Town Council held Executive Session I at 5:30 p.m. followed by the Regular Council Meeting at 6:30 in the Council Chambers on August 19, 2019, followed by a Council Work Session and Executive Session II (separate minutes). (Summer schedule.) The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Steve Baker and Todd Lyle. (Councilmember Ron Williams was absent for the meetings.)

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Planning, Building and Technology Director John Hanson, Utilities and Engineering Director Allen Lutz, Utilities Superintendent David Patton, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Special Projects Manager Wesley Crosby, Downtown Venue Promoter Walker Brewer, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were seven (7) 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. He added that Councilmember Williams was absent due to illness. Pastor Marlo D. Brayboy, Lexington Church of Christ, gave the invocation. Councilmember Lyle led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:42 p.m.

DELETIONS ON AGENDA: There being no objection from Council, Mayor MacDougall requested to delete New Business item #7 (First Reading of an Ordinance Amending §51.02.02 of the Town of Lexington Code of Ordinances, Sewer System Pump Station Specifications) and move it to Council’s September 3, 2019 agenda and to add a Presentation from Latasha Taste-Walker, Director of Development, Communities in Schools of the Midlands, originally scheduled for tonight’s Council’s Work Session.

VISION PLAN UPDATE: Mayor MacDougall announced the following:

ICEHOUSE AMPHITHEATER ENTERTAINMENT UPDATE: He was pleased to announce Lexington LIVE’s third free Fall Concert Series lineup -- September 12th at 6:30 THE SWINGIN MEDALLIONS! (You all remember “Double Shot (of my Baby's Love)” – don’t you?)

September 19th at 6:30 THE MIGHTY KICKS
MINUTES
REGULAR COUNCIL MEETING
August 19, 2019

September 26th at 6:30   TOKYO JOE
October 3rd at 6:30    BIG TIME BAND makes their first appearance.
October 11th at 6:30    The concert moves to Friday night so the Town can join the Lexington County Fire Department in a fundraiser. Buy dinner cooked by the firefighters and the proceeds go to the Jeff Chavis House. Performing at 6:00 will be SOUTHSIDE STATION, a five piece band with a non-stop exciting show.

There’s more, in addition to the Fall Concert Series, please join WOMG 98.5 for a free concert on August 30th featuring INTERSTATE EXILES with a 70’s and 80’s Rock Tribute. On September 20th the Ultimate Journey Tribute Band RESURRECTION is back to bring the house down! Doors open at 6:00 with Interstate Exiles as the opening band. Tickets are $19.00. You don’t want to miss this one! The Town has placed a new emphasis on the Town’s social media sites so everyone can stay informed about all the events by visiting www.icehouseamphitheater.com, Facebook, Twitter or Instagram.

The MARKET AT ICEHOUSE UPDATE: Just 6 more weeks to visit The Market at Icehouse, each Saturday through September 28th from 9:00 a.m. to 12:00 p.m. Mayor MacDougall encouraged everyone to come check it out. The Market has averaged 30 vendors and attendance has averaged 150 to 200 people. Rebranding and moving the market has been a positive change and has had a great response from citizens. Mayor MacDougall thanked Council and Staff for all the ideas and efforts that went into The Market this year.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the Traffic Update: (1) The new Ginny Lane and I-20 Exit Ramp improvements are now complete and have provided additional capacity and improved safety at these two intersections on Highway 378. She thanked everyone for their patience over the last several months as the Town worked on this project to better serve citizens. (2) Construction is making progress on the new deceleration lane in front of Wal-Mart and Chick-fil-A on Highway 378/Sunset Blvd. Citizens were urged to use caution in and around this area. (3) The new school year starts tomorrow and there will be a large increase in traffic on the roads. Please use extra caution and allow more travel time to reach your destination over the coming weeks. (3) The next Traffic Committee meeting will be at Town Hall on Wednesday, September 25, 2019 at 8:00 a.m. in the third floor conference room. 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.

EXECUTIVE SESSION I REPORT
Mayor MacDougall reported that Executive Session I was called to order at 5:30 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Baker to go into Executive Session I. The motion was unanimously carried by all those present (6). Council adjourned from Executive Session I at 6:38 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Lyle. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in Executive Session I to discuss: three legal issues regarding pending litigation, advice regarding agenda items and advice regarding two Town Ordinances; and four contractual items regarding two downtown economic development issues, issues regarding a sewer contract; and an issue regarding the Farmers Market Contract. 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.

