

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
October 17, 2016

Town Council held a Council Work Session preceded by an Executive Session on October 17, 2016 at 6:00 p.m. in the Eli Mack Sr. Room located at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik, Todd Carnes and Ron Williams.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Major/Assistant Police Chief Matt Davis, Planning, Building and Technology Director John Hanson, Community and Economic Development 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, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were six (6) citizens present and no members of the news media were present.

CALL TO ORDER: Mayor MacDougall welcomed everyone to the Council Work Session. He read an opening statement to explain the procedures of a Council Work Session which stated: *“Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council Meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings, but do allow for public comment at the end of the Work Session unless otherwise called on by Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council’s next Regular Council Meeting agenda for consideration and an official vote. Council Work Sessions are not tape recorded, but Minutes are taken and posted on the Town’s web page following approval of Council.”*

Councilmember Stambolitis gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:00 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 Carnes and seconded by Councilmember Williams to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Shevchik was absent for the vote.) Council adjourned from *Executive Session* at 5:52 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Carnes. The motion was unanimously carried. Mayor MacDougall reported that Council met in *Executive Session* to discuss: two legal issues regarding annexations and an update on pending litigation; one contractual issue regarding

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Water Contract, and one routine personnel review. (*All pursuant to SC Code 30-4-70(a)(2). Council may take action on matters discussed in Executive Session.*). 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.

DELETIONS TO AGENDA: None.

PRESENTATIONS: None.

BUSINESS ITEMS: (Discussion and Recommendation for the November 7, 2016 Council meeting.)

1. **Discussion of the Ardmore Apartment PUD Project and Annexations – Director of Planning, Building and Technology John Hanson:** During the last regular meeting annexation of four properties located near the intersection of North Lake Drive and Old Cherokee Road was moved to the Work Session agenda. The annexation of these properties include the development of a 234 unit apartment complex with two commercial outparcels. The project will encompass approximately 24.4 acres of 59.2 acres involved with the four parcel annexation. The developer requested approval of a Planned Unit Development (PUD) for this project to allow flexibility on the parking and setback requirements due to wetlands and stream buffers on the properties. The Planning Commission recommended approval of this annexation and project during their September meeting.

Councilmember Stambolitis asked if a variance request had been submitted. Mr. Hanson responded that they had not received a variance request but this is for a Planned Unit Overlay which allows for more flexibility from the tradition. Councilmember Stambolitis asked how it affects the project. Mr. Hanson responded that the project can have a 10% decrease in parking spaces and some reduction in buffers and setbacks. He added that the project is for apartments and commercial outparcels in front. He stated that the back portion meets the requirements. Councilmember Stambolitis asked if the residents located behind the development were protected. Mr. Hanson responded that there is a stream in the middle of the property and some of the property is wetlands. He added that they have the proper zoning. Councilmember Stambolitis asked why there was no access to Old Cherokee Road. Mr. Hanson stated that due to the wetlands there may one piece of the property that would work, but it was too close to the intersection. Mr. Edwards confirmed that access had to be 300+ feet from the intersection. Mr. Poole stated that the property was big enough for the development.

Councilmember Carnes stated that if the variances are not normal, such as 10% less parking under the PUD, he would want to know the full exceptions under PUD on the front end and how setbacks are different under the PUD.

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Mayor Pro-Tem Livingston confirmed that 490 parking spaces are normally required and they are proposing 445 parking spaces. Mr. Poole stated that the Town changed their requirements in 2007 to two spaces per unit/2 bedroom and 3 for a 3 bedroom.

Councilmember Maness asked how the development relates to the Town's Comprehensive Plan. Mr. Hanson stated that the Comprehensive Plan sets forth a statement that high density should be on arterial roads which are close to interstates and close to employment centers. Mayor Pro-Tem Livingston added that it was because of traffic through Town. Mr. Poole added that it also provides easy access for transportation. Councilmember Maness asked if the Planning Commission's decision to approve the project was because of the Comprehensive Plan. Mr. Hanson stated that they discussed it during the Planning Commission's workshop and they felt the project would be one that would fit on the location because of access to an arterial road and it would be a good use of the property.

Councilmember Stambolitis called on the developers to report on the project. He confirmed that the monthly rental cost would be \$910, \$1,050, and \$1,300.

