

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
April 4, 2016

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 April 4, 2016. 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, 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 seven (7) citizens present for the Council meeting. One member of the news media was present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Councilmember Carnes gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:45 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 Carnes to go into *Executive Session*. The motion was unanimously carried by all those present (5). (Councilmembers Maness and Shevchik were not present for the vote.) Council adjourned from *Executive Session* at 6:37 p.m. after a motion was made by Councilmember Carnes and seconded by Councilmember Stambolitis. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(1) and §30-4-70(a)(2), Council met in *Executive Session* to discuss: three legal issues related to pending litigation, the sale of Town owned property, and the Comprehensive Plan; three contractual matters related to the operation of the Farmer's Market, a utility water contract and the Special Events Policy; and one routine personnel matter. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

ADDITIONS/DELETIONS ON AGENDA: Councilmember Maness requested to add one Proclamation regarding Child Abuse Prevention Month. There being no objections from Council, the item was added as Presentation #3.

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 held on March 21, 2016. The motion was unanimously carried.

PRESENTATIONS

1. **Mayor's Day of Recognition for National Service – Mayor Steve MacDougall:** Mayor MacDougall read a Proclamation recognizing April 5, 2016 as National Service Day in the Town of Lexington in conjunction with AmeriCorps and Senior Corps. (Copy attached.)
2. **Life Saving Award to PFC Gilbert “Trey” Kerwin – Police Chief Terrence Green:** Chief Green presented the Life Saving Award to PFC Kerwin for his heroic act in December, 2015. He added that this officer was like 99% of all officers who was doing the right thing. PFC Kerwin was called to Hendrix Street where a person had collapsed in the road. When PFC Kerwin arrived to assist a Lexington County Deputy the person had been down approximately 8 minutes and was face down in a pool of blood around his head. PFC Kerwin was the first to administer lifesaving efforts after he was unable to get a pulse or respiration. At that point PFC Kerwin deployed his automated external defibrillator (AED) and delivered a shock to the person after which there was still no pulse or respiration. PFC Kerwin then initiated compressions until EMS and Fire Rescue arrived who swapped out equipment and continued compressions. The victim started to breath on his own and was transported to the Lexington Medical Center. The EMS Supervisor was overheard at the scene stating that the initial shock delivered by PFC Kerwin was critical to the outcome of the incident. Chief Green thanked PFC Kerwin along with Lexington County Sheriff's Department and Fire and EMS. He added that PFC Kerwin has been in law enforcement for 11 years and with the Town of Lexington for 8 years. Chief Green announced that the victim was still living and doing well. He asked for a round of applause as PFC Kerwin was presented the Life Saving Award.

PFC Kerwin thanked the Mayor, Council and the Chief for their consideration.

3. **Proclamation Declaring April as Child Abuse Prevention Month – Councilmember Kathy Maness:** Councilmember Maness read a Proclamation declaring April as Child Abuse Prevention month. Councilmember Maness stated that she would deliver the Proclamation to the Children's Trust office. (Copy attached.)

VISION PLAN UPDATE

Councilmember Shevchik gave a brief review of the Town's Vision Plan: (1) The Project Ice House is 40% complete. The wet weather experienced during the fall of 2015 caused significant delays and the project is expected to be substantially complete by late summer 2016. Footings are currently being installed and major visual construction will take place over the next few months. (2) Main Street Beautification is 60% complete overall and expected to be complete by the end of April. Irrigation is 90% complete; brick pavers are 95% complete; and planters are 40% complete. (3) Construction of the Welcome Signs located at the I-20/Augusta Road Interchange and North Lake Drive at Old Cherokee Road are now complete. Landscaping has been submitted to SCDOT for approval and once approved it should be completed by the end of April.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave a brief traffic update. (1) The Adaptive Signalization System Phase I continues as the contractor installs mast arm foundations and the fiber communications between each signal. (2) Design work is nearing 60% complete for the "Downtown One Way Pair" project. (3) The traffic study for the Crossroads project at US-378 and SC-6 is underway and is planned for SCDOT approval in late spring. (4) The Corley Mill Gateway Traffic study is nearing completion and will be submitted to SCDOT for approval by the end of April. The next Traffic Committee meeting will be on April 19, 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 situations, or 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 for a Mid-Year Budget Adjustment.
2. Final Reading of an Ordinance Adopting Mutual Aid Agreements.
3. Final Reading of an Ordinance Annexing Lexington County Tax Map #4300-05-007 located near the intersection of Old Cherokee Road and Cherokee Trail.

