

**MINUTES**  
*Town of Lexington*  
*Executive Session and*  
**REGULAR COUNCIL MEETING**  
**September 6, 2016**

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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 September 6, 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, Assistant Director of Parks and Sanitation Johnny Dillard, IT Manager Bea Daniels, Digital Media Coordinator Darrell Pritchard, Events and Media Coordinator Jennifer Dowden, Downtown Venue Promoter Walker Brewer, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately ten (10) citizens present for the Council meeting and 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. Reverend Tom DiMarco, St. Alban's Episcopal Church, gave the invocation. Councilmember Maness led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:37 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 Williams to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:30 p.m. after a motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a)(1) and (2), Council met in *Executive Session* to discuss: a legal issue related to SCDHEC; contractual issues related to engineering, water contracts and proposed purchase of property; and two routine personnel matters. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Carnes to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried.

**DELETIONS ON AGENDA:** None.

**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve the minutes as submitted for Council's Work Session and Regular meeting both held on August 15, 2016. The motion was unanimously carried.

**PRESENTATIONS**

1. **Proclamation Designating September 17 – 23, 2016 as Constitution Week, Daughters of the American Revolution Granby Chapter, Mary Dozier Ellsworth, Carolyn Hensley, Norma Corley and Jean Smith – Councilmember Ron Williams:** Councilmember Williams read a proclamation designating September 17 – 23, 2016 as Constitution Week and the 229<sup>th</sup> anniversary of the drafting of the Constitution. Members of the Granby Chapter accepted the proclamation and thanked the Mayor and Council for their support.
2. **Midlands Authority for Conventions, Sports and Tourism – Mr. Bill Ellen:** Mr. Ellen thanked the Mayor and Council for their continued support. He stated that in 2015-16 they had the best year ever in number of groups brought to the area. The Regional Sports Council had the best year since 1986. He stated that the CVB (Columbia Visitors Bureau) and the Sports Council have more of impact on the Town of Lexington such as hosting the Quidditch World Cup at Saluda Shoals which generated over 2,000 hotel rooms and 5,000 people from different colleges. He stated that they also participated in the lacrosse tournament on Gibson Road. He thanked the Council for the CVB funding of \$6,000 which helps with advertising and marketing for later this year to help promote the new amphitheater and the Snowball Festival. Mr. Ellen added that as a larger group, they can partner with the Town to get better pricing on advertising. He distributed an annual report for the Midlands Authority.

Mayor MacDougall thanked Mr. Ellen and added that he was impressed that the people in Columbia knew about the Town's amphitheater and Snowball Festival.

3. **Special Achievements – Mayor Steve MacDougall:** Mayor MacDougall announced the following: (1) Congratulations to Town Administrator Britt Poole who received the International City/County Manager Association ICMA Credentialed Manager designation. ICMA Credentialed Managers are professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. Mayor MacDougall added that Mr. Poole is one of eleven nationally to receive this designation. (2) Congratulations to Chief Terrence Green and the Lexington Police Department for receiving a Traffic Services Enhancement Grant through the South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs. The grant will fund the addition of two new police officers

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

and their equipment. Mayor MacDougall added that the Town expects to receive the grant in subsequent years, totaling three full years of funding.

**VISION PLAN UPDATE**

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) The Project Ice House is 85% complete. The stage roof is complete and stone facing is 90% complete. The restroom/greenroom building exterior is 95% complete, plumbing and electrical are 80% complete, interior finishing's are being installed. The parking lot gravel is being installed. The plaza concrete and brick planters will be constructed over the next few weeks. An official ribbon cutting and opening events will take place in October.

**TRAFFIC UPDATE**

Mayor Pro-Tem Livingston gave a brief traffic update. Construction work continues on Phase I of the Adaptive Traffic Signal Project. Signal installation work is ongoing at various locations throughout Town. Please use caution as this work progresses. The next Traffic Committee meeting will be on September 14, 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 Amendment to the Town's Noise Ordinance.
2. Final Reading of an Amendment to the Re-inspection Fee.

