

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
February 2, 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 February 2, 2015. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Shevchik, Todd Carnes, and Ron Williams. Councilmember Ted Stambolitis was 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, 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 Manager Bea Daniels, IT Network Administrator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately fifteen (15) 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. Pastor Jerry Freeman, Lexington Baptist Church, gave the invocation. Councilmember Williams led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:32 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 Maness and seconded by Councilmember Shevchik to go into *Executive Session*. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston and Councilmember Williams were absent for the vote.) Council adjourned from *Executive Session* at 6:25 p.m. after a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston. The motion was unanimously carried by all those present. Mayor MacDougall reported that Council met in *Executive Session* to discuss: one legal update on a pending legal matter and two contractual issues related to a CCF Contract and an economic development issue related to downtown. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Williams to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

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APPROVAL OF MINUTES: A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve the minutes as submitted for Council's Regular Meeting on January 5, 2015, a Special Council Meeting and Council's Work Session on January 20, 2015. The motion was unanimously carried by all those present.

PRESENTATIONS: None.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) Project Icehouse: Demolition of buildings is complete. Created and implemented Downtown Redevelopment Plan and TIF District. Bids will go out first quarter of 2015 for the construction of the amphitheater and parking lot. The RFP to sell the Shirey building was completed and the Town received a proposal that appears to meet the Town's objectives for the redevelopment of the area. Council has Final Reading tonight of an Ordinance to sell the Shirey building. (2) Wayfinding Signage: Bids are currently being reviewed for new directional and identifier signs throughout the Town. A bid will be awarded in March. (3) State of the Town: The Mayor will deliver the State of the Town Address at Council's March 2, 2015 meeting to be held at 6:30 in the Council Chambers. It can also be viewed on the Town's Time Warner Channel 2 or on www.lexsc.com. Mayor MacDougall added that he will acknowledge the Town's major accomplishments in 2014 and present the Town's goals for 2015.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave a traffic update: (1) Phase I of the Adaptive Signal Project, including 19 signalized intersections, has been advertised for construction and bids will be opened on February 10, 2015. Construction is expected to begin in late March and last 6 to 9 months. The system is planned to be fully operational by the end of the calendar year. Phase II will include the remaining 16 signals and is expected to go to bid as soon as right-of-way issues are resolved. (2) The Traffic Committee is reviewing safety issues related to left turn operations at Saluda Point Court and Ginny Lane with SCDOT. The next Traffic Committee meeting will be February 17, 2015 at 8:00 a.m. in the third floor conference room at Town Hall. Citizens were encouraged to call 359-1027 to report any specific traffic problems, unsafe situations, or just a pothole that needs repair.

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 sell the Shirey's Building located at 101 West Main Street. No comments.

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2. Final Reading of an Ordinance Annexing 141 Brickyard Road, Lexington County Tax Map #5596-01-048. No comments.
3. Final Reading of an Ordinance to authorize the issuance of Corporation Bonds and BANs. No comments.
4. Final Reading of an Ordinance to issue Ice House Redevelopment Project Area Tax Increment Bond, Series 2015. No comments.

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

OLD BUSINESS

1. A motion was made Councilmember Maness and seconded by Councilmember Carnes to approve **Final Reading of an Ordinance to sell the Shirey's Building located at 101 West Main Street**. The motion was unanimously carried by all those present.
2. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Annexing 141 Brickyard Road, Lexington County Tax Map #5596-01-048**. The motion was unanimously carried by all those present.
3. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve **Final Reading of an Ordinance to authorize the issuance of Corporation Bonds and BANs**. The motion was unanimously carried by all those present.
4. A motion was made by Councilmember Carnes and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance to issue Ice House Redevelopment Project Area Tax Increment Bond, Series 2015**. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #4300-05-007 Located Near the Intersection of Old Cherokee Road and Cherokee Trail**: The John Wingard Estate owns approximately 35 acres near the intersection of Old Cherokee Road and Cherokee Trail and has petitioned to annex approximately 31 acres of the property. The property is currently undeveloped but Crown Communities plans to construct a neighborhood on the property and a portion of the adjacent 29 acre parcel. Properties in Town near this property are zoned Protected Residential (PR) and Old Cherokee Road is classified as a Collector Road. The Planning Commission reviewed this annexation during their January meeting and recommended Protected Residential

