

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
January 5, 2015

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 January 5, 2015. The meetings were attended by: Mayor Steve MacDougall, Councilmembers Ted Stambolitis, Todd Shevchik, Todd Carnes, and Ron Williams. Mayor Pro-Tem Hazel Livingston and Councilmember Kathy Maness were absent.

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, Events and Media Coordinator Jennifer Dowden, 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 fifty (50) citizens 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. He added that Mayor Pro-Tem Livingston and Councilmember Maness were both out of town on vacation. Pastor Robbie McAlister, Riverbend Community Church gave the invocation. Councilmember Carnes led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:35 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 Williams and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Shevchik was absent for the vote.) Council adjourned from *Executive Session* at 6:30 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes. The motion was unanimously carried by all those present. Mayor MacDougall reported that Council met in *Executive Session* to discuss: one legal issue related to construction of the Golden Hills Sewer Line and three contractual matters related to a proposed sale of Town property, Economic Development Downtown issues, and issues related to a Sanitary Sewer Agreement. No vote was taken. A motion was made by Councilmember Williams and

MINUTES
REGULAR COUNCIL MEETING
January 5, 2015

seconded by Councilmember Shevchik to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Carnes and seconded by Councilmember Shevchik to approve the minutes as submitted for Council's Work Session on November 17, 2014 and Council's Regular Meeting on December 1, 2014. The motion was unanimously carried by all those present.

PRESENTATIONS

- 1. Presentation 2014 Art Rish Employee of the Year Award, Sergeant Rick Hazewinkel – Police Chief Terrence Green:** Chief Green welcomed the family of Art Rish for this year's award which is named in memory of Art's dedication and positive attitude. Chief Green announced that the recipient of the first Art Rish Employee of the Year Award was Sergeant Rick Hazewinkel. He added that Sergeant Hazewinkel is reliable, dedicated, comes in when others are off, and does not complain. He added that Art and Rick were at the Police Academy together and Rick has been with the Town for eleven years. He is a 1993 graduate of Lexington High School, a Marine, and a USC graduate. He is married with two children. Chief Green, along with Mayor MacDougall, presented the award to Sergeant Hazewinkel.
- 2. Recognition and Appreciation, 10 Year Anniversary Volunteering in Policing Services Program (VIP Program) – Police Chief Terrence Green:** Chief Green was proud to announce the 10th anniversary of the VIP Program and acknowledged approximately 30 participants who were present. Chief Green thanked them for volunteering for many events including the Lexington Wine Walk, Fall Festival, Snowball Festival, Christmas Parade and more. He recognized Ms. Melissa Woods who participated in 50 events for a total of 44 hours.
- 3. Life Saving Awards to Zack Truel and Caitlin Voravudhi – Police Chief Terrence Green:** Chief Green announced that the Life Saving Awards are presented to Officers who have gone beyond the scope of their duties and directly responsible for saving a life. He stated that on December 13, 2014, officers responded to a call where a citizen was not breathing. Due to the actions of Officers Truel and Voravudhi, along with Lexington County Fire and EMS, and the Mayor's wife at the Lexington Medical Center, the citizen was brought back to life and the family had a Christmas gift that they will never forget. Chief Green, along with Mayor MacDougall, presented the awards to Officers Truel and Voravudhi.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) He thanked everyone that participated in the third annual Snowball Festival. The concert and carnival at Lexington Square had more than 2,000 attendees. Despite rain on Saturday,

**MINUTES
REGULAR COUNCIL MEETING
January 5, 2015**

athletes participated in PattyPacks Warm a Heart 5K Race and Lexington Half Marathon. Saturday evening a double feature movie was held at Lexington Leisure Center. Sunday was the largest Lexington Christmas Parade to date and Main Street was lined with residents celebrating the season. Mayor MacDougall thanked all the partners: Lexington County Recreation and Aging Commission, PattyPacks, and Lexington Jaycees, along with B106.7 FM, the media sponsor. He thanked Town Staff, especially Jennifer Dowden, who worked hard to put together this wonderful event. (2) Project Icehouse: Building demolition is complete. The Downtown Redevelopment Plan TIF District was created and implemented. The Town will go out to bid for the construction of the amphitheater and parking lot in the first quarter of 2015. The RFP was completed to sell the Shirey building located at 101 West Main Street.

