

**MINUTES**  
*Town of Lexington*  
**REGULAR COUNCIL MEETING**  
**June 6, 2016**

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Town Council held a Regular Council Meeting at 6:30 in the Council Chambers on June 6, 2016 located at Town Hall, 111 Maiden Lane, Lexington, South Carolina which was preceded by an Executive Session at 5:30 p.m. and a Council Work Session at 6:00 p.m.

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

Staff members present were: Town Administrator Britt Poole, Municipal Attorney Brad Cunningham, Transportation Director 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, Parks and Sanitation Director Dan Walker, Parks and Sanitation Assistant Director Johnny Dillard, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately thirty-five (35) citizens present for the Council meeting. No members of the news media were present.

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**INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER:** Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Pastor Jason Williams, Riverbend Community Church, gave the invocation. Councilmember Maness led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:32 p.m.

**EXECUTIVE SESSION REPORT:** (Reported at Council Work Session.)

**ADDITIONS/DELETIONS ON AGENDA:** Mayor MacDougall requested to add an item: Changing Council's contribution line item, New Business #8. There being no objections from Council, the item was added.

**PRESENTATIONS**

1. **Proclamation for River Bluff High School Boys Soccer 2016 State Championship – Councilmember Ron Williams:** Councilmember Williams read a Proclamation congratulating the River Bluff High School Boys Soccer team for winning the 2016 State Championship. (Copy attached.) He presented the Proclamation to the Coach and players.

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2. **Proclamation for Lexington High School Girls Soccer 2016 State Championship – Councilmember Todd Carnes:** Councilmember Carnes read a Proclamation for the Lexington High School Girls Soccer team for winning the 2016 State Championship. (Copy attached.) He added that he had the opportunity to watch the girls beat Wando one night and then watched the River Bluff boys beat Wando which made Lexington the de facto soccer Capital. He was sure the only team that could beat the River Bluff boys was the Lexington High girls.

**VISION PLAN UPDATE**

Mayor MacDougall gave a Vision Plan update: (1) Project Ice House is 60% complete. Footings and structural steel for the stage are complete and the roof should be installed by the end of June. Major visual construction will take place during the next few months. The project is expected to be substantially complete by late summer 2016. (2) Main Street Beautification is 90% complete which includes irrigation, brick pavers and planters. Protectors for the capstones will be installed by mid-June due to damage caused by skateboarders. (3) Welcome Signs are now complete at I-20/Augusta Road Interchange and North Lake Drive at Old Cherokee Road. Landscaping is 80% complete and sod will be installed at both locations this week.

**TRAFFIC UPDATE**

Mayor Pro-Tem Livingston thanked the Lexington Beautification Foundation for paying for the sod at the two new Welcome Signs.

Mayor Pro-Tem Livingston gave a Traffic update: Construction work continues on Phase 1 of the Adaptive Traffic Signal Project. Mast arms are being installed along Highway 378 at Northside Blvd. and the I-20 Westbound ramp. She thanked everyone who attended the Public Information Session for the One-Way Pair Project last week. She added that they heard a lot of good comments. The construction work is planned to start this Fall. The next Traffic Committee meeting will be on June 28, 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. Final Reading of an Ordinance to adopt the FY 2016-2017 Budget.
2. Final Reading of an Ordinance to provide for the FY 2016-2017 Tax Levy.
3. Final Reading of an Ordinance Annexing Lexington County Tax Map #4200-02-112 located at 284 Highway 378 West.

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4. First Reading of the Comprehensive Land Use Plan Update.

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 Councilmember Carnes for **Final Reading approval of an Ordinance to adopt the FY 2016-2017 Budget.** (Copy attached.) The motion carried with a vote of five (5) in favor and one (1) opposed (Williams).
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness for **Final Reading approval of an Ordinance to provide for the FY 2016-2017 Tax Levy.** (Copy attached.) Councilmember Carnes stated that it was noteworthy to add that property taxes were reduced by 2.4% with this Tax Levy. The motion was unanimously carried by all those present.
3. A motion was made by Councilmember Carnes and seconded by Councilmember Williams for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #4200-02-112 located at 284 Highway 378 West.** The motion was unanimously carried by all those present.

**NEW BUSINESS**

1. **First Reading 2016 Comprehensive Land Use Plan Update:** Last Fall Council requested the Planning Commission to update the Town's Comprehensive Lane Use Plan to reflect the large amount of growth that has occurred since the 2013 plan was adopted. Last month the Commission completed the plan update and adopted a Resolution recommending Council adopt the new plan. The new plan includes updated census information, information about the many new projects occurring in town, and updated plan maps. (Copy attached.)

