

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
November 3, 2014

Town Council held an Executive Session at 5:30 p.m. followed by the Regular Council meeting at 6:30 p.m. in the Council Chambers on November 3, 2014. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Ted Stambolitis, Todd Shevchik, Todd Carnes and Ron Williams.

Staff members present were: Town Administrator Britt Poole, Assistant Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Director of Transportation Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Economic Development Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, IT Manager Beatrice Daniels, IT Network Administrator Darrell Pritchard, Parks, Streets and Sanitation Foreman Johnny Dillard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately forty-two (42) citizens and students present for the Council meeting and one member from the news media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Councilmember Maness gave the invocation. Councilmember Williams, along with Lexington Elementary School Student Council members, led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:34 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston and Councilmember Shevchik were absent for the vote.) Council adjourned from *Executive Session* at 6:17 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Williams. The motion was unanimously carried. Mayor MacDougall reported that Council met in *Executive Session* to discuss: one legal issue regarding sewer service and three contractual matters regarding the Icehouse Project; Economic Development issues regarding CCFs; and issues regarding acquisition of property. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember

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Maness to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

DELETIONS: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the Minutes as submitted from the Council Work Session held on October 20, 2014. The motion was unanimously carried.

PRESENTATIONS

1. **Lexington Elementary School Student Council – Councilmember Ron Williams:** Members of the Lexington Elementary School Student Council were sworn in by Councilmember Williams. Each student was presented a certificate from the school and a lapel pin from the Town with the assistance of Mayor MacDougall, Mayor Pro-Tem Livingston, Councilmember Kathy Maness, and School Counselor Michelle Privette.

Mayor MacDougall congratulated the students and wished them the best of luck. Councilmember Maness thanked the parents for bringing the children to the Town Council meeting.

2. **Arbor Day Proclamation – Councilmember Todd Carnes:** Councilmember Carnes read a Proclamation declaring December 5, 2014 as Arbor Day in the Town of Lexington. He presented the Proclamation to Parks, Streets and Sanitation Director Walker.
3. **Presentations to Tommy Georgiades of Harbor Inn Seafood Restaurant, Inc. and Tommy Boatwright of Boatwright Paint and Body – Police Chief Terrence Green:** Chief Green thanked Mr. Boatwright and Mr. Georgiades for the time and money they gave to refurbish a military vehicle for the Police Department. He showed a picture of the old vehicle as well as the newly refurbished vehicle that was given to the Police Department from the Federal Government. Chief stated that Mr. Boatwright and Georgiades donated time and money to paint the entire vehicle at no cost to the Town. Chief Green, along with the Mayor and Lexington Police Officers presented the gentlemen with awards thanking them for their help.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) The Snowball Festival will be December 5th through the 7th and will include a concert and carnival at Lexington Square from 6:00 to 8:00 p.m. The tree lighting will be at 8:00 p.m. On Saturday December 6th PattyPacks will host a 5k Race and Lexington Half Marathon at 7:30 a.m. and 8:00 a.m. That evening there will be a double feature movie at Lexington Square from 5:00 to 10:00 p.m. (2) The Mayor announced that the Virginia Hylton Park is closed until further notice due to some fallen trees during the recent snow storm.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the traffic update as follows: (1) The Adaptive Signal project is in design phase. The project has been divided into two phases with Phase I providing 19 of 35 signals and will bid on November 3, 2014. The first anticipated notice to proceed is scheduled for February 1, 2015 with construction lasting nine to ten months. Phase II contains the remaining 16 signals and is expected to go to bid as soon as all right of way issues are resolved. (2) The Penny for Progress vote is tomorrow, November 4th. All four of the Town transportation projects are on the ballot. The relocation of Mineral Springs Road and improvement of Hope Ferry Road at Highway 378 is ranked #1. The next Traffic Committee meeting will be on December 9, 2014 in the third floor board room at 8:00 a.m. Citizens may call 359-1027 if anyone had any traffic issues.

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 140 Laurel Ridge Road, Lexington County Tax Map #4300-03-031. No comments.
2. Final Reading of an Ordinance Establishing a Planned Development for a Mixed Use Assisted Living Facility at 140 Laurel Ridge Road, Lexington County Tax Map #4300-03-031.