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2 (PR2) zoning for the property and recommended classifying Old Cherokee Road as a Collector road. The Commission's recommendation was contingent on Crown Communities coming back to the Planning Commission and receiving site plan approval for the neighborhood prior to Council's final approval of the annexation.

A motion was made by Councilmember Williams and seconded by Councilmember Shevchik to approve First Reading of an Ordinance to annex Lexington County Tax Map #4300-05-007 located near the intersection of Old Cherokee Road and Cherokee Trail. Mayor MacDougall clarified that the additional four acres was being held as a driving range. Town Administrator Poole stated that the next item also pertained to the annexation. Councilmember Carnes confirmed that the site plan had not been approved. Town Administrator Poole stated that the Planning Commission's recommendation was to send the item to Council with a recommended approval but held for Second Reading until the site plan is brought in. He added that the plan submitted was conceptual and did not include enough information to call it a site plan. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #3400-05-018 Located Near the Intersection of Pilgrim Church Road and Cherokee Trail:** Cushfield, LLC owns 29.3 acres near the intersection of Pilgrim Church Road and Cherokee Trail and has petitioned to annex approximately 21 acres of the property. This property is the counterpart to the Wingard annexation also sought by Crown Communities. Properties in Town near this property are zoned Protected Residential and Pilgrim Church Road is classified as a Collector Road. The Planning Commission reviewed this annexation during their January meeting and recommended Protected Residential 2 (PR2) zoning for the property and recommended classifying Pilgrim Church Road as a Collector road. This recommendation is also contingent on Crown Communities coming back to the Planning Commission and receiving site plan approval for the neighborhood prior to Council's Final Approval of the annexation.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3400-05-018 located near the Intersection of Pilgrim Church Road and Cherokee Trail. Mayor MacDougall stated that this was also a partial annexation and did not include the entire property. Town Administrator Poole stated that the properties overlap. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Annexing Lexington County Tax Map #4498-01-046 and 047 Located at 5146 Augusta Road:** William and Beverly

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Whitworth own 1.3 acres on two parcels located at 5146 Augusta Road and have petitioned to annex the property. A retail store is being planned for the site. Properties in Town near these properties are zoned General Commercial and Augusta Road is classified as an Arterial Road. The Planning Commission will review this annexation during their February meeting to recommend a zoning and road classification for these properties.

A motion was made by Councilmember Maness and seconded by Councilmember Williams for First Reading approval of an Ordinance annexing Lexington County Tax Map #4498-01-046 and 047 located at 5146 Augusta Road. Mayor Pro-Tem Livingston confirmed that this item would also go before the Town's Architectural Review Board on February 17, 2015 at 9:00 a.m. Town Administrator Poole stated that the Architectural Review Board would review the design of the outside of the building, landscape, parking and items regarding the general appearance of the site. Councilmember Williams confirmed that the annexation does not give them the authority to build. Town Administrator Poole stated that it only brings the property into the Town and it still has to go before the Planning Commission and the Architectural Review Board. The motion was unanimously carried by all those present.

4. **First Reading of an Ordinance Amending Ordinance §131.11 – Obtaining Property by False Pretenses:** Town Council was asked to consider amending §131.11 of the Town of Lexington Code of Ordinances titled Obtaining Signature Or Property By False Pretenses. The text of the current Ordinance is below. The requested change is to add “services” to the Ordinance, so as to penalize a person for obtaining services as well as property under false pretenses. An example of a violation would be absconding on a taxi cab bill, but it would include any other “service” obtained under false pretenses.

