to be rezoned which is a zone down from the current zoning. Mr. Hanson stated that the Planning Commission had questions about the subdivision all of

which are being worked through with the developer to resolve. He added that the item will go back to the Planning Commission this Wednesday. Mr. Hanson stated that the subdivision item was withdrawn by the developer in order to give them additional time to answer all the questions. He added that since it was a down zoning anyway, the Planning Commission felt like it was okay to recommend the zoning change so it could come to Council to move that portion forward. Councilmember Maness confirmed that the Planning Commission had already voted on the zoning change because usually the Council's package included any decision made by the Planning Commission and their item does not include it. Mr. Hanson apologized for the omission and stated that the Planning Commission recommended approval of the rezoning. Councilmember Lyle stated that in speaking with the developer, the particular use of this property is not high density and a lot of other options for the property could have resulted in higher traffic congestion. Mr. Hanson stated that it is currently zoned Limited Commercial so a lot of things could go on the property. He added that the proposed project is a single family age restricted development subdivision. Councilmember Lyle confirmed that it would be similar to the Lexington Villas. Mr. Hanson stated that was the way the developer presented it. Councilmember Williams confirmed that during the Planning Commission meeting they quoted 2.3 houses per acre which is a lot less than allowed. Mr. Hanson stated that the density allowance for Caughman Farm Lane is six (6) units per acre. The motion was unanimously carried by all those present.

3. **Firsts Reading of an Ordinance Annexing Lexington County Tax Map #3500-03-118 and 127 located at 221 Corley Mill Road:** Steve and Sheila Hall own 7.62 acres on two parcels located at 221 Corley Mill Road and petitioned to annex the properties. Corley Mill House and Gardens is located on the site. Properties in Town near these are zoned Limited Commercial (LC) and Corley Mill Road is classified as a Collector road. The Planning Commission will review this annexation during their August meeting to recommend a zoning and road classification for the parcels.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve First Reading of an ordinance annexing Lexington County Tax Map #3500-03-118 and 127 located at 221 Corley Mill Road. Councilmember Maness asked why Council was voting on the annexation prior to the Planning Commission's recommendation. Mr. Poole responded that it is the normal course of business that is they have an item that is believed to be non-controversial, it comes to the next meeting that is available. He added if the item is controversial, it would go to the Planning Commission first. Councilmember Maness confirmed that the property owners are current customers, paying the out of Town rates. Councilmember Baker asked

why they were looking into this item. Mr. Poole responded, because they were asked to annex because the property is now contiguous. The motion was unanimously carried by all those present.

4. **Gibson Pond Restoration Project Reimbursement Resolution:** The Gibson Pond Restoration Project is anticipated to be ready for bid in late 2018. FEMA will fund 75% of allowable costs on a reimbursement basis. In order to have maximum flexibility in financing initial construction costs, IRS regulations allow issuers to adopt a Reimbursement Resolution in order to recoup costs for capital expenditures incurred prior to the issuance of Bonds or BANs. Accordingly, the Town should have a Resolution in place for the Gibson Pond Project. The Town's Bond Counsel drafted the appropriate resolution as a first step in the overall financing plans for the Gibson Pond Restoration Project. The current project estimate is approximately \$5.5 Million with FEMA reimbursing 75% of eligible costs resulting in a net cost to the Town of approximately \$1.375 Million for eligible costs.

A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve the Reimbursement Resolution for the Gibson Pond Restoration Project. Councilmember Williams stated that he spoke to a neighbor yesterday who is in the National Guard and he told him that they used to do demolition work and dirt moving work for towns and cities. He recommended we ask to see if they still do that and if so they could tear out the old dam to save on the cost. Mr. Poole responded that he could check into it and to see if FEMA is flexible to that process. He wished to state that this is not your "grandfather's" dam because it is a highly technical, over designed dam. The motion was unanimously carried by all those present.

5. **Boards and Commissions Appointment:** The Town received a Boards and Commissions Application from Mr. Justin L. Brown who expressed an interest in serving on the Board of Zoning Appeals or the Planning Commission. (Copy attached.) The Board of Zoning Appeals has three vacancies. The Planning Commission does not have a vacancy at this time. Mr. Brown is a Town resident.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the appointment of Mr. Justin L. Brown to the Board of Zoning Appeals. The motion was unanimously carried by all those present.