Mr. Patrick Chambers, developer for the planned development, explained the outstanding issues with the project and was available to answer any questions. He met with Transportation Director Edwards and SCDOT to discuss a decel lane at the project. He felt that they were 100% behind the turn lane if it is possible. He stated that the parcel that the turn lane would sit in front of is a separate property and the owner's consent would have to be obtained. Mr. Chambers stated that everyone wants to work together. He added that they met with the owner of the property, but the owner has a project under construction and the decel lane would require him to resize his sign which could work against the Town's sign ordinance. Mr. Chambers stated that it was not a huge difference in the owner's sign, but a variance may have to be obtained. He requested Council's approval on the project, with the request for a turn lane.

Mayor MacDougall thanked Mr. Chambers for taking the time to work with the property owner to make this project happen. He added that the project would greatly improve the intersection.

Councilmember Stambolitis asked about the estimated time of completion on the project. Mr. Chambers stated that once they get approval from the Town, then

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real dollars would be spent on the project which would take 4 to 5 months. Once they close on the project and obtained all permits, construction could be completed around late summer 2016.

Councilmember Maness thanked Mr. Chambers for meeting with the neighborhoods on the project. She added that she still has concerns regarding traffic, but she appreciated him doing everything he was asked to do.

Mr. Brad Arnold, 200 Sunningdale Drive in Golden Hills, stated that he was not a member of the homeowners association, but was involved with the Special Tax Commission that raises money for road repairs. He added that with the Town's help they had recently spent a half million dollars upgrading 60% of their roads and they would like to maintain them during the construction period of the project. He stated that the deceleration lane was not addressed as positively as he had hoped because he was led to believe that SCDOT's approval was already granted. Mr. Arnold stated that he had talked to Randy Edwards, who is a great addition to the Town. Mr. Edwards stated that nothing has been designed so there is nothing yet to approve. He added that SCDOT had given their support for when the project comes in. Mayor MacDougall confirmed that SCDOT was in favor of the decal lane assuming that the design and final drawing meets their standards. Mr. Arnold asked when the design would be turned in because he thought the decal lane was very important. A member of the design team responded that they had completed some preliminary design work, but you do not get an approval from SCDOT until you formally go through the process. Mr. Arnold stated that it is important to be aware that if this is approved tonight and goes to the Board of Zoning for the sign, it may not be approved. He stated that he agrees with the sign ordinance and in some cases it could be stronger. He felt that in this case traffic safety supersedes the sign ordinance. He requested that Council give a strong recommendation to the Board of Zoning for the sign variance.

Mayor MacDougall stated that as a Council they have expressed their concern for the project to the Board and the developer group and he anticipates a positive outcome. Councilmember Maness confirmed that the Board of Zoning Appeals would meet on December 4, 2014 at 5:30. Mr. Poole stated that one of the criteria for the Board of Appeals is that the requests not negatively affect adjoining properties, so it would help if the citizens could come to the meeting or write a letter in support of the project. Mayor MacDougall stated that the sign variance is only for one foot, not two feet.

3. Final Reading of an Ordinance Annexing 200 Fergon Road, Lexington County Tax Map #5596-01017. No comments.
4. Final Reading of an Ordinance Annexing Lexington County Tax Map #5498-05-009 located near the intersection of Industrial Drive and Porsche Drive. No comments.

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5. Final Reading of an Ordinance Regarding Door to Door Sales. No comments.
6. Final Reading of an Ordinance for Mutual Aid. No comments.
7. Final Reading of an Ordinance to Accept Donation of Property. No comments.

