

MINUTES
Town of Lexington
Executive Session, Oath of Office Ceremony and
REGULAR COUNCIL MEETING
December 9, 2013

Town Council held an Executive Session at 4:30 p.m. followed by an Oath of Office Ceremony and a Regular Council meeting in the Council Chambers on December 9, 2013. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston and Councilmembers Kathy Maness, Ted Stambolitis and Todd Shevchik. (Councilmember Shevchik left due to illness following the Oath of Office Ceremony.) Councilmember Danny Frazier was absent.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Assistant Police Chief Major Jay Koon, Utilities and Engineering Director Allen Lutz, Assistant Finance Director Laraine Wieder, Director of Parks, Streets and Sanitation Dan Walker, Planning, Building and Technology Director John Hanson, Economic Development Catalyst Johnny Jeffcoat, Events and Media Coordinator Jennifer Dowden, I.T. Manager Josh Emory, Jr. Network Administrator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately one hundred (100) citizens present for the Reception, Oath of Office Ceremony and Council meeting. No one was present from the news media.

OATH OF OFFICE CEREMONY

Town Administrator Britt Poole welcomed everyone to the Council meeting and to the Oath of Office Ceremony for Mayor Steve MacDougall, Councilmember Hazel Livingston, Councilmember Kathy Maness, and Councilmember Ted Stambolitis. Mr. Poole stated that the Oath of Office Ceremony would be followed by comments from Council. Mr. Poole called on the following:

Mayor Steve MacDougall: Mayor MacDougall was joined by his wife and family. State Senator Katrina Frye Shealy read the Oath of Office which was repeated by Mayor MacDougall swearing him in as the Mayor of Lexington for a four year term. Senator Shealy presented Mayor MacDougall with a Bible and read Luke 12:48, *“From everyone who has been given much, much will be required; and to whom they entrusted much, of him they will ask all the more”*. (Copy of Oath attached.)

Councilmember Hazel Livingston: Councilmember Livingston was joined by her husband and family. Her daughter, Jewitte Dooley, Esquire, read the Oath of Office which was repeated by Councilmember Livingston swearing her in as a Town of Lexington Councilmember after being re-elected, unopposed, for a four year term. (Copy of Oath attached.)

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Councilmember Kathy Maness: Councilmember Maness was joined by her son, Jonathan. Her husband, Amiel J. Maness read the Oath of Office which was repeated by Councilmember Maness swearing her in as a Town of Lexington Councilmember after being re-elected, unopposed, for a four year term. (Copy of Oath attached.)

Councilmember Ted Stambolitis: Councilmember Stambolitis was joined by his mother and daughter. His son, Jonathan Stambolitis read the Oath of Office which was repeated by Councilmember Stambolitis swearing him in as a Town of Lexington Councilmember after being re-elected, unopposed, for a four year term. (Copy of Oath attached.)

COUNCIL COMMENTS

Mayor MacDougall thanked everyone for attending the Oath of Office Ceremony. He thanked Lexington Delegation members Senator Shealy and Representative Bingham for attending. He added that it meant a lot to him for everyone to be here to support him and he hoped they were as happy as him.

Councilmember Livingston thanked everyone that was there for her, especially her family and grandchildren. She stated that this was her 14th year serving on Council and she had decided that it would be her last term, but she wanted to make the most of it for the Town. She hoped someone would step up and want to serve and give a lot of time. She stated that this is a great Council and she looks forward to serving with the new Mayor. She stated that Council puts in a lot of hours but they have the best Staff around who takes care of them.

Councilmember Maness thanked everyone for being here, her husband and son, and especially her brother. She stated that she learned at an early age about public service from her father, Wayne Fields, Lancaster City Councilmember. She was honored to follow in his footsteps. She thanked all the citizens in Lexington for re-electing her and for signing her petitions to be placed on the ballot. She also thanked her Palmetto Teachers Association family members for being here.