Mr. Brantley White, developer of the apartment portion of the project, stated that there was no more room for parking or they would lose a building. He added one parking space per bedroom is more than other projects require. Mr. White stated that there were originally 300 units but there was no way to include the parking. They only do 3 story buildings, not four. He stated that Council's package includes a list of their other projects which include projects in Irmo, Charleston, Greenville, Bluffton and Hillsboro, N.C. He added that the Irmo project is a good example of the building materials that they plan to use with some improvements. He stated that they would use fiber cement, but they would be happy to change.

Mayor MacDougall asked the developer if they had to give up a building, would they pull the project. Mr. White stated that he did not think it would be likely to move forward.

Councilmember Williams asked if the site plan included the commercial outparcels. Mr. Hanson responded that it did not. He added that they are owned by different owners and he was not sure of their exact size. Councilmember Williams stated that the lower parking was not in a flood area. He recommended that an easement agreement be signed for future projects to require a connector. He confirmed that the developer estimated that the project would increase in the afternoon turn lane by 43 with an existing traffic count of 82.

A second representative from Ardmore stated that they had acquired an additional lot on the corner so as not to have entrance issues.

Councilmember Stambolitis stated that this was a big project and they would like to do it right because it affects the Town's image. He would like to discuss it further and recommended that the item be sent back to the Planning Commission. Mayor MacDougall stated that if they send it back, Council would need to give them some

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guidance in what they want. Councilmember Stambolitis stated that landscaping is also important to the Town. He added that they do not want to see the back of a building. Mr. White responded that landscaping is important to them too. Mr. Walker stated that there is plenty of room as required by the ordinance; however, they cannot hide a building behind an 8 foot fence. Mr. White suggested Leland Cypress.

Councilmember Carnes asked if a traffic study had been done. Mr. Edwards stated that a traffic study was done at Sunset and Highway 6 which is grade C in that corridor.

Mr. Mike Ridgeway, SRS Engineering, stated that with the out parcels they would plan for a graded system at the intersection. Councilmember Carnes requested a before and after model. Mr. Ridgeway stated that N. Lake and Old Cherokee would go from a B to a C, but the increase of the project would be small. Councilmember Carnes asked if they had a definite metric B to a C. Mr. Edwards responded not until it is a D, E, or F. He added that they aim for a C in the traffic world.

Following additional questions from Council, Mayor Pro-Tem Livingston stated that she would like to have more information.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to send the item back to the Planning Commission for further review and additional questions. The motion carried with a vote of five (5) in favor and two (2) opposed (MacDougall, Shevchik).

- 2. Adoption of a New Stormwater Management Ordinance – Director of Planning, Building and Technology John Hanson:** Lexington County recently adopted a new stormwater ordinance. The revised ordinance was necessary to align the existing ordinance with the new MS4 permit requirements and to resolve conflicts between the Lexington County Stormwater Ordinance and Department of Natural Resources Flood Damage Prevention Ordinance. Each municipality in Lexington County is required to adopt the new ordinance by January 1, 2017 to remain a member of the countywide MS4 program.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item as presented on Council's November 7, 2016 agenda for First Reading approval. The motion was unanimously carried.

- 3. Issuance of Water and Sewer Revenue Bond Anticipation Notes of 2016 – Assistant Town Administrator Stuart Ford:** The Town's Water and Sewer System Capital Improvement Plan over the course of the next five years includes approximately \$24 Million in projects. The financing plan includes a mix of capital contribution fee income, retained earnings, and revenue bond issuances. During the fiscal year 2017, the plan requires the rollover of \$10 Million in Revenue BANs issued in December 2015. The BANs will provide continued interim financing for the projects during the construction phase followed by the issuance of long-term

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revenue bonds anticipated to occur in fiscal year 2018. State law allows for BANs to be issued with maturities of up to one year. The use of low interest short-term BANs is designed to minimize overall financing costs and maintain financial flexibility during the construction phase.

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to place the item on Council's November 7, 2016 agenda for consideration of approval of a Resolution for the Issuance of Water and Sewer Revenue Bond Anticipation Notes of 2016. The motion was unanimously carried.

4. **Virginia Hylton Park – Town Administrator Britt Poole:** Mr. Poole stated that he had discussed the possibility of redeveloping the Virginia Hylton Park about a year ago with the Mayor and the Mayor Pro-Tem. He stated that the estimate is \$445,000 to replace equipment, improve the walking path and install safety surface. He added that \$165,000 of the estimate is for soft surface for the playground. Mr. Poole stated that it had been approximately 20 years since the park was built and it was in need of upgrading. He recommended that a bid be done for a park design. Mr. Poole stated that there is not a plan or goal for the park at this time, but he was asking Council for

Mayor MacDougall agreed that it is time for an upgrade in Virginia Hylton Park and it should include expanding to the new parking lot on Church Street. He agreed with Mr. Poole's recommendation in order to examine what is needed for the park.

