

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
October 3, 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 October 3, 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, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately twenty (20) citizens present for the Council meeting and one member from 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. Pastor Nathan Gragg, Zion Lutheran Church, gave the invocation. Councilmember Williams led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:35 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 Shevchik and seconded by Mayor Pro-Tem Livingston to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:26 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevhick. 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 annexations; contractual issues related to engineering contract and water contract; and, three routine personnel matters. 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.

DELETIONS ON AGENDA

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to delete New Business Items 3, 4, 5, and 6 and refer the items back to Council's next Work Session in order to obtain additional information from Staff. The motion was unanimously carried.

APPROVAL OF MINUTES: A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve the minutes as submitted for Council's Work Session held on September 19, 2016. The motion was unanimously carried.

PRESENTATIONS

1. **Proclamation Declaring Environmental Systems Operators Week - Councilmember Ron Williams:** Councilmember Williams read a proclamation designating October 23 through 29, 2016 as Environmental Systems Operators Week. Utilities Director Lutz and several of the thirty-one licensed Certified Distribution Operators from the Town's Utilities Department were present to accept the proclamation. They maintain 216 miles of water mains, three elevated water towers, two ground storage tanks, four high service pumps, 1,037 fire hydrants, 293 miles of sewer mains and 80 sewer pump stations.
2. **Director's Award of Distinction for Excellence in Alarm Management from the Security Industry Alarm Coalition – Mr. Glen Mowery, National Law Enforcement Liaison, SIAC:** Mr. Mowery presented the Director's Award to Chief Green and members of the Lexington Police Department. He stated that the Town started the program in 2011 and they have reduced false alarms by 350 per year.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan. He was excited to announce that the Town would host an official Ribbon Cutting for the Icehouse Amphitheater on Tuesday, October 11th at 10:00 a.m. located at 107 West Main Street. (The date was later changed to October 13th at 10:00 a.m. due to Hurricane Matthew.) The 900-seat venue will host various community events including concerts, creating the newest destination for residents and tourists to enjoy a night out on the town. Opening events include: (1) The Lexington Craft Beerfest on Saturday, October 15th from 6:00 to 10:00 p.m. featuring 20 Ride (a Zac Brown Tribute Band) and over 30 craft beer vendors for sampling. Tickets can be purchased from the Greater Lexington Chamber and Visitors Center's website. (2) The Town's first free concert, Downtown Jams, will be on Thursday, October 27th from 6:00 to 9:00 p.m. The event is a family-friendly atmosphere featuring live music from The Root Doctors along with free face painting, balloon animals and a photo booth for souvenir pictures. Future development for Project Icehouse includes boutique retail and eateries such as Alodia's, boosting the revitalization of downtown Lexington.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave a brief traffic update. Construction work continues on Phase-1 of the Adaptive Traffic Signal Project. Signal installation work is ongoing in various locations throughout town. Citizens were asked to use caution as the work progresses. Adaptive signal testing will be ongoing over the next several weeks along Highway 378/Sunset Blvd. at Northside Blvd., Corley Mill Road, I-20 and Cromer Road. There may be changes to the signal operations at these locations. A new sidewalk is planned to be installed along Church Street in front of the Icehouse Amphitheater over the next several weeks. Citizens were advised to expect delays and to consider alternate routes. There will be intermittent lane closures associated with this work. Mr. Poole confirmed that the Town is looking for an alternate contractor to do the work during the next two weeks and the work will be done primarily at night. He added that the original contractor would not consider doing the work at night. The next Traffic Committee meeting will be on October 12, 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.

Mayor MacDougall wished to clear up the road closures in order to do the sidewalk at Church Street. Mr. Poole stated that there may still be some intermittent road closures and they would have a better idea in the near future about when that would happen. He added that the goal is to do the work at night, but even then there will be road closures, but it could be at 3:00 a.m. He confirmed that the road closure that was to happen today, did not happen, but the work would start soon.

