

MINUTES
Town of Lexington
Executive Sessions and
REGULAR COUNCIL MEETING
December 7, 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 December 7, 2015 followed by a second Executive Session. 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, Director of Planning, Building and Technology John Hanson, Economic Development Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks and Sanitation Dan Walker, Assistant Director of Parks and Sanitation Johnny Dillard, IT Manager Bea Daniels, IT Network Administrator Darrell Pritchard, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately thirty (30) cheerleaders and twenty-five (25) citizens present for the Council meeting. 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. Pastor Pat Riddle, St. Stephen's Lutheran Church of Lexington, gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:34 p.m.

EXECUTIVE SESSION REPORT (Part I)

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 (6). (Councilmember Stambolitis was not present for the vote.) Council adjourned from *Executive Session* at 6:25 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a)(2), Council met in *Executive Session* to discuss: Legal advice regarding agenda items; four legal issues related to annexations, a charitable donation, flood damage; two contractual items regarding water and sewer and the court system; and, one routine personnel item. No vote was taken. Mayor MacDougall stated that in order to stay on schedule with Council's public meeting, Council would reconvene in Executive Session following the regular Council meeting. A motion was made by Councilmember Maness

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and seconded by Mayor Pro-Tem Livingston to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

ADDITIONS/DELETIONS ON AGENDA

Mayor MacDougall requested that the following items be deleted from the agenda:

Old Business #1 through #6 (applicants requested): Old Business #1 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-03-049 located adjacent to the Prescott Glen subdivision); Old Business #2 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5329-01-223 located in the Prescott Glen subdivision); Old Business #3 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5333-01-063 located in the Meadowview subdivision); Old Business #4 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-03-019 located at 609 Rawl Road); Old Business #5 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-07-012 located at 600 Rawl Road) and Old Business #6 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5496-04-004 located at 142 Industrial Drive – *request to table for one month per potential buyer*).

There being no objections from Councilmembers, Old Business Items #1 through #6 were deleted.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve the minutes as submitted for Council's Work Session on November 16, 2015. The motion was unanimously carried.

PRESENTATIONS

1. (Moved to January, 2016.) **Proclamation Commending Chris King, Michael Sechrest, and Greg Croft of Interactive Data Visualization, Inc. – Councilmember Todd Shevchik:**
2. **Proclamation Commending the Lexington High School Varsity Cheerleaders for Winning the 4A State Competitive Cheer Championship – Councilmember Todd Carnes:** Councilmember Carnes read a Proclamation for the Lexington High School Varsity Cheerleaders who recently won the 4A State Championship. He congratulated them on scoring 460, the highest score of all time. (Copy attached.) Ms. Shannon Canady thanked the Mayor and Council. She stated that this is their second time to win the Championship and she congratulated the girls for working so hard.
3. **Proclamation Declaring December 11, 2015 as Arbor Day – Councilmember Ron Williams:** Councilmember Williams read a Proclamation declaring December 11, 2015 as Arbor Day in the Town of Lexington. (Copy attached.) He confirmed that the Parks Department would plant a tree at 9:00 a.m. on December 11, 2015 in the Virginia Hylton Park.

4. **Presentation of National League of Cities's Women In Municipal Government Award to Mayor Pro-Tem Hazel Livingston – Mayor Steve MacDougall:** Mayor MacDougall re-presented the WIMG Award to Mayor Pro-Tem Livingston. The award was originally presented at the NLC Conference. Mayor MacDougall commended Mayor Pro-Tem Livingston for receiving the award for her community involvement including the preservation of the Palmetto Collegiate Institute, establishing the Lexington Beautification Foundation, and rolling up her sleeves at the new Lexington Square Park and the Interchange Beautification Project.

Mayor Pro-Tem Livingston thanked the Mayor and Council, especially Councilmember Maness who put her name in for the award. She stated that she was very surprised while at the WIMG luncheon during the NLC Conference. She added that the award was really for the Town and everyone that helped with the many projects including the Young Professionals who helped with the Wine Walk and Pat Jeffcoat who helped with the gateway project.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's 2015 Snowball Festival which is part of the Town's Vision Plan. He thanked everyone who participated in the 4th Annual Snowball Festival which ran from December 4th through December 6th. Friday night was a concert and festival at Lexington Square with 2,000 in attendance. Saturday started off with 200 runners in the PattyPacks Warm a Heart 5K and 10K Race. That evening families enjoyed an outdoor movie at Lexington Square. The weekend was capped off with more than 100 entries in the Lexington Christmas Parade. Mayor MacDougall thanked partner agencies: Lexington County Recreation and Aging Commission, PattyPacks and Lexington Jaycees along with Media sponsor B106.7 FM. He thanked the many Staff members that helped with the Snowball Festival, especially Events and Media Coordinator Dowden who worked hard to put together another successful event.