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston for First Reading approval of the 2016 Comprehensive Lane Use Plan. The motion was unanimously carried by all those present.

2. **First Reading Local Transportation Improvement Plan:** To develop a Local Transportation Improvement Plan for the Town of Lexington and its immediate surrounding areas, the Transportation Department requested an expenditure in the amount of up to \$80,000.00 to be used by a local engineering consultant familiar with the traffic issues in the Town of Lexington. Work for this plan would be expected to take approximately six (6) months to complete and adopt the plan. Once traffic improvement projects are identified and fully vetted, the consultant would be charged with determining an approximate cost benefit ratio to be used in ranking and subsequent identification of funds. The plan would

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include both major and minor projects and be a tool in managing the impacts of growth within the Town and surrounding area. (Roads and Infrastructure portion of the General Fund Budget.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness for First Reading approval of a Local Transportation Improvement Plan as stated. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Repealing §136.01 Regarding Loaded Weapons:** Section 136.01 of the Town of Lexington Code of Ordinances reads as follows:

- **§136.01 – LOADED GUNS.**  
*It is unlawful to carry any loaded gun in the municipality. This section shall not apply to any law enforcement officer or other person entitled by state law to carry a loaded gun.*  
(’60 Code, §10-32; Am. Ord. 351, §4, passed 1-5-98)

Staff asked the Town Council to consider repealing this law as, in the opinion of legal counsel, it is preempted by State and Federal Laws. Also, the Town already has separate ordinances that prohibit unlawful possession of a weapon and discharging a firearm in the Town limits.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis for First Reading approval of an Ordinance Repealing §136.01 Regarding Loaded Weapons. The motion was unanimously carried by all those present.

4. **First Reading of a Quit Claim Deed for Interest in Property at Highway 378 West:** The Town operated and maintained a sewer booster pump station on Highway 378 West on property that is listed as owned by the Joint Water and Sewer Commission (Tax Map #004199-03-041). This station was part of the system the Town purchased from Lexington County. Lexington School District One wishes to obtain this property as part of land for a new school. The Town’s attorney suggested that both the Commission and the Town file a Quit Claim Deed to the School District for the property, the Commission filing for the property and the Town filing for any interest they may hold.

A motion was made by Councilmember Maness and seconded by Councilmember Williams for First Reading approval of a Quit Claim Deed for interest in property at Highway 378 West as stated. The motion was unanimously carried by all those present.

5. **SCE&G Right of Way on East Main Street:** SCE&G is currently clearing their power lines in Town and informed the Town that ten (10) Crepe Myrtles

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and eleven (11) Chinese Elms on East Main Street (located from Lexington Methodist Church to Martel Drive) will have to be reduced in height. The trees are 35 to 40 year old mature trees. SCE&G's method of reducing the trees is to top out the trees to one-half their current size. Another option was to raise the power lines above the trees. A quote from SCE&G to raise the lines is \$57,562.00. At Council's May Work Session a motion was made to have SCE&G raise the power lines, protect the existing trees, and to place this item on the June Council agenda for approval. Budget and Finance: \$57,562.00 from the Non-Standard Service Fund.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to raise the power lines and protect the existing trees. Mayor Pro-Tem Livingston requested to give some information she obtained from a tree farm and an insurance company in order to justify the value of the trees. She added that the insurance company gave a value in the event a storm or other event destroyed a tree of this size. She stated since the trees on East Main Street are 10 to 12 inches in caliber, 25 to 30 feet tall, at their maximum height, and are 25 to 30 years old, the value would be \$3,200 to \$3,800 per tree. She stated that based on that price the total value of the trees is \$70,400 just in the growth of the trees which does not include the cost to remove the trees, grind the stumps and nurture a new tree back to the quality of tree that currently exists. She asked Mr. Walker to come talk about the maximum growth of the trees and that it is a good thing to save the trees.

Director of Parks and Sanitation Walker stated that the trees are Choctaw Crepe Myrtles, an Indian variety, and can grow to 25 to 30 feet. He stated that if the lines are raised it will give his department an opportunity to do what they call a "crown reduction" which is a selective pruning process that will keep the height to what it is now and they won't get any taller even if they grow five more feet. He added that SCE&G's practice is to flat top a tree and in the horticultural trade they call that "crepe murder" because after that they never have their proper shape, it takes everything away from the statue of the trees, and the structure of trees, which ultimately ruins the trees. He stated that his predecessor planted the trees about 25 years ago and he probably planted a four inch caliber tree so the total age is probably 35 to 40 years old and they are mature trees.