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 Williams for **Final Reading Approval of an Ordinance Annexing 140 Laurel Ridge Road, Lexington County Tax Map #4300-03-031**. The motion was unanimously carried. (Ordinance attached.)
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Williams for **Final Reading Approval of an Ordinance Establishing a Planned Development for a Mixed Use Assisted Living Facility at 140 Laurel Ridge Road, Lexington County Tax Map #4300-03-031**. Councilmember Williams wished to amend the motion to allow for additional caveats. He stated that based on the information from Randy Edwards and from attending the Golden Hills Homeowners meeting, and by viewing the site, he would like the motion to state that if the requested sign variance is granted to the adjoining property TMS#004300-03-015, that a deceleration lane shall be added by the developer of the planned property. Councilmember Stambolitis seconded the amended motion. Mayor Pro-Tem Livingston confirmed that the approval of the development would be based on approval of the sign variance and the installation of a deceleration lane. Councilmember Williams responded yes and that the sign variance had already been requested with the hearing to take place in December. Councilmember Carnes requested that the amended motion be amended to add that if the sign variance is granted and if SCDOT's approval is given for the decal lane. He stated if they don't add additional wording it reads if SCDOT did not give approval, it would kill the projects. Mayor MacDougall confirmed with the Municipal Attorney that it would not hurt to add the additional wording. Councilmember Williams read the amended motion: if SCDOT approves the deceleration lane and if the requested sign variance is granted to the owners of the adjoining property, a deceleration lane shall be added by the developer of the property. Councilmember Stambolitis seconded the amended motion. The motion was unanimously carried. (Ordinance attached.)
3. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes for **Final Reading Approval of an Ordinance**

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Annexing 200 Fergon Road, Lexington County Tax Map #5596-01017. The motion was unanimously carried. (Ordinance attached.)

4. A motion was made by Councilmember Carnes and seconded by Councilmember Shevchik for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #5498-05-009 located near the intersection of Industrial Drive and Porsche Drive.** The motion was unanimously carried. (Ordinance attached.)
5. A motion was made by Councilmember Williams and seconded by Councilmember Maness for **Final Reading Approval of an Ordinance Regarding Door to Door Sales.** Councilmember Williams emphasized Section 1(e) which stated the times (10:00 a.m. to 8:00 p.m.) that door to door sales are allowed. Councilmember Maness asked what homeowner associations can do if they do not allow solicitations in their neighborhoods. Municipal Attorney Cunningham responded that the homeowners association needs to notify the Town by contacting the Town Administrator in writing that they do not allow door to door sales, unless they are invited to do so. Mayor MacDougall stated that the ordinance was written as restrictive as possible to protect the citizens of Lexington and the sales personnel will have to go through a review process with the Lexington Police Department. Councilmember Williams confirmed that the sales personnel could receive a list of those neighborhoods that do not allow solicitation. The motion was unanimously carried. (Ordinance attached.)
6. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness for **Final Reading Approval of an Ordinance for Mutual Aid** which added the City of Cayce. Mayor Pro-Tem Livingston stated that it should be corrected to City of Cayce Public Safety. Councilmember Stambolitis confirmed that the City of Columbia was not on the list. Chief Green advised that their form was not returned. The motion was unanimously carried. (Ordinance attached.)
7. A motion was made by Councilmember Maness and seconded by Councilmember Williams for **Final Reading of an Ordinance to Accept Donation of Property on Old Cherokee Road, TMS #00430-05-011.** The motion was unanimously carried. (Ordinance attached.)

NEW BUSINESS

1. **First Reading of an Annexation of a Portion of Lexington County Tax Map #5496-01-029:** Mathew and Sara Hendrix own 32 acres along Wildlife Road and have petitioned to annex a portion of the property. The property is undeveloped but is associated with the Barr Lake subdivision currently under construction in the area.

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A motion was made by Councilmember Stambolitis and seconded by Councilmember Williams to approve First Reading of an Annexation of a Portion of Lexington County Tax Map #5496-01-029 as stated. The motion was unanimously carried.

2. **First Reading of an Annexation of Barr Lake, Lexington County Tax Map #5300-02-118:** The Barr Lake Homeowners Association owns 124.2 acres on Wildlife Road and petitioned to annex the property. The lake of the Barr Lake Subdivision is located on this property. Properties in Town near this one are zoned Protected Residential (PR) and Wildlife Road is not currently classified. The Planning Commission will review the annexation during their next meeting to recommend a zoning and road classification for the property.