(Added) PRESENTATIONS

1. **Communities in Schools of the Midlands – Ms. Latasha Taste-Walker, Director:** (2712 Middleburg Drive, Suite 219, Columbia, S.C. 29204) Ms. Taste-Walker stated that Communities in Schools is a dropout prevention organization which has been providing services for 30 years in the Midlands. She added that their services are in public schools, including some rural areas, with problems such as attendance that contributes to dropout rates which has even been detected in elementary schools. Her associates explained how they are helping to solve a national problem right here in South Carolina.

Ms. Tanika Epps, CEO stated that their program provides wrap around support to the student and the family which includes academic and non-academic issues because they understand there may be things happening outside the school that affect students when they are in school. She stated that when they go into a school they look at all the needs of the school and do a support plan and a needs assessment. Ms. Epps stated that they put a Site Coordinator in place so they are in a particular school every day for direct contact with students and teachers. She explained their three levels of tiered support. Tier One includes FASFA Night, help with college applications and a clothing closet for students put out of school due to a dress code violation. She added that instead of the student missing academic time, they can come get items from the clothing closet and return to class. Tier Two and Three are for individual cases being handled and is 10% of the entire school.

Ms. Jamila Green, Site Coordinator at Columbia High School, asked everyone to think back to when they were growing up and remember a caring adult that was in their life which could have been a parent, aunt, uncle or a teacher. She stated that at Communities in Schools they are that caring adult for students and serve as an advocate for them. Ms. Green stated that at her school she does college and career readiness programs as well as getting students more aware of civic engagement. Students are encouraged to be involved in the affairs of their
community and working to think-tank ways in which they can improve their surroundings. She added that with the students learning about their communities, it involves elected officials to help students to become involved and knowable about things going on in their community and to help them create change in the world. They will soon start some environmental programs including recycling and gardening to name a few so their students can be exposed to as much as possible despite their circumstances.

**Ms. Taste-Walker** stated that their programs are in Lexington District 2 and Richland 1. She added that they may be a new face and a new name but they asked Council to support them and advocate on behalf of their education initiatives.

Councilmember Maness asked if they took donations for their clothes closet because her office has a similar program for teachers and they may receive items that the students could use. Ms. Epps responded that they receive some grants but they will always accept donations. She added that it can also be used when they do mock college and/or job interviews with the students.

**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 #3420-01-037 located at 116 Pilgrim Point Drive. There were no comments.

2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #4323-05-011 located at 702 West Main Street.

Mr. Walter Taylor, 1213 Lady Street, Columbia, S.C., wished to discuss the zoning for 702 West Main Street. It was his understanding that Staff recommended General Commercial zoning at the Planning Commission meeting in August but the Planning Commission recommended Office Commercial zoning. He stated that all the surrounding zoning is C3. He was not sure which zoning was before Council for them to vote on. Mayor MacDougall confirmed that Office Commercial is the zoning they would vote on as recommended by the Planning Commission. Mr. Hanson added that Office Commercial was appropriate for the use of the property and to complete the annexation, Council’s was asked to vote on it as Office Commercial as recommended by the Planning Commission. Mr. Taylor wished to make a plea for General Commercial zoning. He added that they are a custom and speculative home builder, for 20 years, and their most popular plan is a home designed by an architect from Beaufort. Mr. Taylor stated that everywhere they build this 2,000 square foot plan it gets a lot of praise including at Saluda River Club. He added that in an effort to increase their custom home building business, they bought the lot on West Main Street, so
it does conform to office use. Mr. Taylor stated that on the other hand, they are not paying an office price for the property because it is odd in shape, but it works for them and they can get enough parking installed to satisfy the General Commercial zoning requirements. He added that all the surrounding properties are General Commercial zoning. He stated that he knows of no one who is objecting to the property being zoned General Commercial, because it does not affect them, but it does affect them in their value if it is zoned Office Commercial. Mr. Taylor stated that he fails to see why that would occur. He stated that he plans to use it for the purpose requested, however it would make a beautiful lawyer’s office, a lady’s salon, bridal store or ladies clothing store, all of which would require General Commercial zoning.