**Mr. Earl McLeod**, Executive Director for Building Industry Association of Central SC, stated that he had a meeting the Mr. Hanson and the Building Inspectors to discuss the re-inspection fee as requested by Council. He stated that they had taken a position to not oppose the fee increase, but he wanted to share that they had the meeting, the communications were good, and they made some builders aware of the problems. Mr. McLeod stated that he did not think the fee was necessary but that by talking through the issues were better than just increasing a fee. He would like to make sure they can continue to communicate in the future.

3. Final Reading of an Ordinance Entering into Law Enforcement Assistance and Support Agreements.
4. Final Reading of an Ordinance Amending Qualifications to be a Member of the Board of Appearance.

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

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

**OLD BUSINESS**

1. A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis for **Final Reading of an Amendment to the Town's Noise Ordinance with an amendment to change the time on the weekends to 8:00 a.m. to 9:00 p.m.** Councilmember Maness added that her neighborhood is behind Fresh Market and 5:30 a.m. is too early to cut trees. Mayor MacDougall clarified that the contractor was cutting trees, not Fresh Market.

Councilmember Carnes asked if this applied to commercial construction or did it also include private construction such as an individual having their roof replaced on a Saturday morning. Mayor MacDougall responded that also applies to residential construction. He requested to hear from Mr. Hanson regarding the enforcement of this Ordinance. Councilmember Maness stated that Councilmember Carnes' neighbors would be happy if they changed the time on the weekend. Councilmember Carnes responded that he only had 15 seconds to think about this issue, but it feels different for a commercial project versus a residential project. Mr. Hanson stated that he was not aware of any complaints regarding smaller residential projects. He added that they have had complaints about commercial projects that are close to a residential area. He stated that they have denied requests from contractors to pour concrete at 3:00 a.m.

Mayor Pro-Tem Livingston asked if it would apply to individual homeowners doing work on their home. Mr. Hanson stated that construction is construction so it would apply if a permit is required. He added that depending on the time of day, they may be dealing with the Police Department, not the Building Department. Mayor Pro-Tem Livingston confirmed that the developer did volunteer to not start work until 7:00 a.m. on any day after the complaint was brought to their attention. She added that 6:00 a.m. was not too early during the week especially when considering the workers who have had to work in 100 degree heat all summer because it can take a toll on them.

Councilmember Stambolitis asked if this Ordinance could be enforced on the weekend. Mr. Hanson responded that the last complainants were instructed to contact the Police Department. He added that one said it was 5:30 a.m. and one said it was 6:00 a.m. which would have been fine, but if you want to be a good neighbor you would not want to start cutting trees down at 6:00 on a Saturday morning.

Councilmember Carnes asked if the residential construction projects could be carved out of the ordinance. He was sure he had been awakened by his neighbor getting a new roof, but he knew it would not be on-going for the next five or six Saturdays so he would not complain about it. He stated that since we have not had any complaints about residential projects, he was not sure if it could be divided out. He did not think the issue was residential projects; therefore, they could put a stronger restriction on commercial projects as recommended by Councilmember

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

Maness. He added that there is a lot of difference between a bulldozer and a guy putting shingles on a house. Mr. Poole agreed that roofers want to stop by 3:00 to avoid the heat.

Town Administrator Poole stated that all permits are divided between the IBC (International Building Code) or the IRC (International Residential Code) whether they are up fits or new. He added that if Council wanted it to be split between the two codes they could craft the language for it and make the times different for residential and commercial.

Councilmember Stambolitis confirmed that a subdivision is under the IRC and they could make noise at 6:00 a.m. on Saturday. Mr. Poole stated yes, if it were divided between IBC and IRS.

Councilmember Williams recommended that the residential time frame be split between repairs to a home and new construction. Mr. Poole responded that it would be more difficult because the Town does have up fit permits but they do not always know if it is for plumbing, repairs or construction. He added that they would consider a new deck as construction, but it is really an addition to the house. Mr. Poole stated that IBC and IRC had a clear definition as to how the project is inspected.

An amended motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to revise the residential ordinance based the parameters of IRS and that construction could occur only between the hours of 6:00 a.m. and 9:00 p.m. and commercial construction (IBC) can only occur between 8:00 a.m. and 9:00 p.m. on the weekends. Mayor Pro-Tem Livingston confirmed that commercial construction hours during the week would be 6:00 a.m. to 9:00 p.m. The motion was unanimously carried. (Copy attached.)