Mayor Pro-Tem Livingston introduced a short video to show an update on the Crossroads Project at the Lexington Middle School. The video showed the issues associated with a roundabout at the location and why it would be eliminated as an option. Other alternatives are now being analyzed including the relocation of Dreher Street. All improvements are in the design stage with the Town and must be approved by SCDOT.

Ms. Teresa Addy requested to speak regarding the road closures on Church Street. Mayor MacDougall advised her that she would have an opportunity to speak later in the agenda.

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 Rezone the Property at 116 Old Chapin Road.
2. Final Reading of an Amendment to the Zoning Ordinance Regarding the Parking Requirement for Mini-Storage Facilities.

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3. Final Reading of an Ordinance Annexing Lexington County Tax Map #5426-02-007 located at 224 Railroad Avenue.
4. Final Reading of an Ordinance Annexing Lexington County Tax Map #5498-05-003 located in the 300 Block of Porsche 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 of an Ordinance to Rezone the Property at 116 Old Chapin Road**. Councilmember Stambolitis recused himself from the discussion and the vote due to a conflict of interest and the location of his business. (Recusal form attached.) Councilmember Carnes asked for information about zoning on the adjoining property. Mr. Hanson clarified that the property between this house and TCBY is zoned Limited Commercial and Protected Residential is located in the back. The motion carried with a vote of six (6) in favor and one (1) recused. (Copy attached.)
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Williams for **Final Reading Approval to Amend the Zoning Ordinance Regarding the Parking Requirement for Mini-Storage Facilities**. The motion was unanimously carried. (Copy attached.)
3. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes for **Final Reading Approval of an Ordinance Annexing Lexington County Tax Map #5426-02-007 located at 224 Railroad Avenue**. 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 #5498-05-003 located in the 300 Block of Porsche Drive**. The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-006 Located at 270 Bruner Road**: Kellis Ventures, LLC owns six (6) acres located at 270 Bruner Road and has petitioned to annex the property. Nature Chem is planning an office and parking lot expansion on the property. Properties in Town near this one are zoned Protected Residential, Limited Commercial and General Commercial. Bruner Road is classified as a Limited Local Road. The Planning Commission will review this annexation during their October meeting to provide a recommendation on zoning and road classification. (Copy attached.)

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A motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-006 Located at 270 Bruner Road. Councilmember Carnes asked why the item was out of order and came to Council before going to the Planning Commission. Mr. Poole explained that it depends on the order they are received. He added that when the item comes in, if the next meeting is a Council meeting, it goes to Council first and the item would indicate that it had not yet been heard by the Planning Commission. The motion was unanimously carried.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-035 Located Adjacent to 270 Bruner Road:** Kellis Ventures, LLC owns 10.6 acres adjacent to 270 Bruner Road and has petitioned to annex the property. Nature Chem is planning an office and parking lot expansion on the property. Properties in Town near this one are zoned Limited Commercial and Industrial. Bruner Road is classified as a Limited Local Road. The Planning Commission will review this annexation during their October meeting to provide a recommendation on zoning and road classification since an item can go to the Planning Commission and back to Council within a month. Mr. Poole stated that on annexations signs are not posted on the property. He added that zoning changes are posted on the property and go to the Planning Commission first.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-035 Located Adjacent to 270 Bruner Road. The motion was unanimously carried.

3. through 6. **First Reading Approval of Ordinances Annexing Lexington County Tax Map #4300-04-018, #4300-04-024, #4300-04-023 and #4300-04-022 all located near the Intersection of North Lake Drive and Old Cherokee:** PLCW Trust owns 58.75 acres and petitioned to annex 55.8 acres of the property. This is the largest of four parcels where a 234 unit apartment complex and two commercial outparcels are being proposed. Properties in Town near this one are zoned Protected Residential, High Density Residential, General Commercial and Limited Commercial. North Lake Drive is classified as an Arteria Road and Old Cherokee Road is classified as a Collector road. The Planning Commission reviewed all four annexations during their September meeting and recommended split zoning the properties with High Density Residential, General Commercial, and Limited Commercial as shown on the attached exhibit.