Mayor MacDougall gave a brief update on Project Ice House. He stated that due to the weather there was not a lot to report. He added that there may be more to report in about a month.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave a traffic update: (1) Work for Phase I of the Adaptive Signal Project continues as the contractor is installing fiber communications between each signal. The first of the Adaptive Signals are planned to go live in two weeks at Main Street at Church Street and Lake Drive; West Main Street at Park Road and Old Chapin Road; and Columbia Avenue at Butler Street. (2) The Town is in the process of paving Ellis Avenue and citizens were encouraged to use caution when traveling through the area.

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The next Traffic Committee meeting will be on January 26, 2016 at 8:00 a.m. in the Third Floor Conference Room at Town Hall. Citizens were encouraged to call 359-1027 if they were aware of a traffic signal issue, unsafe roadway situation, or a pot hole 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. (Deleted.) **Final Reading** of an Ordinance Annexing Lexington County Tax Map #5496-04-004 located at 142 Industrial Drive.
2. **Resolution** Supporting Issuance of Tax Free Bond Financing for Thornhill Apartments. No comments.

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

OLD BUSINESS

Old Business Items #1 through #6 were deleted at the applicants' request:

#1 (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-03-049 located adjacent to the Prescott Glen subdivision); **Old Business #2** (Final Reading of an Ordinance Annexing Lexington County Tax Map #5329-01-223 located in the Prescott Glen subdivision); **Old Business #3** (Final Reading of an Ordinance Annexing Lexington County Tax Map #5333-01-063 located in the Meadowview subdivision); **Old Business #4** (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-03-019 located at 609 Rawl Road); **Old Business #5** (Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-07-012 located at 600 Rawl Road) and **Old Business #6** (Final Reading of an Ordinance Annexing Lexington County Tax Map #5496-04-004 located at 142 Industrial Drive – *request to table for one month per potential buyer*).

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #4496-01-001 located at 5236 Sunset Boulevard:** Northwood Baptist Church owns 3.5 acres located at 5236 Sunset Boulevard and petitioned to annex the property. A portion of the commercial center being planned at the intersection of Sunset Boulevard and Hope Ferry Road is being planned on this property. Properties in Town near this location are zoned General Commercial (GC) and Protected Residential (PR) and Sunset Boulevard is classified as an Arterial Road. The Planning Commission reviewed this annexation during their

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November meeting and recommended General Commercial (GC) zoning for the property and Arterial road classification for Sunset Boulevard.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading as stated. The motion was unanimously carried.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #4319-02-007 located at 104 Hamilton Street:** RMWL Properties, LLC owns .43 acres located at 104 Hamilton Street and petitioned to annex the property. A Nationwide Insurance office is located on the property. Properties in Town near this location are zoned General Commercial (GC) and Protected Residential (PR) and Hamilton Street is classified as a Local road. The Planning Commission reviewed this annexation during their November meeting and recommended Office Commercial (OC) zoning for the property and Local road classification for Hamilton Street.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes to approve First Reading as stated. The motion was unanimously carried.

3. **First Reading of a Recommendation to Amend the Setback and Buffer Requirements for Large Commercial Centers:** Most of the different uses listed in the Zoning Ordinance have two different buffer and setback requirements. The restrictive requirement is used when a commercial property is adjacent to a residential property. The intensive requirement allows lower setbacks and buffers and is used when a commercial property is adjacent to another commercial property. At this time, the Zoning Ordinance only provides a Restrictive standard of buffers and setbacks for large Commercial Centers. During their November meeting the Planning Commission recommended amending the Zoning Ordinance to allow a 10 foot Intensive requirement for large Commercial Centers.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness for First Reading approval of an amendment to the Setback and Buffer requirements as stated. Councilmember Carnes requested clarification regarding the reason for the change. Town Administrator Poole explained that the Planning Commission saw no reason to have large buffers between two commercial properties, but the larger buffers were important when a commercial property was adjacent to a residential property. The motion was unanimously carried.

4. **First Reading Approval for a Water Tower Lease by Verizon:** Council was provided a copy of a proposed lease for equipment to be placed on the Town's water tower by Verizon. (Copy attached 18 pages.) The term is for five years at \$19,500 per year. A cellular antenna and related equipment are to be installed.

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A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve First Reading of a water tower lease by Verizon as stated. Councilmember Stambolitis asked if the current equipment located on the water tower would be removed. Town Administrator Poole responded that there are a number of communication devices on the water tower and the majority of them would remain. He added that Verizon would try to use the existing ring on top of the tower so it will look the same unless they determine the integrity of the structure is failing they would replace it, but a new one would look similar. The motion was unanimously carried.

5. **Approval of a Resolution Supporting Issuance of Tax Free Bond Financing for Thornhill Apartments:** Council was asked to support the attached Resolution for CF Thornhill, LLC. The Resolution is a necessary portion of the application for a tax free bond issuance to be used to refinance the debt owed on the premises. As the governing entity where the property is located, the Town of Lexington is the appropriate entity from which the owner needs approval.

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve a Resolution Supporting Issuance of Tax Free Bond Financing for Thornhill Apartments as stated. Municipal Attorney Cunningham stated that representatives were present from Thornhill to answer any questions from Council. Mayor MacDougall called on the representatives for introductions.