TRAFFIC UPDATE

Mayor MacDougall stated that: (1) Phase I of the Adaptive Signalization Project, including 19 signalized intersections, has been advertised for construction with bids to be opened February 10, 2015. Construction should begin late March and last six to nine months. The system should be fully operational by the end of this calendar year. Phase II will include the remaining 16 signals and should go to bid as soon as right-of-way issues are resolved. (2) The Traffic Committee is reviewing safety issues related to a left turn at Saluda Point and Ginny Lane. (3) The Traffic Committee will meet again on January 20, 2015 at 8:00 a.m. in the third floor conference room. Citizens were asked to report any road or traffic issues, including pot holes, to 359-1027.

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 to Accept Property on Old Cherokee Road. No comments.
2. Final Reading of an Ordinance Annexing 5400 Augusta Road, Lexington County Tax Map #4300-03-054. No comments.
3. Final Reading of an Ordinance Annexing 115 Park Road, Lexington County Tax Map #4323-05-001. No comments.
4. Final Reading of an Ordinance Donating a Retired Police Vehicle. No comments.

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

OLD BUSINESS

1. A motion was made Councilmember Stambolitis and seconded by Councilmember Carnes to approve **Final Reading of an Ordinance to Accept Property on Old Cherokee Road**. Councilmember Stambolitis thanked SCDOT for the donation of the property which would make a better entrance into the trail. The motion was unanimously carried by all those present.
2. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve **Final Reading of an Ordinance Annexing 5400 Augusta Road, Lexington County Tax Map #4300-03-054**. The motion was unanimously carried by all those present.
3. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve **Final Reading of an Ordinance Annexing 115 Park Road, Lexington County Tax Map #4323-05-001**. The motion was unanimously carried by all those present.
4. A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Donating a Retired Police Vehicle**. Councilmember Williams stated that the Town won the car through a grant and now the Town could give it to another municipality for continued service. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading of an Ordinance to Sell the Shirey's Building located at 101 West Main Street:** The Town of Lexington had a positive response to the recent RFP for the sale and development of the Shirey's Building at 101 West Main Street. The responding party was i3, LLC, with an offer of \$150,000. The terms of the contract will include the terms of the RFP and there is a proposed deed restriction to assure that the intended use of the property meets the requirements set forth in the RFP.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve First Reading of an Ordinance to sell the Shirley's building located at 101 West Main Street for \$150,000 with terms as stated. The motion was unanimously carried by all those present.

2. **First Reading of an Annexation of 141 Brickyard Road, Lexington County Tax Map #5596-01-048:** H & W Investment Properties, LLC recently purchased 7.6 acres located at 141 Brickyard Road and has petitioned to annex the property. A heavy equipment sales and service business will be locating on the property. Properties in town near this property are zoned General

MINUTES
REGULAR COUNCIL MEETING
January 5, 2015

Commercial (GC) and Industrial (IND). Brickyard Road is classified as a Collector Road. Augusta Road and Interstate 20 are classified as Arterial Roads. The Planning Commission reviewed this annexation during their December meeting and recommended continuing the same road classification for each of the roads that are adjacent to this property.

A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve First Reading of an annexation at 141 Brickyard Road as stated. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Rezoning 409 Scotland Drive:** Golden Hills, Inc. requested to rezone 409 Scotland Drive from Protected Residential (PR) to Office Commercial. The request is being made to allow the building to be leased as a construction company office. The building has been used commercially in the past but the 2007 Zoning Ordinance update changed the zoning of the property to Protected Residential (PR) and made the golf course as well as the pool, the clubhouse and all associated buildings allowable neighborhood accessories in Protected Residential (PR) zones. The Planning Commission reviewed the request during their December meeting and recommended against changing the zoning on this property.

A motion was made by Councilmember Carnes and seconded by Councilmember Williams, for discussion purposes, for First Reading approval of rezoning 409 Scotland Drive. Councilmember Williams stated that based on the fact that this was declined by the Planning Commission and based on the negative responses he received from homeowners, he did not see where it fits into the landscape they have designed for the Town. He stated that he had concerns that if this was allowed in this neighborhood, others could make similar requests.

Councilmember Stambolitis stated that he also heard from other homeowners who oppose the zoning. He stated that Council's priority is to protect citizens and businesses. He agreed with Councilmember Williams in that there is a lot of opposition to the change in zoning. He added that the Planning Commission made their recommendation and they put a lot of thought and work into it so he did not want to discount their decision.

Councilmember Carnes stated that he was at the Planning Commission when the item was discussed and their opposition was that they viewed it as a spot zoning request. He added that since the Town had revamped the Zoning Ordinance, the Planning Commission is trying to stay away from spot zoning. He stated that part of the request was reasonable, but it is not just for the short term, but in the long term, in 10 to 15 years, you have to think about what will happen to the property several tenants down

MINUTES
REGULAR COUNCIL MEETING
January 5, 2015

the road. He added that the Planning Commission's decision seemed relevant and correct.