Mayor Pro-Tem Livingston stated that some of the work and improvements could be done by Town Staff without a design in order to bring it up to date such as the koi pond, walk paths, etc. She confirmed that the new parking lot would be started in January, 2017.

Councilmember Stambolitis agreed the park needed improvements. He asked for input from Park Director Walker. Mr. Walker stated that safety surface is a big part of what needs to be added. He agreed the park is out of date and the equipment and the walk path are 30 years old. He stated that the walk path has a lot of roots that create a tripping hazard. Mr. Walker stated that they could make multiple areas on the other side of the creek which could include a bridge over the creek, a children's garden, and spray fountains. He stated that Virginia Hylton Park is always busy even in the summer when the park is 10° cooler because of the trees. He added that the park has won many awards and has a Champion Pine Tree. Mr. Walker stated that there are a lot of aspects about the park that can be expanded including the Special Needs Park which is 20 years old. Councilmember Stambolitis stated that the park needs heavy consideration with a plan for the park. He added that they could come up with nice plans and could do it step by step. He agreed that the park is a big draw and it would be especially great with the new amphitheater close by. Councilmember Stambolitis recommended a master plan for all the parks. He asked what happened to the plan for walking paths and bike paths around the Mill Pond. Mr. Poole responded that the park connects on Highway 6 but it is not a separate trail.

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Councilmember Shevchik recommended bull dozing the park and starting over. He added that it was once a crown jewel, but now it is in need of upgrading. Mayor Pro-Tem Livingston stated that if you bull doze the park you could not get the big trees back. She requested that they find ways to include local people in the process.

Councilmember Williams asked how much a Park Planner would cost and if it was in the budget. Mr. Poole stated that it was not in the budget but the timing would give them the opportunity to discuss it with experts and put it in the next budget. He stated that they would include the connection of the new parking lot project and sidewalks.

Mayor MacDougall stated that Ms. Irene Tyson had recently done a park in the upstate and she was willing to share her information. He recommended that Mr. Poole continue to pursue design quotes and pricing to upgrade Virginia Hylton Park.

FOR YOUR INFORMATION

1. **I-20 Water Main Abandonment – Director of Utilities and Engineering Allen Lutz:** The I-20 Improvement Project requires that the Town abandon the 16-inch interconnection that the Town has to the Joint Water and Sewer Commission due to conflicts with new storm drainage that is being installed along the additional travel lanes. A new interconnection will be completed at a future date. Bids were opened for this work on October 4, 2016 at 2:00 p.m. and the bids were as follows:

(1) G. H. Smith Construction	\$ 64,200
(2) Stutts and Williams	\$ 79,000
(3) Carolina Tap & Bore	\$ 87,866
(4) AAA Utility and Construction	\$ 99,000
(5) Lad Corporation	\$136,700

The engineer reviewed the bids and recommended the work be awarded to G. H. Smith Construction. Funding will be from the Capital Improvement Plan.

Councilmember Williams confirmed that the Town has to pay to shut the line down. Mayor MacDougall stated that the line belongs to the Town. Mr. Lutz confirmed that the interconnection is filled with concrete.

2. **Emergency Procurements – Finance Director Kathy Roberts:** Council was provided a summary of emergency purchases made in the third quarter of 2016 and requested to accept it as information and direct that the summary be recorded in the minutes of this Work Session.

Councilmember Maness asked about the Abbott’s Auto Care bill in the amount of \$1,008.95 for “diesel in gas tank”. Mr. Poole explained that the Victim’s Advocate car was acquired through a grant and recently moved to the Planning Department for an inspector. He added that someone accidentally put diesel in the gas tank. Mr.

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Hanson explained that the bill also included some other maintenance such as bald tires and no brakes. Mr. Poole clarified that it was still a free car.

Councilmember Maness asked about the bill from Servpro in the amount of \$2,004.00 for flood clean up at LICS. Mr. Poole stated that it was a waterline at the old LICS building.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS

Mr. Steve Baker, candidate for Town Council, stated that in this campaign season, he appreciated everyone being a gentleman and he looked forward to seeing how it plays out.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, Mayor MacDougall announced the adjournment of the meeting with no objections from Council. The Council's Work Session adjourned at 7:01 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.