Ms. Emily Luther, Parker Poe Adams and Bernstein Attorneys at Law, 1201 Main Street, Columbia, S.C., stated that she represented the Thornhill Foundation. She introduced Mr. Roger Jones, Executive Director of Thornhill Foundation.

Councilmember Stambolitis asked for some educational points on Tax Free Bonds and the rates for such financing. Ms. Luther responded that it is similar to what the Town would receive as tax exempt Bonds. She added that Thornhill qualifies as a private activity Bond under Internal Revenue Service. She stated that Thornhill is going through a conduit issuer, Public Finance Authority in Wisconsin. Ms. Luther stated that the issuer will loan the proceeds to Thornhill in order to refinance the project. She added that the rates are usually competitive to other exempt financing and similar to rates received by government agencies. Councilmember Stambolitis asked for the specific rate of this project. Mr. Jones responded that the rate would probably be between 5 ½% t 6% with no cash out in the refinance.

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Mayor MacDougall called for the vote. The motion to approve the Resolution supporting issuance of Tax Free Financing for Thornhill Apartments was unanimously carried.

6. **Issuance of General Obligation BANs of 2016:** The Town's General Obligation Bond Anticipation Notes (BANs) of 2015 mature in January, 2016. The BANs total \$2.64 Million and provided interim funding for road projects, property acquisition, and other capital improvements. The BANs will be rolled until such time as the projects are completed and permanent financing is finalized. Franchise Fee proceeds of approximately \$1,050,000 will be utilized to reduce the outstanding balance of the Series 2016 BANs approximately \$1.59 Million. The Town has generally issued BANs to provide interim financing at relatively low costs and maximum flexibility until permanent financing is obtained for completed projects. (Copy attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve a Resolution for the issuance of General Obligation BANs, Series 2016. The motion was unanimously carried.

7. **Funding Request for Martin Luther King Celebration:** The Lexington County Ministerial Alliance and MLK Celebration Committee requested Town sponsorship of the annual Martin Luther King Fellowship Banquet on January 16, 2016 in celebration of the Martin Luther King Holiday. In past years, the Town purchased a sponsorship table for eight at the banquet with a contribution of \$250.00. (Copy of request letter attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve a contribution in the amount of \$250.00 to the Lexington County Ministerial Alliance as requested. The motion was unanimously carried.

ANNOUNCEMENTS

Councilmember Stambolitis made the following announcements: (1) He stated that the presentations tonight are many great examples of the wonderful community we live in. Congratulations to Lexington High School Cheerleaders and to Mayor Pro-Tem Livingston for receiving the NLC's Women in Municipal Government Award. (2) Last month the Town presented several awards for Historic Preservation and they went to Wayne Rodgers for 210 Shoppe & Studio Circa 1857 at 210 West Main Street; Mary Taylor and Jeff Woodruff for Keg Cowboy at 108 East Main Street Circa 1916; and Claudia Shelton for office space at 311 Meetze Avenue Circa 1912. (3) The Lexington Police Department is again sponsoring Toys For Tots this year with "Fill the MRAP". PetSmart employees donated 1,000 stuffed animals and Target donated a \$500 gift card for toys. Citizens were encouraged to bring toys to one of four remaining dates available for drop off. (4) The Lexington Police Department will continue the

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Designated Driver Program through the holidays. Thirty local businesses are participating. Citizens will receive a free non-alcoholic drink at participating restaurants if they sign up to be the designated driver, identified by a blue bracelet which can also be picked up at the Lexington Police Department. (5) The Lexington Community Band will perform on December 14th at 7:30 at River Bluff High School. (6) Council will meet again on January 4, 2016 at 6:30. (7) The Traffic Committee and the Planning Commission will not meet in December. The Planning Commission will meet again on January 20, 2016 and the Traffic Committee will meet on January 26, 2016. (8) Town Hall will be closed on December 24th and 25th to observe the Christmas holiday and again on January 1, 2016 for New Year's Day. Councilmember Stambolitis wished everyone a Merry Christmas and encouraged everyone to help those that may be in need during the holidays.

PUBLIC COMMENTS: None.

NEWS MEDIA QUESTIONS: None.

EXECUTIVE SESSION REPORT (Part II)

Mayor MacDougall called for a motion to return to a Council Executive Session to complete their earlier discussion. A motion was made by Councilmember Williams and Councilmember Stambolitis to return to Executive Session. The motion was unanimously carried. Council adjourned from *Executive Session Part II* at 7:35 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Williams. The motion was unanimously carried.

Mayor MacDougall reported that the *Executive Session* reconvened at 7:15 p.m. and pursuant to SC Code §30-4-70(a)(2), Council met in *Executive Session* to discuss: a contractual item regarding water and sewer, a legal issue regarding a non-profit contribution and legal advice regarding a Town park. 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.

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.

Mayor MacDougall called for a motion to adjourn. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to adjourn the Council meeting.

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The Regular Council meeting was adjourned at 7:40 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.