Mr. Jordan Hammond, 626 Deertrack Run, works with D.R. Horton and was available for questions.

4. Final Reading of an Ordinance Annexing Lexington County Tax Map #3400-05-018 located near the intersection of Pilgrim Church Road and Cherokee Trail.
5. Final Reading of an Ordinance Annexing Lexington County Tax Map #5300-02-168 located in the 500 block of Barr Road.
6. Final Reading of an Ordinance Annexing Lexington County Tax Map #4497-01-011 located on Ginny Lane.

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7. Final Reading of an Ordinance Annexing Lexington County Tax Map #4319-02-008 located at 905 North Lake Drive.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston for **Final Reading Approval for a Mid-Year Budget Adjustment**. The motion was unanimously carried. (Copy attached.)
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Williams for **Final Reading Approval of an Ordinance Adopting Mutual Aid Agreements for the cities of Camden, Myrtle Beach and North Myrtle Beach**. The motion was unanimously carried. (Copy attached.)
3. A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #4300-05-007 located near the intersection of Old Cherokee Road and Cherokee Trail**. The motion was unanimously carried. (Copy 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 #3400-05-018 located near the intersection of Pilgrim Church Road and Cherokee Trail**. Councilmember Maness asked why the entire property was not being annexed because 8 acres were not included. Mayor MacDougall responded that the remaining property was coming up later. The motion was unanimously carried. (Copy attached.)
5. A motion was made by Councilmember Williams and seconded by Councilmember Shevchik for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #5300-02-168 located in the 500 block of Barr Road**. The motion was unanimously carried. (Copy attached.)
6. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #4319-02-008 located at 905 North Lake Drive**. Councilmember Maness asked why the remaining property was not annexed as previously mentioned in item numbers 2 and 3 because the same company was involved. Town Administrator Poole responded that the business is going to remain on the property and the owner wants to keep it and not sell all of it. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Annexation of Lexington County Tax Map #5300-02-166 located adjacent to Phase 7 of the Vintners Wood Subdivision:** Mungo Homes owns 24 acres located adjacent to Phase 7 of the Vintners Wood subdivision and petitioned to annex the property. Phases 8 and 9 of the subdivision are being planned on the site. Properties in Town near this property are zoned Protected Residential 2 (PR2) and the Vintners Wood subdivision roads are classified as RL-4. The Planning Commission reviewed this annexation during their March meeting and recommended that same zoning and road classification for this parcel. (Copy attached.)

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

2. **First Reading of an Amendment to Electric and Gas Ordinance (SCE&G):** SCE&G requested that the Town sign an amendment to the current Electric and Gas Franchise Agreement. The substantive changes include renewing the agreement with a term of ten (10) years instead of twenty (20) years, combining the Electric and Gas Franchise Ordinances into one agreement, and changes in the way the Non-Standard Service Fund is administered. (Copy of Ordinance attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes to approve First Reading of an Amendment to the Electric and Gas Ordinance as stated. The motion was unanimously carried.