Councilmember Stambolitis stated that he was around when the tornado of 1994 chopped the tree line down throughout Lexington and ruined the beauty of the Town which was very depressing. He did not know how much he missed it until it was gone. He stated that this is a way to preserve some of the beauty in the Town and these are mature trees so it took a long time to get them to where they are now and he did not want to

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see them chopped. He thought it was a small price to pay to preserve the natural beauty of the Town.

Mayor Pro-Tem Livingston encouraged all the Councilmembers to vote for this tonight because a lot of money has been spent through the Beautification Foundation and the Council to beautify the Town including the Main Street Project and new signs. She added that it has been too much money spent to just come in and cut down something this old and strip it so it would be bare along Highway 1 also known as Main Street. She stated that the Town receives an arborist award every year for planting trees. Mayor Pro-Tem Livingston added that she was told 22 trees so her calculation may be slightly off.

Mayor MacDougall confirmed with Mr. Walker that it would be very costly and difficult to replace the trees and not raise the lines. Mr. Walker added that they would not be able to replace the Crepe Myrtles; they would have to pick another species.

Councilmember Carnes asked if the other option was to remove the trees. Mr. Walker responded that he would not recommend cutting the trees in half because they grow back with what is called a “witches broom” which causes weak wooded growth. Mayor Pro-Tem Livingston added that it can also create a visibility issue when coming out of some of the driveways. Mr. Walker agreed that they had previously received complaints from the business owners when the trees were lower, but now they have grown high enough that visibility is good. Mayor Pro-Tem Livingston stated that there was an article in the paper today about trees in Columbia. She added that the amphitheater, the Town Square, and the Old Mill have a section of sidewalk that needs shade for walking in South Carolina’s wonderful summers. Councilmember Carnes asked who would be responsible to prune the trees if the lines are moved up. Mr. Walker responded that the Town would be responsible. He added that SCE&G told him that once they start the process of trimming the trees they cannot leave the tree. He had originally proposed to SCE&G that the Town be given until the Fall to do a crown reduction on the trees, but he could still not get four feet below the power line. He referenced a photograph that Council received showing the power line and how four feet below that would not leave much tree. (Copy attached.) He stated that if the lines are raised they can make sure the trees do not get any taller than they are now and they would be able to work four feet below the lines.

Mayor MacDougall called for the vote to a motion made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to raise the power lines and protect the existing trees. The motion was unanimously carried by all those present.

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6. **Accommodations Tax Advisory Committee Award Recommendations:** The Accommodations Tax Advisory Committee (Marvin Robinson, Chairman) met on April 12, 2016 to review and make recommendations regarding the FY 2015 65% fund allocation of the Town of Lexington’s Accommodations Tax funding. A spreadsheet listing the applicants who applied and the Accommodations Tax Committee’s award recommendations was provided to Council. (Copy attached.) The award amounts equal \$94,500. The summary is as follows:

	<u>Requested</u>	<u>Committee Recommended</u>
Capital City Lake Murray Country	\$ 10,000	\$5,000.00
Columbia City Jazz Dance School	\$ 15,000	\$ 0
Columbia Metro Convention & Visitors Bureau	\$ 10,000	\$ 6,000.00
Columbia Regional Sports Council	\$ 3,000	\$ 3,000.00
Columbia Volleyball Club	\$ 15,000	\$ 3,000.00
Lexington Chamber & Visitor Center	\$ 24,500	\$20,000.00
Lexington County Museum	\$ 8,000	\$ 8,000.00
Lex County Recreation & Aging Comm.	\$ 25,000	\$12,500.00
River Bluff High School & LHS Baseball	\$ 2,000	\$ 0
The River Alliance/Tartan Day	\$ 5,000	\$ 4,000.00
Town of Lexington/Amphitheater	\$ 30,000	\$30,000.00
Town of Lexington/Snowball Festival	\$ 3,000	\$ 3,000.00
White Knoll High/Red Bank Baseball	<u>\$ 3,000</u>	<u>\$ 0</u>
<b>Total of all Requests:</b>	<b>\$153,500.00</b>	
<b>Total Funds Available</b>		<b>\$94,500.00</b>