A motion was made earlier in the meeting by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to delete New Business Items 3, 4, 5, and 6 and refer the items back to Council's next Work

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Session in order to obtain additional information from Staff. The motion was unanimously carried.

7. **Amendment to Rules and Procedures Regarding Remote Attendance:** At the September Work Session, Town Council discussed remote attendance at Town Council meetings. Council proposed to allow remote connection to some Council meetings as outlined on the attached proposed amendments to the Town Council Rules and Procedures. The proposed revisions state that remote connection shall be authorized only for informal meetings of Town Council including Work Sessions. The member attending remotely shall not be authorized to participate in the discussion or voting. Additionally, remote connection shall not be allowed during Executive Session, and shall not be extended to Town Boards and Commissions.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the Rules and Procedures Amendment as stated. The motion was unanimously carried.

8. **Central Midlands Hazard Mitigation Plan Resolution:** The comment period ended for the 2016 Central Midlands Hazard Mitigation Plan. Participating jurisdictions can now adopt the plan by Resolution. Adoption of the Resolution will keep the Town eligible for some Federal Hazard Mitigation Grants. The Town will remain eligible for certain Federal Hazard Mitigation Grants with the adoption of the Resolution.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to approve the Central Midlands Hazard Mitigation Plan Resolution as stated. (Copy attached.) The motion was unanimously carried.

9. **Lexington Sertoma Big Thursday:** The Lexington Sertoma Club is holding their annual Big Thursday fundraising event on October 20, 2016. Funds from the event support charities and projects with a focus on helping people with hearing and speech disabilities and sending local underprivileged children with hearing and/or speech impairments to Camp Sertoma. For a sponsorship contribution of \$400.00 the Town would be given a Field Goal Sponsor which is a prime seating table for eight and recognition in the program. (Request letter attached.) Funds would come from Council's Contribution budget.

A motion was made by Councilmember Maness and seconded by Councilmember Carnes to approve a \$400.00 contribution to the Lexington Sertoma Club as stated. The motion was unanimously carried.

ANNOUNCEMENTS

Councilmember Williams made the following announcements: (1) Congratulations to Parks and Sanitation Assistant Director Johnny Dillard. Johnny acquired his Certification as an Arborist from the International Society of Arboriculture. (2) The Town Board of Zoning Appeals will meet on Thursday, October 6th at 5:30 in the Council Chambers. (3) As mentioned in the Mayor's Vision Plan update - the Town will proudly hold the official ribbon cutting for the new Icehouse Amphitheater at 10:00 a.m. on Tuesday, October 11th. We hope everyone will come out and see this beautiful addition to the Town. (4) The Historic Preservation Review Board will meet on October 11th at 5:30 in Conference Room A. (5) The Traffic Committee will meet on October 12th at 8:00 a.m. in the third floor conference room. (6) Board and Commission Training will be held on October 12th at 6:00 at the Palmetto Collegiate Institute. (7) The Greater Lexington Chamber and the Town of Lexington will host a Craft Beerfest on Saturday, October 15th from 6:00 to 10:00 at the new Icehouse Amphitheater. The Zack Brown Tribute Band – "20 RIDE" will be performing. There will be approximately 30+ craft beer vendors for samplings. For tickets go to the Chamber's web page: www.lexingtonsc.org. Advanced tickets are \$30 and \$40 at the gate. (8) Council will meet again on October 17th for Council's Work Session at 6:00 p.m. in the Eli Mack Room. (9) The Planning Commission will meet on October 19th at 8:00 a.m. in the Council Chambers. (10) The Lexington Police Department will hold their annual Fall Festival on October 25th at Town Hall from 5:30 to 8:30. The event includes food, games, rides, costume contest and special appearance by Cocky, Blowie, Lexington Elementary School Wildcat, McGruff the Crime Dog and King Arthur! The cost of the event is \$5 per person or \$20 per immediate family. Proceeds from the event go to the Adopt-a-Cop Program. (11) The Town of Lexington will host our first DOWNTOWN JAMS. (You will hear this name again as concerts are added.) Downtown Jams will be held on Thursday, October 27th from 6:00 to 9:00 at the Icehouse Amphitheater. The FREE live music will be performed by The Root Doctors. This family friendly event will also have face painting, balloon animals and a photo booth. Food and beverage will be available for purchase. For more information visit Icehouse Amphitheater on Facebook or call 803 358-7275. (12) Happy Halloween on Monday, October 31st! All drivers were asked to be mindful of the children who will be out – we want everyone to have a safe Halloween. (13) Other Halloween announcements for Lexington County include: The Lexington County Recreation Commission will host 3 more movies in the park: October 14th at Gibson Road Soccer Complex 7:30 pm – 10:00 pm showing Star Wars – The Force Awakens; October 21st at Virginia Hylton Park 7:00 pm to 8:00 pm showing Pooh's Heffalump Movie; and, November 4th at Gibson Road Soccer Complex 7:30 pm – 10:00 pm showing Indiana Jones & the Last Crusade. Also, The Lexington County Recreation Commission, the Lexington County Public Library and the Town of Lexington will co-host "So the Story Goes" on Saturday, October 22nd from 7:00 pm to 9:00 pm at Virginia Hylton Park. This free event will feature a local storyteller sharing spooky stories in the park! The Lexington County Museum is hosting their 10th annual Haunted History Halloween Program on Thursday, October 27th and Friday, October 28th at 231 Fox Street. Each night the program will be held at 7:00, 8:00 and 9:00 for 50 minutes each. Tickets are