Mayor MacDougall asked Mr. Taylor if he had attended the Planning Commission meeting where this property was discussed and heard why they recommended Office Commercial. Mr. Taylor responded that he had not attended the meeting but he had watched the video and he believed he heard that part. Councilmember Maness requested that Mr. Hanson explain the discussion surrounding the Planning Commission’s decision. Mr. Hanson stated that there was some concern with putting a General Commercial zoning on the property with the potential for it to be later sold or repurposed for something other than what Mr. Taylor was proposing. He added that the Planning Commission felt that Office Commercial would allow Mr. Taylor to do what he wanted to do and if something different came along later, the Planning Commission would have an opportunity to review it if it needed to be resolved. Mayor MacDougall confirmed that Mr. Taylor could look at rezoning later down the road if he wanted to sell it. Mr. Hanson stated that when he originally recommended General Commercial zoning he felt it was the right zoning because it was surrounded by General Commercial and it is on a five lane arterial road.

Councilmember Lyle asked Mr. Taylor what “architectural incorrect” means. Mr. Taylor responded that his layman’s opinion would be that there is something pleasing about an architecturally correct house that the average person does not know why the find a house so attractive. He added that it has to do with correct proportions and correct details. He stated that if a house does not have those type of features he could show pictures, but it is a definition like others that people struggle with. Mr. Taylor added that this property is surrounded by a church, St. Paul’s Baptist Church, which does not currently use the zoning but it is zoned General Commercial.

Councilmember Carnes asked Mr. Taylor about his time line for construction. Mr. Taylor responded that they are seeking permits now for construction and he imagined they would start construction in October, but maybe November. Mr. Taylor stated that he can always come back to a new Council and ask them for a rezoning if that were to occur in the future. He added that they may look at him and say he is already Office Commercial, so why should they change it, and that
was his fear of what he could encounter. He thanked the Mayor and Council for their time.

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 Lyle to approve Final Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-046 located at 116 Pilgrim Point Drive: The motion was unanimously carried by all those present. (Copy attached.)

2. Councilmember Carnes made a motion for Final Reading for discussion purposes and to make comments on the Annexation of Lexington County Tax Map #4323-05-011 located at 702 West Main Street. There being no second to the motion, the motion failed. Councilmember Carnes asked by what process the Council could use to review this item again. He added that he had been traveling and did not attend the Planning Commission meeting. Councilmember Carnes stated that the Planning Commission is ultimately the ones skilled at these type things, but he would like to understand it a little more because Mr. Taylor’s argument seems compelling at face value but he did not discount the fact that he may be missing something. He added that he could only find General Commercial surrounding this property and he did not understand what he may be missing. Councilmember Carnes made a recommendation for Council to ask the Planning Commission to re-review this item to make sure they are getting it right unless he is missing something.

Councilmember Maness asked Mr. Hanson that since the Planning Commission is meeting this Wednesday and an agenda has already been distributed, could they address this item on Wednesday and return it to Council in two weeks. Mr. Hanson responded that the Municipal Attorney has advised him, yes, they could do that. Councilmember Maness stated that she was not at the Planning Commission meeting in July and neither was Mr. Taylor, but she thought Councilmember Williams was there but he was not here tonight. She asked if they could have the Planning Commission speak to Council about their decision because in 14 years she had only voted against the Planning Commission’s recommendation once. Mr. Hanson recommended for Council to kick the item back to the Planning Commission for additional review in September and bring it back to Council in October so they would not have a notification issue. He confirmed with Mr. Taylor that he could wait until September. Town Administrator Poole provided an alternate possibility. He stated that if this was First Reading they could approve it tonight and adjust it later. However, since it is Final Reading they could table it tonight and have Final Reading in September because Council does not have a time line for annexation approvals, but the
Planning Commission does, but they have already made a ruling so Council is not working against a clock other than to develop the property which would only delay it by two weeks. Councilmember Maness confirmed that the Planning Commission could review it again this Wednesday and have someone present at Council’s September meeting to discuss it. Councilmember Carnes stated that it would also give Mr. Taylor a chance to speak to the Planning Commission. Councilmember Maness confirmed with Mr. Taylor that he could be present at the Planning Commission meeting this Wednesday morning at 8:30. Mayor MacDougall stated that recommendation would solve everything on both sides. He called for a motion.