A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve First Reading of an annexation of Barr Lake as stated. Councilmember Stambolitis asked if the property is contiguous to other Town property. Town Administrator Poole stated that it will be once the first item is annexed. He stated that the developer worked out a deal to obtain access across the undeveloped property. Mayor MacDougall wanted to be clear that it is a voluntary annexation in that the Town does not go after property. The motion was unanimously carried.

3. **First Reading of an Ordinance to Annex Barr Lake Subdivision, 69.9 acres primarily located on Lexington County Tax Map #530-02-007:** Barr Lake Associates, LLC owns 69.9 acres along Wildlife Road and petitioned to annex the property. The Barr Lake Subdivision is currently under construction on the property. One hundred and forty-eight homes are planned for this phase of the subdivision. Properties in Town near this property are zoned Protected Residential (PR) and Wildlife Road is currently classified. 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 Carnes and seconded by Councilmember Williams for First Reading approval as stated. Town Administrator Poole stated that once this annexation is approved this will make 2014 the largest year for the number of parcels, and acreage, annexed into the Town. He also confirmed that construction has already started on the project. The motion was unanimously carried by all those present. (Councilmember Shevchik was not present for the vote.)

4. **Approval of a Resolution for Issuance of Water and Sewer Revenue Bond:** The Town's Water and Sewer System Capital Improvement Plan over the course of the next five years includes approximately \$22 Million in projects. The financing plan includes a mix of capital contribution fee income, retained earnings, and Revenue Bond issuances. During fiscal year 2015, the plan

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requires the roll-over of \$10 Million in Revenue BANs issued in 2013. The BANs will provide continued interim financing for the projects during the construction phase followed by the issuance of long-term revenue bonds later in the decade. State law allows for BANs to be issued with maturities of up to one year. The use of low interest short-term BANs is designed to minimize overall financing costs and maintain financial flexibility during the construction phase. Long-term Revenue Bonds will most likely be issued in Fiscal Year 2017.

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis for approval of a Resolution for the Issuance of Water and Sewer Revenue Bond Anticipation Notes of 2014. The motion was unanimously carried by all those present. (Councilmember Shevchik was not present for the vote.)

5. **Update of the Vision Plan:** Council reviewed the Vision Plan Update at the October Work Session with two minor corrections. Revisions were a result of Council's July Retreat.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve the updated Vision Plan as presented. (Copy attached.) The motion was unanimously carried by all those present. (Councilmember Shevchik was absent for the vote.)

ANNOUNCEMENTS

Councilmember Stambolitis made the following announcements: (1) The Mayor and Council and Staff expressed their deepest sympathy to the family of Robin Hudson. (2) He congratulated Lexington Elementary Student Council members who were sworn in tonight. (3) He thanked the owners of Harbor Inn Seafood and Boatwright Paint and Body for all the contributions they made to the Police Department's new vehicle. (4) The Historic Preservation Review Board presented annual preservation awards last month to: 212 E. Main Street (Antiques on Main/Carly Place); 403 North Lake (Café 403); and 305 North Lake (4D Engineer). (5) He thanked the Police Department for another successful Fall Festival. (6) He encouraged everyone to check the Town's web page for all the dates and times of the many events to be held during the Town's Snowball Festival from December 5th through December 7th. (7) He announced that the Veteran's Parade was yesterday and Veteran's Day is November 11th. He encouraged citizens to thank a Veteran for all the sacrifices they made for our country. (8) Tomorrow is Election Day. The ballot will include proposed Penny Tax projects and citizens could look at the ballot on the Lexington County web page. Councilmember Stambolitis thanked everyone for attending and he wished everyone a Happy Thanksgiving. He wished his wife a Happy Birthday.

Mayor Pro-Tem Livingston wished her husband a Happy 60th Birthday.

NEWS MEDIA QUESTIONS: None.

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PUBLIC COMMENTS

Ms. Linda Ingebretsen, 200 Cottage Green Lane, asked if the dam was included with the property on Old Cherokee that was donated to the Town. Mayor MacDougall responded that the dam was not included and he was not sure who owned the dam. He requested that Staff get the information and contact Ms. Ingebretsen.

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 Maness and seconded by Councilmember Williams to adjourn the Council Meeting. The motion was unanimously carried.

The Regular Council meeting was adjourned at 7:33 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.