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\$6.00 for adults and \$3.00 for children 12 and under. (14) Everyone was encouraged to go register to vote. You must register 30 days prior to an election. As of tomorrow – there are 35 days until the November 8th election. Also, if you qualify to vote Absentee, please do so! If you have any questions, please call Voters Registration at 785-8361. (15) On behalf of the Mayor and the entire Council, we would like to extend our deepest sympathy to the family of Columbia Councilwoman Leona Plough. Leona lost her 2 year battle to cancer on September 28th. She will be greatly missed by many - especially those she represented in Columbia's District Four. She worked tirelessly serving as the Assistant City Manager, the City Manager and then on City Council since 2010. Councilmember Williams thanked everyone for watching Town Council in action tonight.

Councilmember Maness wished to express her sympathy to the family of Jacob Hall, a first grader who lost his life because of a terrible shooting at his school in Townville in Anderson County. His mother has asked that everyone wear super hero shirts on Wednesday in his memory. Councilmember Maness stated that her office at Palmetto State Teachers Association will be wearing super hero shirts in memory of this young man who made a big difference to the people of South Carolina in his six young years. She encouraged everyone to participate on Wednesday.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

Ms. Teresa Addy, downtown business owner, stated that she did not live in Town but owns several properties in Town and she lives at 113 Tanglewood Drive. She was concerned about the situation with the Icehouse Amphitheater. She knew the parking lot at her business would be used and who would take responsibility for it? Her insurance company told her that she would be liable but she did not feel like she should be liable and she was looking for options. She asked Council if they had any suggestions.

Mayor MacDougall stated that the only suggestion he had was for her to put up signs if she knows an event is going to be held or put up signs that state "private parking". Ms. Addy responded that would make her out to be the bad guy and that was not fair. She added that the Town chose to put that amphitheater downtown knowing that the parking situation is the way it is. She asked what are the merchants on Main Street supposed to do? Mayor MacDougall responded that there are 75 parking spaces above the amphitheater and another 250 parking spaces are planned across the street, which should break ground by the first of the year. He added that these spaces should take care of all the parking needs. Ms. Addy commented that was next year and it did not help them at the present.