3. **First Reading of a New Telecommunications Franchise Agreement:** Crown Castle NG East, LLC provides “Small Cell Projects” in municipalities that are designed to boost mobile phone coverage. Where possible, Crown Castle places its “boosters” on existing utility poles. Since they are located in the right-of-way, South Carolina municipalities are allowed to charge a franchise fee. The “small cells” are small enough in size to allow posting them at the top of existing telephone poles. Crown Castle asked for Town Council to approve this ordinance and has proposed the “Lexington Pavilion Project” as its first project. This would involve installing the small cells, usually about three feet tall, at selected poles in the area of the Lexington Pavilion Shopping Center. Select municipalities in South Carolina have already been approached and the attached proposed agreement is in a similar format to those cities. Budget and Finance: Lexington is a Tier V city under the SC Code. An annual fee of \$750 could be charged by the Town pursuant to State law.

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A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve First Reading of a new Telecommunications Franchise Agreement as stated. Councilmember Stambolitis stated that he was worried about overloading the telephone poles with too much equipment because the poles are currently an eyesore. He requested that the item go back to Council's Work Session for further discussion because it is not enough money to put this equipment on the poles, Council does not know which companies they are going to support, who will benefit from it, who authorized it, plus other unanswered questions. He added that for \$750, for an unlimited number of the items to be on the poles, it is not enough compensation for another piece of equipment in the air. He apologized for not asking for clarification at the last Work Session. Mayor MacDougall responded that during their previous conversations, they were advised that \$750 is the cap that can be charged and the equipment could go on the poles whether they liked it or not. Councilmember Shevchik stated that Council had discussed the item in the previous Work Session and the Town can only charge what the state approves. Town Administrator Poole clarified that SCANA owns the poles so the company has to meet SCANA's requirements and if it does not meet weight requirements, the company has to buy a pole with a higher classification. He added that the company has representatives here to answer questions, plus plans to install the boxes have to go before the Town's Architectural and Review Board to review the plantings that will go around the boxes. Councilmember Stambolitis called on the company representative to answer additional questions.

Ms. Victoria Weidenthaler, Crown Castle NG East, LLC, 6801 Southpark Blvd., Charlotte, NC stated that there are currently 5 (five) locations, all on Sunset Boulevard. She added that it should improve coverage in the area as more and more people use their cell devices as traditional cell towers are not providing enough coverage to make calls and utilize data. She stated that the small cell facilities improve the existing network. She confirmed that they are a neutral provider, therefore, they can provide services to all the wireless companies such as Sprint, AT&T, Verizon, T-Mobile, etc. She added that their infrastructure is co-locatable so multiple carriers can use their service. She stated that the current project is for one carrier and additional carriers can be added if there is a need. She verified that they do not build speculatively; they build as there is a need. She confirmed for Councilmember Stambolitis that currently five (5) locations had been identified and they were seeking to attach to existing telephone poles. Councilmember Stambolitis asked for clarification about the size of the boxes. Mayor MacDougall directed him to page two of the agenda attachment.

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Mr. David Free, Crown Castle Engineer, confirmed that the ground base cabinets are typically four (4) feet by two (2) feet and that is what they are deploying for this project in the right-of-way. Councilmember Stambolitis stated that the illustration on page two shows the device higher on the pole. Mr. Free stated that the illustration is pertaining to the antenna. He confirmed that the antenna could be in one of two locations based on SCE&G standards in that if there is a primary or secondary electrical feed or it is a street light only pole the antenna can be at the top of the pole. Town Administrator Poole asked for additional clarification for a description of the antenna since they are no longer like the old radio antennas. Councilmember Maness wanted to make sure their Engineer had the same picture they had received. Mr. Free directed Council to the center picture on their diagram (Utility Poles) and described the antenna as 2 ½ feet tall and cylinder shape device. Councilmember Stambolitis asked if there devices were in Charlotte and what type feedback did they receive because the Town is concerned not only with functionality, but also esthetics. Ms. Weidenthaler responded that they have built an intimate relationship with the City of Charlotte, hold weekly meetings, which they have already done with Mr. Hanson and Mr. Edwards, and will continue to do throughout the process. Councilmember Maness asked which carrier would be used. Ms. Weidenthaler responded that Crown does not disclose the name of their carriers, but they deal with all the major carriers. She confirmed that there is only one carrier now to be used in Lexington.