2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes **for Final Reading Approval of an Amendment to the Re-inspection Fee.** The motion was unanimously carried by all those present.

Councilmember Maness requested that Mr. Hanson answer questions regarding the fee. She stated that Mr. McLeod spoke about the meeting he had with Staff, but she wanted to know how Mr. Hanson felt about the meeting. Mr. Hanson stated that Staff was happy to meet with Mr. McLeod and he provided some data that demonstrated why the fee increase was requested. He stated that in 2015 they had 81 re-inspections of which 31 were the same builder who has made some staffing changes that helped correct the situation. He added that the increase was still needed to make sure it did not get that way again.

Councilmember Stambolitis asked if the increase was requested because of an abuse of the re-inspection process and if the increase would help curb the abuse. Mr. Hanson stated there were problems with several contractors but one was having the most problems and they had made staffing changes. He added that today inspectors were out resolving a problem with a retaining wall which is not part of the permit process. He stated that when several inspections have to be done

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

on the same house it ends up costing the Town money. Mr. Hanson stated that they had researched what other Towns do, and the increase request is consistent with most towns. He added that the proposal is middle of the road pricing and an increase had not been adjusted in a number of years and further, if you do not get to the third inspection, you do not pay the fee.

Mayor Pro-Tem Livingston asked if the increased fee amount was in line with other Midland communities. Mr. Hanson responded yes.

Councilmember Carnes stated that it does not feel punitive until you have had the same discipline inspected the fourth time. He stated that he had proposed it since there had not been an increase in some time, but you have to have it inspected four time so it makes sense. He clarified that the third time is when a fee is imposed and the fourth time it goes up \$25 which should never happen if we do our job right.

The motion for **Final Reading Approval of an Amendment to the Re-inspection Fee** was unanimously carried. (Copy attached.)

3. A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston for **Final Reading of an Ordinance Entering into Law Enforcement Assistance and Support Agreements** (26 agencies). The motion was unanimously carried. (Copies attached.)
4. A motion was made by Councilmember Carnes and seconded by Councilmember Stambolitis for **Final Reading Approval of an Ordinance Amending Qualifications to be a Member of the Board of Appearance**. Councilmember Maness stated that she was concerned about a Board not having a Town resident. She wished to amend the motion to state that at least one member of the Board must be a resident of the Town of Lexington. Councilmember Stambolitis seconded the amended motion. Councilmember Carnes stated that they constantly look for ways to give a business owner, who does not live in Lexington but have their business in Lexington, a voice in our community and this is one of the great ways to do that by giving them a voice on the Board of Appearance. Mr. Poole stated that the Council had a modified motion so a vote needed to be taken on that motion followed by a vote on the original motion including the amendment if it is accepted. The amendment to the motion carried with a vote of five (5) in favor and two (2) opposed (MacDougall, Shevchik). The motion for **Final Reading Approval of an Ordinance Amending Qualifications to be a Member of the Board of Appearance of which at least one member of the Board must be a resident of the Town of Lexington** was carried with a vote of six (6) in favor and one (1) opposed (MacDougall).

**NEW BUSINESS**

1. **First Reading of an Ordinance to Rezone the Property at 116 Old Chapin Road:** Mr. Cameron Glover requested to rezone 116 Old Chapin Road from Protected Residential (PR) to an unspecified commercial classification. The request is being made to allow the property to be used for a mixed use residence

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

and business office. The Planning Commission reviewed this request during their August meeting and recommended rezoning the property to Office Commercial. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance to Rezone 116 Old Chapin Road.

Mayor Pro-Tem Livingston asked if there was any objection to the recommendation at the Planning Commission meeting. Councilmember Maness responded yes, Mr. Tom O'Brien, the adjacent property owner, had objected. She asked how the residents beside 116 Old Chapin Road were going to be protected. Mr. Hanson responded that the buffering and setback requirements are based on the use not on the type of business. He stated that the Planning Commission was trying to provide the most restricted commercial classification that we have in order to allow Mr. Glover to do what he wanted to do. He added that they do not know how close the structure is to the property line because they have not been provided that information so they could not apply that, but they can apply the screening and landscaping requirements as it converts to commercial.