§131.11 OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES. *Any person who shall by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain from any other person any chattel, money, valuable security, or other property, real or personal, where the value thereof does not exceed one thousand dollars (\$1,000.00) with intent to cheat or defraud any person of the same shall be guilty of a misdemeanor.*

(‘60 Code, §10-7; Am. Ord. 351 § 4. Passed 1-5-98)
Cross Reference – Penalty, see § 130.99

A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston for First Reading approval of an Ordinance Amending Ordinance §131.11 – Obtaining Property by False Pretenses. Councilmember Shevchik requested clarification from the Municipal Attorney and the Police Chief in order to explain the item to Town

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citizens. Municipal Attorney Cunningham stated that the best example is absconding on a taxi cab bill. He added that Chief Green brought a stack of examples to the last meeting which would not hold up in court under the Innkeepers Statute. Chief Green summarized that people catch a cab in the City of Columbia, come to Lexington and jump out of the cab, and then they cannot find them. The motion was unanimously carried by all those present.

5. **Pilgrim Point Street Lights:** For four of the past five years the Town has paid a portion of the street light bill for Pilgrim Point 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. (Copy of request letter attached.) There are 48 lots in Pilgrim Point and the Town Ordinance stated that the Town would be responsible for one (1) street light per six (6) lots, which equals eight (8) lights. The total requested is \$1,669 (17.39 x 8 x 12). Funds would come from Parks, Streets, and Sanitation budget, account #100-5-660-520.

A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to approve funding for Pilgrim Point street lights as stated. Mayor MacDougall stated that it would be worthy to explain this item so citizens would understand why the Town pays this bill. Town Administrator Poole stated that by policy the Town pays the street light bills and maintains them in neighborhoods under certain conditions. He added that developers come to the Town before they build to make sure they meet the conditions. He stated that this is a gated neighborhood and the Town does not own the streets, but they asked for the same consideration that all other neighborhoods receive in Town. Mr. Poole explained that they have more street lights than allowed by policy and it is factored into the formula to pay a portion. Mayor MacDougall stated that this is a special circumstance. The motion was unanimously carried by all those present.

6. **First Reading of a Mid-Year Budget Adjustment:** The following budget adjustment is necessary for the current year. No increase in appropriations occurs as a result of this change.

<i>Increase</i> Parks Capital Outlay	\$15,500
(Grasshopper Mowing System)	
<i>Decrease</i> Parks Salaries	<u>(\$15,500)</u>
Net	\$ -0-

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve First Reading of the Mid-Year Budget Adjustment as stated. Councilmember Carnes confirmed that the salary portion was from an unfilled position. Town Administrator Poole

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stated there were some modifications throughout the year. The motion was unanimous carried by all those present.

ANNOUNCEMENTS

Councilmember Carnes made the following announcements: (1) He wished Councilmember Stambolitis a Happy Birthday today. (2) He announced that there would be no Board of Zoning Appeals meeting this month. (3) The Miss Lexington and Miss Teen Lexington Scholarship Pageant would be held on February 15, 2015 at 5:00 at Lexington Middle School Theater. Tickets cost \$15.00 at the door. (4) Town Hall will be closed on Monday, February 16, 2015 in honor of Presidents Day. (5) Council's next meeting will be held on Tuesday, February 17, 2015 at 6:00 in the Eli Mack Room. He congratulated both New England Patriot fans. He wished everyone a good month and thanked everyone for tuning into Town Council tonight.

Mayor MacDougall welcomed student Syndi Anderson from River Bluff High School. He wished Councilmember Maness' husband a Happy Birthday.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

Mayor MacDougall thanked the Council Members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on Channel 2 and it will also be replayed several times during the week.

There being no objection from Council, Mayor MacDougall declared the Council Meeting adjourned.

The Regular Council meeting was adjourned at 7:01 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.