Mayor MacDougall called for the vote. The motion carried with six (6) in favor and one (1) opposed (Stambolitis). Councilmember Maness stated that she voted for approval, but she was still concerned. Mayor Pro-Tem Livingston stated that she drops calls all the time on Sunset Boulevard so she was happy to have it. Mayor MacDougall deferred additional questions and comments to a later time. (Copy of agreement attached.)

4. **Amendment to Police Towing Policy:** Due to a large increase in the number of calls and accidents which require the use of the Police Department's Towing Rotation, the Police Department requested the number of services on the list be increased from six (6) to seven (7). An application from a towing service located in the Town, with a Town Business License, is pending. The policy gives the Chief of Police authority to approve new applications, but not to increase the number of services on the list.

A motion was made by Councilmember Carnes and seconded by Councilmember Shevchik to approve an amendment to the Police Wrecker and Towing Policy to increase the rotation limit to seven wrecker/towing services. The motion was unanimously carried. (Copy of policy attached.)

5. **“It’s All About Herbs Festival” Sponsor Request: “It’s All About Herbs Festival” – Municipal Clerk Becky Hildebrand:** Merritt Lucas with the “Herb Bunch”, a non-profit club affiliated with the Clemson Extension Service, contacted the Town for a contribution for their fifth annual “It’s All About Herbs Festival” to be held April 2, 2016 on the grounds of the Lexington County Museum. Contributions provide funds for a scholarship to a Lexington County student for study in the horticultural field, upkeep of the Colonial Garden at the Lexington County Museum and continued educational efforts in the community about the advantages of growing and using herbs. Levels of contributions include: Level 1 - \$400, one half page advertisement in the event program; Level 2 - \$200, one quarter page advertisement in the event program, and Level 3 - \$100, business card sized advertisement in the event program. All levels are recognized at the festival. Last year Council contributed \$150.00 to the festival. At the March 21, 2016 Work Session, Council recommended approval of a contribution in the amount of \$200.

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve a sponsor contribution in the amount of \$200 to the “Herb Bunch”. Councilmember Shevchik confirmed that Council had not discussed specific herbs during the last Work Session. The motion was unanimously carried.

6. **Agreement for Operation of the Town’s Farmers Market:** The Town was approached by a private party who wished to take over and assume operation of the Town of Lexington’s Farmers Market. The Town would save on personnel and equipment costs. (A copy of the proposed agreement is attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis approve the agreement for the operation of the Town’s Farmers Market as stated. The motion was unanimously carried.

ANNOUNCEMENTS

Mayor Pro-Tem Livingston made the following announcements: (1) She wished Councilmember Maness a very Happy Birthday tomorrow. (2) The Board of Zoning will meet April 7th at 5:30 p.m. (3) Council will meet on April 18th for a Council Work Session. (4) The Traffic Committee will meet on April 19th at 8:00 a.m. (5) The Planning Commission will meet on April 20th at 8:00 a.m. (6) The Town will partner with Lexington County on April 9th for a Recycle Day. (7) Lexington County Backyard Garden Day will be held April 23rd at Red Bank Crossing. (8) Kids Day will be held on Saturday, April 30th from 10:00 to 2:00 at Virginia Hylton Park. (9) Everyone was encouraged to go on-line (\$10.00) and vote for the Town’s very own Britt Poole who is participating in Lexington School District One Education Foundation’s Dancing with the Stars, to be held on May 10th at 7:00 p.m. at River Bluff High School. Councilmember

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Carnes confirmed that the Town would not pay for Mr. Poole's spray-on tan or makeup. Mayor Pro-Tem Livingston thanked everyone for watching Town Council in action tonight.

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.

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.

The Regular Council meeting was adjourned at 7:30 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.