Councilmember Stambolitis thanked his mother, son, and daughter for being there for him. He stated that his wife was at the restaurant due to a shortage of staff. He thanked the citizens for believing in him and supporting him in his re-election. He thanked God for sending Jesus to be his Lord and Savior because he could not have done it without him. He looked forward to working with the new Mayor who is a breath of fresh air, very cooperative, business friendly and exciting for the Town of Lexington.

Councilmember Shevchik stated that it was nice to watch everyone get sworn in while he is on an off-cycle. He saw the joy in them and their families and peace for the holidays. He thanked the citizens and thanked them for caring about the Town of Lexington.

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(Mayor MacDougall called for a 5 minute recess. Councilmember Shevchik left due to illness.)

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Pastor Todd Carnes, Radius Church, gave the invocation. Councilmember Stambolitis led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 7:00 p.m.

SELECTION OF MAYOR PRO-TEM: A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to nominate Councilmember Hazel Livingston as Mayor Pro-Tem for the Town of Lexington. There being no further nomination, Mayor MacDougall called for the vote. The motion to appoint Councilmember Livingston as Mayor Pro-Tem was unanimously carried.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 4:30 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 5:05 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevchik. The motion was unanimously carried by all those present. Mayor MacDougall reported that Council met in *Executive Session* to discuss: one routine personnel matter regarding Boards and Commission appointments and two contractual issues related to the sale of two properties. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present.

DELETIONS: Mayor MacDougall requested that New Business Item #1 (2014 Comprehensive Land Plan) be moved to Council's January agenda. There being no objections, the item was deleted.

PRESENTATIONS

1. **Lexington County Recreation and Aging Commission – Ms. Lesley Reeves and Events and Media Coordinator Jennifer Dowden:** Ms. Dowden stated that she and Ms. Reeves have partnered on several events such as the Flashlight Easter Egg Hunt, Movies in the Park, and the Snowball Festival. She added that the Town could not do such great events without the help of Lexington County Recreation and Aging Commission. Ms. Reeves thanked the Town of Lexington for their partnership which made the 3rd Annual Flashlight Easter Egg Hunt possible for over 3,000 people. She also thanked Ms. Dowden, the Parks Staff and the Police Department for their assistance during events. In addition to Movies in the Park, they also hosted two camp outs with 300 attending in June and 400 in September including Mayor MacDougall and his children. Ms. Reeves stated that they are already planning the

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4th Easter Egg Hunt by preparing 125,000 eggs at the soccer complex, with a five year goal and World Record of 501,000.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) He gave a summary of the four day Snowball Festival events, held the previous weekend. He added that over 1,000 residents were present for the tree lighting. The weekend wrapped up with the Christmas Parade on Sunday where he was honored to be the Grand Marshall. He thanked Staff and all the sponsors for making it a great event. (2) He announced that the Lexington Paw Park is now open with a separate section for small and large dogs. He thanked the sponsors for helping to make the park possible including Cherokee Trails, Birchwood Vet Hospital, and Mill Creek Animal Hospital. Applications to register dogs for the park are available at Town Hall and at sponsor locations.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the traffic update as follows: (1) The Phase I Traffic Plan is under way and is over 65% complete. (2) The contractor has started on the beautification project at I-20 and Highway 378. (3) The resurfacing project should conclude by the end of the year. A list of roads and resurfacing dates will be posted on the Town's web page. (4) Mayor Pro-Tem Livingston received several calls about the no turn on red sign at Ginny Lane. SCDOT advised her that when you look left the Hardees sign obstructs site vision therefore creating a danger and the sign was installed. Citizens were asked to call 359-1027 if anyone had any traffic issues. The next Traffic Committee meeting will be held December 10, 2013 at 8:00 a.m. in the Eli Mack, Sr. Room.