Mr. Poole stated that the Town would only hold events at the amphitheater when there were no events at Town Hall so all of the parking spaces at Town Hall would also be available. He stated that there is also currently over 1,000 parking spaces at the County building which makes more than sufficient parking. Mr. Poole clarified that there are

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only three events that would be held before the season ends due to winter and one of those is for the ribbon cutting which would not create a lot of parking needs. Ms. Addy responded that just because the Town decides to have a beer bash then people come through her lot and think they can park there. She added that she would not be responsible for that because she cannot afford man-power or a barricade to block her parking spaces. She asked why the Town couldn't rent her parking spaces from her so that the Town would be liable. Ms. Addy stated that she did not want a lot of money, she just wanted someone else to take the liability. Mr. Poole stated that he could not speak for Council. Mayor MacDougall stated that Council could review her request and discuss it, but they could not tell her tonight. Ms. Addy told the Mayor that since he was in business for himself he would know that the first time that "Joe" falls and gets hurt you would try to eat it because you don't want your insurance premium to go up, but by the second or third time you have no choice. Ms. Addy stated that she fell over at Harbison and her bill was over \$10,000 the first time so she knows it will add up quick. Ms. Addy stated that The Needler is also going to close off their parking. She added that they did not have a lot of options but to close off their parking spaces. She asked who would pick up the trash and cleaning up other messes. Mayor MacDougall stated that trash pick-up and clean-up is the responsibility of the group having an event at the amphitheater and the Town would make sure that was done.

Councilmember Stambolitis told Ms. Addy that he understood her concerns and respected and admired her business. He added that the Town is trying to bring attractions and revitalize downtown. He stated that she had legitimate concerns and he would like to address her issues during the next several meetings. He added that the Town Attorneys could make recommendations on what type of liability insurance needs to be carried to cover her and the Town. Councilmember Stambolitis stated that the whole project is going to be a big positive for the downtown. He added that Ms. Addy's business is very important to the Town and he wants to make sure it is protected as well as her parking lot. Ms. Addy commented that it is private property so it all falls back on her. Councilmember Stambolitis stated that we do live in a litigious society so it would be a good idea to discuss the concerns at Council's next meetings. He also recommended that other downtown business owners also attend so Council can address the issues and find ways to protect everyone.

Ms. Addy asked when the sign, next to the Blowfish building, would come down. She added that it states that the road will be closed on certain dates. Mr. Poole responded that the sign would come down tomorrow, but it may go back up very soon. Ms. Addy stated that the sign was not planned out and the left hand didn't know what the right hand was doing, because her business today was awful and so was Cribb's located behind her business. She added that is the only way to their businesses because no one is going to park on Main Street. Mr. Poole stated that a no time would the street be closed and it was never part of the plan. He added that the businesses would always have access during any road closures because flaggers will be there to direct people in and out. Ms. Addy stated that she was told it would be closed when the beer bash is at the amphitheater because she would still be open. Mr. Poole confirmed that the street would be closed during the beer festival.

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Mayor Pro-Tem Livingston asked Ms. Addy when she closed. Ms. Addy stated that Mayor Pro-Tem Livingston would know from the car business that if a customer comes in 10 minutes before they close and wants to look for an hour and a half, then she will stay with them for another hour and a half especially during game season.

Councilmember Shevchik thanked Ms. Addy for staying for him when he comes in. Ms. Addy thanked him for always calling. Councilmember Shevchik agreed with Councilmember Stambolitis for Council to discuss the issues with Ms. Addy at their next work session to make sure she is comfortable and so they can get with Staff and make sure everyone is on the same page so the right hand will know what the left hand is doing.

Mayor Pro-Tem Livingston asked Ms. Addy to prepare a list of all her concerns prior to the next work session in order for Council and Staff to do their due diligence regarding insurance, etc. so they would be prepared to answer her issues. Ms. Addy agreed to prepare a list and added that she was getting different answers from different people. She added that if she asked one person they would throw it to the next person. She stated that it was also on Facebook about the road closure.

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 stated that if there was no objection from Council, this meeting is adjourned.

The Regular Council meeting was adjourned at 7:24 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.