Councilmember Stambolitis asked how the adjacent properties are zoned. Mr. Hanson responded that West of the property is Limited Commercial, to the East is Protected Residential, and across the street is General Commercial (as shown on the attached map). Councilmember Stambolitis stated that he would have to recuse himself from the vote due to the proximity of the property because it affects his property. (Copy of Recusal form attached.)

Councilmember Shevchik asked to address the Planning Commission Chairman, Keith Frost. He asked what the vote was on the item when the Planning Commission reviewed it. Mr. Frost stated that the vote was five in favor and two opposed who were Mr. Caughman and Mr. Hendrix. Mr. Frost stated that this property is in a transitional area which was identified in the Town's Comprehensive Plan. He added that it is moving more toward a commercial area and the goal is to make it as restricted as possible.

Councilmember Carnes asked if Mr. Glover needed to make significant changes to the property in order to meet the rezoning ordinance. Mr. Frost stated that Mr. Glover would work with Mr. Hanson and his staff to determine screening and parking requirements. Mayor Pro-Tem Livingston added that they have to do screening. Mr. Hanson agreed that they had to have an eight foot fence on the adjacent property line or landscaping.

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

Councilmember Maness asked if Mr. Glover was aware of all the things he would have to do. Mr. Hanson responded yes. Mr. Glover stated that he was aware after the Planning Commission meeting.

Mr. Poole advised Council that since Councilmember Stambolitis had recused himself, someone else would have to second the motion. Mayor Pro-Tem Livingston stated that she would second the motion to approve First Reading of an Ordinance to Rezone 116 Old Chapin Road. The motion was approved with six (6) in favor and one (1) recused (Stambolitis).

2. **First Reading to Amend the Zoning Ordinance Regarding the Parking Requirement for Mini-Storage Facilities:** The Planning Commission reviewed a request to amend the Zoning Ordinance as it relates to parking requirements for mini-storage facilities. These facilities are currently required to provide one parking space for every 1,000 square feet of building space. The Planning Commission recommended amending this requirement so these businesses provide one space for every 40 storage units.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to approve an Amendment to the Zoning Ordinance Regarding the Parking Requirement for Mini-Storage Facilities. The motion was unanimously carried.

3. **First Reading Approval of an Ordinance Annexing Lexington County Tax Map #5426-02-007 located at 224 Railroad Avenue:** Joseph and Lori Harrelson own 2 acres located at 224 Railroad Avenue and petitioned to annex the property. Their single family home is located on the site. Properties in Town near this one are zoned Protected Residential and Industrial. Railroad Avenue is classified as a Local Road. The Planning Commission reviewed this annexation during their August meeting and recommended Protected Residential zoning for the property and Local Road classification for Railroad Avenue.

A motion was made by Councilmember Maness and seconded by Councilmember Williams for First Reading Approval of an Ordinance Annexing Lexington County Tax Map #5426-02-007 located at 224 Railroad Avenue. The motion was unanimously carried.

4. **First Reading Approval of an Ordinance Annexing Lexington County Tax Map #5498-05-003 Located in the 300 Block of Porsche Drive:** Extreme Holdings, LLC recently purchased 6.2 acres located in the 300 block of Porsche Drive and petitioned to annex the property. A towing and automotive repair business is planned on the site. Properties in Town near this are zoned Industrial and Porsche Drive is classified as a Local Road. The Planning Commission will review this annexation during their September meeting to provide a recommendation on zoning and road classification.

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness for First Reading Approval of an Ordinance Annexing Lexington County Tax Map #5498-05-003 Located in the 300 Block of Porsche Drive. The motion was unanimously carried.

5. **Talent Bank Application:** Ms. LaToya Reed submitted a Talent Bank application to serve on a Board or Commission. She indicated an interest in the Advisory Committee which currently has a vacancy. Ms. Reed is a Town resident. (Copy of Talent Bank application attached.)