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 468 Old Cherokee Road, Lexington County Tax Map #4300-05-019.
2. Final Reading of an Ordinance Annexing 158 Industrial Drive, Lexington County Tax Map #5496-04-003.
3. Final Reading of an Ordinance Annexing 116 Brickyard Road, Lexington County Tax Map #5596-01-041.
4. Final Reading of an Ordinance Annexing 5041 Augusta Road, Lexington County Tax Map #5596-01-037.
5. Final Reading of an Ordinance Annexing 5045 Augusta Road, Lexington County Tax Map #5596-01-051.
6. Final Reading of an Ordinance to Purchase Property on Methodist Park Road.

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

CONSENT AGENDA: Mayor MacDougall asked for a motion to approve the adoption of Consent Order Agendas as part of Council's Rules of Procedure for items that are routine. *(All matters listed within the consent Agenda were distributed to members of Council and are considered routine. Consent Agenda items will be approved by one motion of the Council with no separate discussion. If separate discussion is desired on any item, that item may be removed from the Consent Agenda at the request of a Councilmember for action later in the agenda.)*

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to approve Consent Agendas as part of Council's Rules of Procedure. The motion was unanimously carried by all those present.

OLD BUSINESS CONSENT AGENDA

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve Final Reading of the following items under Consent Agenda:

- C1. Final Reading of an Ordinance Annexing 468 Old Cherokee Road, Lexington Tax Map #4300-05-019.
- C2. Final Reading of an Ordinance Annexing 158 Industrial Drive, Lexington County Tax Map #5496-04-003.
- C3. Final Reading of an Ordinance Annexing 116 Brickyard Road, Lexington County Tax Map #5596-01-041.
- C4. Final Reading of an Ordinance Annexing 5041 Augusta Road, Lexington County Tax Map #5596-01-037.
- C5. Finance Reading of an Ordinance Annexing 5045 Augusta Road, Lexington Tax Map #5596-01-051.

The motion to approve Final Reading of Old Business Consent Agenda items C1 through C5 was unanimously carried by all those present.

OLD BUSINESS ITEMS

- 1. A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance to Purchase Property on Methodist Park Road**. The motion was unanimously carried by all those present.

NEW BUSINESS CONSENT AGENDA

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading of the following items under Consent Agenda:

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- C1. First Reading of an Ordinance Annexing 285 Cedarcrest Drive, Lexington County Tax Map #5497-03-019.
- C2. First Reading of an Ordinance Annexing 356 Porsche Drive, Lexington County Tax Map #5498-05-008.
- C3. First Reading of an Ordinance Annexing Lexington County Tax Map #004496-02-018 near the 2600 Block of Mineral Springs Road.
- C4. First Reading of an Ordinance Annexing 1193 North Lake Drive, Lexington County Tax Map #4300-05-020 and 4300-05-028.

The motion to approve First Reading of New Business Consent Agenda items C1 through C4 was unanimously carried by all those present.

NEW BUSINESS ITEMS

1. (Moved to January 6, 2014 Agenda.) **First Reading of the 2014 Comprehensive Land Use Plan Update.**
2. **First Reading of an Ordinance to Purchase Property at 311 South Church Street:** The Town offered and received acceptance to purchase the Roberts property at 311 South Church Street in the amount of \$180,000, plus related closing costs. An executed contract will available for Final Reading.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve First Reading as stated and to include the authority of the Town Administrator to sign the contract on behalf of the Town. The motion was unanimously carried by all those present.

3. **First Reading of an Annexation of a Portion of TMS #3500-03010, 021, and 013 located near the 4800 Block of Sunset Boulevard:** Dwight L. and Samuel M. Corley own 69.77 acres of property located near the 4800 block of Sunset Boulevard and have requested to begin the annexation process for a 2.72 ace and a 1.17 acre portion of the property. The portions being requested for annexation are associated with the Theater Commercial Center. The parcel is being developed by another developer that intends to place a department store on the site. Properties in Town near this property are zoned General Commercial and Sunset Boulevard is classified as an Arterial Road. The Planning Commission will review this annexation during their next meeting to recommend a zoning and road classification for the property.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading of the annexation as stated. The motion was unanimously carried by all those present.