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve the Accommodations Tax awarded as recommended by the Accommodations Tax Advisory Committee. Councilmember Williams stated that the funds come from hotels and is only allowed to be spent a certain way. Councilmember Maness stated that she appreciates the Committee and Staff Liaison Wesley Crosby and she hopes next year they can give more to the Lexington County Stadium because she watched the Big South Baseball games and there were more people than expected and the hotels were full in Lexington. She congratulated Coastal on their win. She requested that the committee look at this next year because it will continue to bring more Accommodations Tax to our Town. Councilmember Carnes stated that for educational purposes it was important to point out that these monies are allocated by a group of citizens that come together for the better part of a day reviewing applications and make the decisions to boost tourism in our Town. Mayor MacDougall called for the vote. The motion was unanimously carried by all those present.

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7. **Reappointments to Boards and Commissions:** The terms for the following Boards and Commissions members expire June 30, 2016. They have each indicated a willingness to continue to serve. Council is required to approve reappointments.

*Advisory Committee:* Edith Harmon, Mary Stokes-Clark,  
Lauren Palkowski and Bill Reese  
*Historic Preservation Board:* Mandy Derrick and Robert Britts  
*Planning Commission:* Brian Amick and Roscoe Caughman

Current Boards and Commissions Vacancies:

Advisory Committee: 2  
Board of Appearance: 1 and 2 pending  
Board of Zoning: 3  
Building Code Board of Appeals: 1  
Traffic Committee: 2 resident vacancies

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A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve the reappointments as stated. Councilmember Carnes stated that we have a lot of work in Town that is done by volunteer citizens from a lot of different fields and the vacancies are another opportunity to serve. The motion was unanimously carried by all those present.

8. (Added.) **Change to Council Contribution Budget Line Item:** Since the Wine Walk was not held this year, the usual \$10,000 contribution was not given to the Lexington Beautification Foundation from the Town, it was requested to move the \$10,000 as a contribution to the Village Square Theater to support the Leadership Lexington County project to refurbish the theater.

A motion was made by Mayor MacDougall and seconded by Mayor Pro-Tem Livingston to change Council's contribution line item of \$10,000 in the 2015/16 Budget to the Village Square Theater/Lexington County Arts Association as stated. The motion was unanimously carried by all those present.

**ANNOUNCEMENTS**

**Councilmember Maness** expressed Council's condolences to the family of Fred Sheheen, father of SC Senator Vincent Sheheen, who was killed in an automobile accident today. She added that Fred Sheheen was a true leader in South Carolina. Councilmember Maness made the following announcements: (1) Congratulations to Councilmember Williams for receiving a Volunteer Award at Lexington Elementary School. (2) Don't forget to visit the Village Market every Saturday from 9:00 to 1:00 at

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Lexington Square. She added that she and her son went last Saturday and it was very nice. (3) The Board of Appearance will meet on June 9, 2016 at 6:00 p.m. (4) Another fun event is the Lexington County Recreation and Aging Commission and the Town of Lexington will host Movies in the Park again this summer on Friday nights at 8:45 p.m. at the Gibson Road Soccer Complex. This Friday, June 10<sup>th</sup>, the movie is “Zootopia” and admission is free. (5) Everyone was encouraged to get out and vote on June 14<sup>th</sup> at the Primary Election which includes many County positions as well as the House of Representative. If you are going to be out of town, you can absentee vote now. (6) The Planning Commission will meet on June 22, 2016 at 8:00 a.m. (7) The Traffic Committee will meet on June 28, 2016 at 8:00 a.m. (8) Council will meet again on Monday, July 11, 2016, for the Council Work Session and Regular Council meeting as part of the summer schedule. (9) Councilmember Maness spoke at South Carolina Girls State yesterday for the 10<sup>th</sup> year. She added that it is always a wonderful opportunity to speak to young ladies and encourage them to get involved in local government and public service. (10) She wished all the Dads a Happy Father’s Day on June 19<sup>th</sup>, especially new Dad Jonathan Stambolitis and Granddad Ted. She stated that we also honor the memory of those Dads who are no longer with their families but will always be remembered. (11) School is out for the summer, so please be careful and watch out for the children.

**PUBLIC COMMENTS:** None.

**NEWS MEDIA QUESTIONS:** 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 declared the meeting adjourned hearing no objections from Council.

The Regular Council meeting was adjourned at 7:08 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.*