A motion was made by Councilmember Carnes to ask the Planning Commission to review this item at their next meeting and seconded by Councilmember Lyle. The motion was unanimously carried by all those present. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #5497-01-027 located at 224 Autumn Lane**: Charles Harmon and Rachel Allen own 1.22 acres located at the corner of Autumn Lane and Christie Street and petitioned to annex the property. A single family home is being planned on the site. Properties in Town near this property are zoned Industrial. Autumn Lane and Christie Street are not currently classified. The Planning Commission reviewed this annexation during their July meeting and recommended Protected Residential zoning for the property and Limited Local classification for both roads. (Copy attached.)

   A motion was made by Councilmember Baker and seconded by Councilmember Carnes to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5497-01-027 located at 224 Autumn Lane as stated. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-043 located at 311 Pilgrim Point Court**: Jigna Jaymil Patel, Himansu Patel and Jaymil Jitendrakumar Patel own a parcel located at 311 Pilgrim Point Court and petitioned to annex the property. A single family home is being constructed on the site. Properties in Town near this property are zoned Protected Residential and Pilgrim Point Court is classified as an RL-6 Road. The Planning Commission will review this annexation during their August meeting to recommend a zoning and road classification for this parcel. (Copy attached.)

   A motion was made by Councilmember Lyle and seconded by Councilmember Carnes to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-043 located at 311
Pilgrim Point Court as stated. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Annexing a Portion of Lexington County Tax Map #5423-02-004 located behind 210 Parker Street:** Timothy Parcheta owns a parcel located at 210 Parker Street. He is purchasing a parcel behind his home and combining it with the 210 Parker Street address. The portion being purchased is not in Town and Mr. Parcheta petitioned for it to be annexed. Properties in Town near this property are zoned Protected Residential and Parker Street is classified as a Local Road. The Planning Commission will review this annexation during their August meeting to recommend a zoning and road classification for this parcel.

   A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to approve First Reading of an Ordinance Annexing a Portion of Lexington County Tax Map #5423-02-004 located behind 210 Parker Street as stated. The motion was unanimously carried by all those present.

4. **First Reading of an Ordinance to Purchase Property, Approximately .20 Acres (Title Only):** Town Council was asked to purchase a piece of property in the Town limits that consists of roughly .20 acres. The owner is willing to “swap” another property for the subject property, so there will be no purchase price. The property will help provide parking to the downtown area. In accordance with the Freedom of Information Act, the parcel will be identified once a Deed is signed.

   A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve First Reading of an Ordinance to purchase property, approximately .20 acres as stated. The motion was unanimously carried by all those present.

5. **First Reading of an Ordinance to Purchase Property, Approximately .73 Acres (Title Only):** Town Council was asked to purchase a piece of property in the Town limits that consists of roughly .73 acres. The purchase price is $1,500. Once purchased, a portion of the property will be swapped for another parcel in Town that will assist in providing parking for downtown. In accordance with the Freedom of Information Act, the parcel will be identified once a Deed is signed.

   A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to approve First Reading of an Ordinance to purchase property, approximately .73 acres as stated. The motion was unanimously carried by all those present.

6. **First Reading of an Ordinance Amending §31.02 of the Town of Lexington Code of Ordinances, Enforcement of Ordinances and Laws:** Section 31.02 of
the Town of Lexington Code of Ordinances deals with enforcement of ordinances. Currently, it reads as follows:

**§31.02 – ENFORCEMENT OF ORDINANCES AND LAWS**

All officers and employees of the municipality shall enforce obedience to such statutes, provisions of this Code, or any ordinance, resolutions, or rules and regulations, or orders issued thereunder, as may relate to their regular duties, and any other statutes, provisions of this Code, or ordinances, resolutions, rules, regulations, or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the proper report of any violation thereof, and by instituting such proceedings as may be necessary to such enforcement.

The suggestion has been made to add the following at the end of §31.02:

“Where a citation is to be issued for any of the Town Ordinances, it may be issued by the employee or department indicated in the Ordinance, or another appropriate authorized designee as determined by the Town Administrator.”

The change would give the Ordinance more flexibility in enforcement.

A motion was made by Councilmember Baker and seconded by Councilmember Maness to approve First Reading of an Ordinance Amending §31.02 of the Town of Lexington Code of Ordinances, Enforcement of Ordinances and Laws as stated. The motion was unanimously carried by all those present.