4. **Review of Boards and Commissions:** Following a Town election, Council reviews all Town Boards and Commissions. Each Board or Commission has qualifications and some have term limits. Listed below is the recommended list of

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nine (9) Town Boards and Commissions for Council's approval. Consideration of all Board and Commission appointments are also reviewed by Council with final selections to be confirmed at a later date.

- 1) Accommodations Tax Advisory Committee
- 2) Advisory Committee
- 3) Board of Architectural and Appearance
- 4) Board of Zoning Appeals
- 5) Building Codes Board of Appeals
- 6) Historic Preservation Review Board
- 7) Planning Commission
- 8) Traffic Committee
- 9) Vision Plan Action Committee

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to approve the nine Boards and Committees as listed. The motion was unanimously carried by all those present.

5. **Boards and Commissions Liaison Appointments:** Following a Town election, Council reviews Council Liaison and Board member appointments for two year terms. Listed below are the proposed Councilmember appointments to various Boards and Commissions:

Central Midlands Council of Government	Mayor Steve MacDougall <i>Alternate:</i> Mayor Pro-Tem Hazel Livingston
Lexington Joint Water & Sewer Commission	Mayor Steve MacDougall <i>Alternate:</i> Mayor Pro-Tem Hazel Livingston
Lexington Chamber Board (Ex-Officio)	Councilmember Ted Stambolitis
Traffic Committee Liaison	Mayor Pro-Tem Hazel Livingston
Planning Commission Liaison	Councilmember Kathy Maness <i>Alternate:</i> Councilmember Todd Shevchik
Board of Zoning Appeals Liaison	Councilmember Todd Shevchik
Advisory Committee Liaison	Councilmember Kathy Maness
Accommodations Committee Liaison	Councilmember Todd Shevchik
Vision Plan committee Liaison	Councilmember Ted Stambolitis <i>Alternate:</i> Mayor Pro-Tem Hazel Livingston
Historic Review Board Liaison	Councilmember Kathy Maness
Board of Appearance Review Liaison	Councilmember Ted Stambolitis
Building Codes Board of Appeals Liaison	Councilmember Kathy Maness

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve all Boards and Commissions appointments as listed. Mayor MacDougall confirmed that external Boards would be notified in writing and internal Boards would be notified of new Liaisons at their next meetings. Councilmember Stambolitis thanked all the citizens who volunteer and serve on the various Town Boards and Commissions. He added that their time and

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effort helps promote the quality of life in Lexington. The motion was unanimously carried by all those present.

6. **Pilgrim Point Subdivision Street Lights:** For three of the past four years the Town has paid a portion of the street light bill for Pilgrim Point subdivision residents. In accordance with the Town's Residential Street Light Ordinance, the Pilgrim Point Homeowner's Association requested that the Town again pay a pro rata share of their street light bill. (A copy of their letter is attached.) There are 48 lots in Pilgrim Point and the Town Ordinance states that the Town would be responsible for one (1) street light pre six (6) lots, which equals eight (8) lights. The total requested is \$1,669.00 ($\$17.39 \times 8 \times 12$). Funds would come from Parks, Streets and Sanitation budget, account #100-5-660-520.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the annual cost of \$1,669 for eight (8) street lights in Pilgrim Point subdivision as requested. The motion was unanimously carried by all those present.

7. **Extension of Havird Property Lease:** The Palmetto Propane lease for the Havird property on South Church Street expires this month, and Mr. Clark Havird requested an extension of one month in anticipation of the completion of construction of their new facility. Per the lease terms, any amendments to the original lease have to be in writing. The terms for the lease would remain the same for the additional thirty days, and it would be stipulated that this would be for one month only with no further extensions. The Town will receive \$2,500 rent for the additional month.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to approve an amendment to the lease as stated and grant a thirty day extension with approval for the Mayor to sign the agreement. The motion was unanimously carried by all those present.