Councilmember Shevchik stated that he agreed with Councilmembers Williams and Carnes regarding the property and the Planning Commission's decision. He was also concerned with the egress and ingress on such a small road onto Highway 378.

Mayor MacDougall thanked the citizens from Golden Hills for coming out tonight. He added that they have tried to listen to the residents and the Council is here as servants to the residents and they let us know. He added that this does not reflect negatively on the golf course in any way, but this is the way the Town chooses to operate. He stated that the Town changed the zoning in 2007 to protect the Town from just such a request. In addition, the Town adopted a new Comprehensive Land Use Plan last year and this request is not consistent with that plan. Mayor MacDougall called for the vote.

The motion was unanimously opposed by all those present. The item failed First Reading.

4. **Stormwater Discharge Good Housekeeping Policy:** The Town of Lexington is a co-permittee of the Lexington County National Pollutant Discharge Elimination system permit. This permit is required by the Environmental Protection Agency for all regulated small municipal storm sewer systems. One criteria of the permit is for each co-permittee to establish an employee training and education program on best management practices for stormwater pollution prevention. Town Council is being asked to adopt the attached training plan for all current and future Town employees.

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve the adoption of the Stormwater Discharge Good Housekeeping Policy as stated. Councilmember Carnes asked if this was something new for the Town. Town Administrator Poole stated that training is new but co-permitting has been done since 2008. Councilmember Carnes stated that it sounds like a great program, but he does not understand training Finance Staff in stormwater runoff. Town Administrator Poole explained that Meter Readers are in the Finance Department and are out in Town vehicles and see runoff issues. He added that Planning would attend first, then other departments, but training only lasts approximately 20 minutes. The motion was unanimously carried by all those present.

5. **Conversion of Capital Contribution Certificates from Commercial to Residential:** A prospective buyer approached the Town regarding the Riverchase property near Corley Mill Road. This property has gone through

MINUTES
REGULAR COUNCIL MEETING
January 5, 2015

foreclosure, and is on the market but has been idle for several years. To make the purchase work, the prospective buyer asked the Town for permission to convert some of the Capital Contribution Certificates from Commercial to Residential use and to allow the credit to be exchanged for use in other locations within the Town of Lexington service area.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to grant discretion to the Town Administrator to allow the conversion of certificates subject to certain conditions. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Councilmember Williams made the following announcements: (1) He wished Councilmember Shevchik a Happy Birthday yesterday. (2) He announced that Town Hall will be closed on January 19, 2015 in honor of Martin Luther King's Birthday. (3) Council will hold their Work Session on Tuesday, January 20, 2015, in the Eli Mack Room. (3) The Lexington County Museum will hold their annual fundraiser on January 24, 2015 from 6:00 to 10:00 at the Town Hall Conference Center. Tickets are \$50.00 per person. He thanked everyone for watching the Council meeting and he wished everyone a happy and healthy new year.

Councilmember Stambolitis wished his mother a Happy Birthday.

Councilmember Shevchik wished former Mayor Halfacre a Happy Birthday.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

Mr. Chuck Corley wished to make two comments. (1) He had an out of town visitor recently who was very impressed with how beautiful the Town looked. He stated that the Town's Landscape Ordinance has made a difference. He thanked the Council for their support of the downtown area and how important it is to have a real heart of a town. (2) He thanked the Lexington Police Department regarding an incident that happened to him recently in the Bi-Lo parking lot. He stated that he never locks his truck and while he and his wife were in the store someone broke into his truck and took his cell phone. He noticed a strange looking fellow nearby realized he was looking at a phone, so he borrowed his wife's phone and called his cell number. As he approached the stranger he could see that it was his phone and took it away from him. The stranger stated that Mr. Corley must have dropped his phone in the store. Mr. Corley stated that he no sooner turned around when off duty Officer Mortenson had the stranger on the ground. He appreciated the Town's Police Officers fast response. He added that Officer Hazewinkel brought a form to his house to sign for the arrest and he was later told that the stranger had just been let out of jail for doing the same thing. Mr. Corley thanked

MINUTES
REGULAR COUNCIL MEETING
January 5, 2015

the Mayor and Council for all they do for the Town; they look forward to what is ahead; and they have all the confidence in the world in the Council.

Mayor MacDougall thanked Mr. Corley and his wife for all they do for the Town.

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 Carnes to adjourn the Council Meeting. The motion was unanimously carried by all those present.

The Regular Council meeting was adjourned at 7:23 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.