A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to approve the appointment of Ms. LaToya Reed to the Advisory Committee. The motion was unanimously carried.

6. **Amendment to the Special Event Permit Policy:** During the last Work Session, council discussed allowing a waiver of the \$20 Special Event Permit Fee for a business requesting a special event during Federal Holidays (as listed below). The waiver would apply to events that occur one day prior to a holiday, on the holiday, and one day after the holiday. A revision to the Special Event Policy authorizing this waiver is needed to adopt this waiver.

Current Federal Holidays

New Year's Day  
Martin Luther King's Birthday  
George Washington's Birthday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Christmas Day

A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve the adoption of the Special Event Permit Policy Revision as stated. The motion was unanimously carried.

7. **Icehouse Amphitheater Policy:** Three separate Icehouse Amphitheater Policies were presented for Council's approval including Rental, Vendor and General. (Copies attached.)

A motion was made by Councilmember Williams to approve the policies with some adjustments. He asked Mr. Walker to address some questions. Councilmember Williams stated that the policy does not include how the Police Department would handle security at events. He recommended

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

that specifics be included in the policy so groups renting the amphitheater would know up front that they would have an additional expenditure for their event. Mayor MacDougall stated that there is already a separate policy that addresses how the Police Department will handle events and the associated costs. Mr. Poole stated that the Town has a policy for when extra police officer hours are required such as for a 5K race. He added that it applies to events on Town property or non-Town property. He stated that something could be added but currently it is a separate policy. He added that the request is reviewed by the Police Department so the professionals can determine how many officers would be needed depending on the type of event.

Councilmember Maness stated that she understood Councilmember Williams' point in that if a church group rented the amphitheater they would need to know ahead of time all the cost associated with the rental. Mr. Poole responded that these policies were not handed directly to the renter, but a form will be designed based on the policies which will reference the policy so they would know to obtain the cost information. He compared it to renting the Palmetto Collegiate Institute in that the form states you need insurance, but it does not state how much the insurance will cost. Mr. Poole stated that a person could not look at the policy to determine how much a rental would cost them because it could be different for each one. Mayor MacDougall called for the motion to be restated.

The motion was restated by Councilmember Williams as a motion to adopt and approve the three Icehouse Amphitheater Policies as presented. Councilmember Stambolitis seconded the motion. The motion was unanimously carried.

**ANNOUNCEMENTS**

**Councilmember Carnes** stated that he would be getting another year younger this month as well as several Staff members who he wished a Happy Birthday in September. He made the following announcements: (1) This Saturday will be the last Village Market at Lexington Square. The Farmers Market will return next May. (2) LICS (Lexington Interfaith Community Services) will host *Farm to Table Dinner* on September 10<sup>th</sup> at Clinton Sease Farms. Tickets are \$85 and dinner seating will be at 6:00 and 8:00. For more information go to [www.licssc.org](http://www.licssc.org). (3) The Traffic Committee will meet on September 14<sup>th</sup> at 8:00 a.m. in the third floor conference room. (4) Council will meet again on September 19<sup>th</sup> for Council's Work Session at 6:00 p.m. in the Eli Mack Room. (5) The Planning Commission will meet on September 20<sup>th</sup> at 6:00 p.m. in the third floor conference room for a workshop and again on September 21<sup>st</sup> at 8:00 a.m. for the regular Planning Commission meeting in the Council Chambers. (6) The Lexington County Fire Service will host the Fallen Firemen 5K Race on October 1<sup>st</sup> at 8:00 a.m. starting at Town Hall. Proceeds will benefit the Jeffrey Vaden Chavis

MINUTES  
REGULAR COUNCIL MEETING  
September 6, 2016

House at the Burn Center at Doctors Hospital in Augusta, Georgia. To register go to: [www.fallenfiremen.com](http://www.fallenfiremen.com). (7) Stay tuned for several opening events at the new Icehouse Amphitheater including a craft beer festival hosted by the Lexington Chamber.

**Councilmember Maness** wished her son, Jonathan, a Happy Birthday on Sunday.

**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 Mayor Pro-Tem Livingston to adjourn the Council meeting.

The Regular Council meeting was adjourned at 7:36 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.*