8. **First Reading of Donation of Houses on South Church Street:** Lexington County has a CDBG Home Program that is focusing on developing affordable housing for low-moderate income families in the West Lexington neighborhood. The program is currently open for solicitation to developers interested in submitting a development plan. The Town has been approached with interest from a developer who would like to submit a Development Plan to Lexington using up to four homes the Town owns along South Church Street. If awarded the project from Lexington County, the Town would donate the homes to the developer(s) who would relocate the homes to a suitable location in the West Lexington neighborhood and remodel them for new home owner occupancy.

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve First Reading of Donation of up to four South Church Street homes to any developer who may win the

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solicitation from the Lexington County CDBG Program and will make use of the homes for relocation and renovation for new owner occupancy. The motion was unanimously carried by all those present.

9. **First Reading of an Ordinance to Issue Not to Exceed \$4 Million in General Obligation Bonds and BANs of 2014:** The Town's General Obligation BANs of 2013 will mature in mid-January, 2014. The BANs provided interim financing for property acquisition, road repairs and other capital improvements. The updated General Obligation Bond Ordinance will allow for the refunding of the 2013 BANs totaling \$3.3 Million and provide authorization for up to an additional \$700,000 for interim financing that will allow for maximum flexibility for redevelopment projects for downtown. The total authorization will be for \$4 Million.

The not to exceed amount of \$4 Million includes the \$2.3 Million originally authorized in the 2007 Ordinance, plus \$1,000,000 authorized in 2013 for road repairs, property acquisition, plus an additional authorized amount of \$700,000 for interim financing of downtown redevelopment.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston for First Reading Approval of an Ordinance to Issue Not to Exceed \$4 Million in General Obligation Bonds and BANs of 2014. Town Administrator Poole stated that Council had another Bond issue recently and received .3% interest for \$10 M thanks to the Mr. Ford, Mr. Cunningham and the Town's Bond Counsel. The motion was unanimously carried by all those present.

10. **First Reading of an Ordinance to Issue Combined Water and Sewer Refunding Revenue Bonds of 2014:** The Town's Series 2004 Combined Waterworks and Sewer System Revenue Bonds are eligible for refunding beginning February 1, 2014. The Bonds were originally issued in the amount of \$7,865,000 and have a current outstanding balance of \$6,085,000. Current market conditions indicate that a refunding of the Series 2004 Bonds may result in significant present value savings and lower the Town's maximum annual debt service. The refunding would therefore help the Town with the issuance of future Bonds to fund the overall Water and Sewer Capital Improvement Plan and tend to reduce pressure on rates.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance to Issue Combined Water and Sewer Refunding Revenue Bonds of 2014. Mr. Poole stated that he expected the Town to receive a good rate. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Councilmember Stambolitis made the following announcements: (1) He expressed sympathy to the families of John Hanson in the loss of his uncle; the family of O'Neal

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Hightower, former Mayor of Lexington; and to Sammy Hendrix in the loss of his mother. (2) He thanked Events and Media Coordinator Jennifer Dowden, and all her Santa helpers, for planning the recent Snowball Festival. (3) He congratulated new Mayor MacDougall and the other Councilmembers for being sworn in tonight. (4) The Town is working with the NLC to produce a free video highlighting the Town's quality of life. (5) He congratulated Town Attorney Brad Cunningham for being elected President of the Municipal Attorney Association. (6) The Mayor and Council wished everyone a Merry Christmas and Happy New Year. Citizens were encouraged to remember those less fortunate and to drop off toys at the Police Department and to say an extra prayer for the men and women in the military. (7) Council will meet again on January 6, 2014.

NEWS MEDIA: None.

PUBLIC COMMENT

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 2 and it will also be replayed several times during the week.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to adjourn the Council Meeting. Councilmember Maness wished everyone a Merry Christmas and a Happy New Year and encouraged everyone to remember the true reason for the season. The motion was unanimously carried by all those present.

The Regular Council meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

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FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.