7. **(Deleted.) First Reading of an Ordinance Amending §51.02.02 of the Town of Lexington Code of Ordinances, Sewer System Pump Station Specifications**

8. **Icehouse Amphitheater General Policy Update:** At the July 8, 2019 Work Session, Council discussed safety and security issues at the Icehouse Amphitheater. A recommendation was made to allow stadium seats and cushions or small blankets, but not free standing lawn chairs. A copy of the revised Icehouse Amphitheater General Policy, including updated information for the parking lots on South Church Street and Weather Procedures, was provided to Council. (Copy attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to approve all the revisions to the Icehouse Amphitheater General Policy as stated. Councilmember Maness asked if the “no lawn chair” policy was enforced at Friday night’s concert and how did that work out. Mr. Brewer responded yes, this show originally asked for no lawn chairs and about a week out from the show the Town posted a graphic on Facebook showing prohibited items. He added that there are still a few people at every show who bring lawn chairs and they are asked to leave them at the gate. Councilmember Maness confirmed
that in the past “paid” concerts already prohibited lawn chairs so this revision is primarily for the Town’s free concerts. Mr. Brewer stated that is also clears up the policy and makes it consistent at all events. Councilmember Lyle stated that it was his understanding for the revised policy was to give Staff some flexibility. He asked if this new revision allows that flexibility to make a determination on a case by case basis. Mr. Brewer responded that the revised policy is a blanket policy to prohibit lawn chairs and allow stadium seats and cushions, which have become more popular, based on what people tell him at the gate, because of the way the amphitheater is built. Councilmember Baker confirmed that the new policy also applies to Movies in the Park. He asked if there had been a large crowd for any of the movies when it became a problem. Mr. Brewer responded, yes, there was one when people were turned away. Councilmember Maness stated that there were 900 people at The Greatest Showman. Councilmember Carnes stated that it is worth saying that this was generated in part by the Town’s Police Department and some of their concerns about access, public safety, and their ability to move through the park and evacuate the park when it is crowded. He added that it is not only a comfort issue, but at its genesis as a safety issue and that is where this policy came from. Mayor MacDougall asked Mr. Brewer to over communicate this new policy to the public. The motion was carried with five (5) votes in favor of the motion and one (1) vote opposed (Lyle).

9. **Donation of Liverman Hospital Signage:** The Lexington County Museum requested the donation of the Liverman Hospital’s fascia sign and cornerstone. If donated, a permanent display would be installed at the museum. Council’s approval was requested.

A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve the donation of the fascia sign and cornerstone from the Liverman Hospital as stated. Councilmember Baker stated that this was a recommendation from some citizens who were not thrilled about the Liverman Hospital going away, but it is a great way to honor the history of the hospital and for the Town to move forward with other projects. The motion was unanimously carried by all those present.

**ANNOUNCEMENTS**

**Councilmember Lyle** made the following announcements: (1) The Mayor mentioned many upcoming events and concerts to be held at the Icehouse Amphitheater including The Market. Everyone was encouraged to visit the Town’s social media pages to stay up to date on all the events and take some time to come out and enjoy the amphitheater, including The Market. More vendors are involved with The Market and it has been a lot of fun. He commended the Staff for making the improved move for The Market. (2) The Planning Commission will meet on August 21st at 8:00 a.m. for their regular
meeting in the Council Chambers. (3) Council will return to the regular schedule in September. Council will meet on Tuesday (since Monday is a holiday), September 3rd at 6:30 for our Regular Council meeting and again on September 16th at 6:00 for Council’s Work Session. (4) Chief Green recently announced that the Police Department will participate in the Sober or Slammer campaign which started last Friday and runs through Labor Day Weekend with a focus on D.U.I.’s. As Chief Green and many others have said: “Always make the smart decision to have a sober driver to get you home safe.” (5) Town Hall will be closed September 2, 2019 in observance of Labor Day. (6) Don’t forget the Lexington Police Department Foundation will hold their 2nd annual Golf Tournament on September 16, 2019. All proceeds provide funding for needed equipment, unexpected expenses and to pilot new community based outreach programs. If you would like to participate, please call 359-6260. (7) School starts back tomorrow so please be mindful of children in your neighborhood and slow down in the school zones. Please be safe in the morning as it will be a learning curve for everyone to reset their patterns for the school year. Councilmember Lyle thanked everyone for watching their Town Council in action tonight.

Councilmember Maness requested that all Councilmembers receive the video portion of the July Planning Commission meeting regarding 702 West Main Street.

PUBLIC COMMENTS: None.

NEWS MEDIA QUESTIONS: 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 cable channel 1301 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 7:30 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.