6. **Lexington Fun Day:** During Council's June 11, 2018 Work Session, Ms. Glenda Hiller, Vice President of Lexington Community Fun Day, made a presentation and requested funding from the Town for their 25th annual "Back 2 School Bash". The discussion included allowing Ms. Hiller to borrow tents and tables for their event on August 4, 2018 to help offset their cost as listed on her

MINUTES
REGULAR COUNCIL MEETING
July 16, 2018

budget: rental of 20 10x10 pop up tents \$899.99 and 20 economy folding tables 72x30 \$1,700.00. It was further discussed to waive part of a residential water bill where an individual's house is used to fill up a pool and slip and slide for the event. Chief Green was directed to hold off on the Police Department's \$500 donation until such time Council could vote on an in-kind donation.

A motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston to approve the use of tables and tents as requested and to direct Chief Green to proceed with the Police Department's donation of \$500. Mayor MacDougall confirmed that a waiver of a portion of the water bill was included if needed. Councilmember Maness wished to third the motion. Councilmember Maness stated that she was very proud of this Council because yesterday they each donated personal money and four of them went shopping for back to school supplies for the "Back 2 School Bash". She added that their donation of supplies included: 168 packs of crayons, 195 notebooks, 540 glue sticks, 120 packs of notebook paper, and 182 packs of colored pencils which were presented to Ms. Hiller. Ms. Hiller thanked the Council on behalf of the Lexington Community Fun Day Committee and they appreciate everything that the Council and the Police Department have done this year for their 25th anniversary and in the past to help them. She invited everyone to come out and enjoy the fun. She added that Councilmember Williams and his wife have come out many years in the past to help. Ms. Hiller thanked the Council for their blessings and hoped they would continue to help them as they help to send the kids back to school. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Mayor Pro-Tem Livingston made the following announcements: (1) The Town of Lexington's Farmers Market is every Saturday from 9:00 to Noon at the Lexington Square Park. Come out and enjoy local produce and other vendors. (2) The Planning Commission will meet Wednesday, July 18th at 8:00 a.m. in the Council Chambers. (3) The Board of Appearance will meet on August 1st at 4:00 in the 3rd floor conference room. (4) The Board of Zoning Appeals will meet on August 2nd at 5:30 in the Council Chambers. (5) Come out and enjoy the following movies at 8:30 p.m. at the Icehouse Amphitheater: August 17th "Coco" and August 24th "The Darkest Hour". Please visit icehouseamphitheater.com for a listing of all the events. (6) Council will meet again on August 20th at 6:00 for the Regular Council Meeting and the Council Work Session. (7) She wished Mayor MacDougall a Happy Birthday on August 13th. She thanked everyone for watching their Town Council in action tonight.

Councilmember Lyle wished to publicly thank Chief Green and his officers because of their proactive rather than reactive procedures a major incident was avoided on June 22nd and it could have been worse. He stated that because they saw an opportunity and had the foresight to set up a robbery prevention unit to monitor some key gas stations, they

MINUTES
REGULAR COUNCIL MEETING
July 16, 2018

prevented a worse situation. Councilmember Lyle thanked Chief Green for being ahead of the game and that is what makes Lexington great by having a phenomenal Police Department and even though they get a lot of awards, he wished to thank them publicly.

Councilmember Maness invited everyone to come out and enjoy the Town's Farmers Market. She added that she attended last Saturday and her son enjoys the boiled peanuts and the sunflowers were gorgeous. She stated that there were three different farmers there last week and many crafts, so please take the opportunity to attend and support the Town's Farmers Market.

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 1301 (formerly 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 7:40 p.m.

A motion was made by Councilmember Maness and seconded by Councilmember Williams for Council to return to Executive Session to discuss two personnel items that were earlier deferred due to time. The motion was unanimously carried by all those present.

EXECUTIVE SESSION REPORT (continued from 6:20 p.m.)

Mayor MacDougall reported that the continued *Executive Session* was called to order at 7:45 p.m. to discuss two personnel items. Council adjourned from *Executive Session* at 8:30 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Baker. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) Council met in *Executive Session* to discuss a legal item regarding a Town Sign Ordinance. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to ratify the Mayor's report. The motion was unanimously carried by all those present.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

MINUTES
REGULAR COUNCIL MEETING
July 16, 2018

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.