

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
January 6, 2020

Town Council held an Executive Session at 5:35 p.m. followed by the Regular Council meeting at 6:30 p.m. in the Council Chambers on January 6, 2020. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams, Steve Baker and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Prosecutor Cliff Koon, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Utilities Superintendent David Patton, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Events and Media Coordinator Laurin Barnes, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately twenty-five (25) citizens present for the Council meeting and no members of the news media were present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. He called on Chaplain Dave DeDonato, Lexington Police Department, to give the invocation. Mayor MacDougall called on Councilmember Lyle to lead 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 5:35 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Lyle to go into *Executive Session*. The motion was unanimously carried. Council adjourned from the *Executive Session* at 6:27 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness. 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: two legal issues regarding pending litigation and an agenda item; one contractual issue regarding Downtown Economic Development and one personnel item regarding modification of pay grade. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Carnes to ratify the Mayor's 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 from Council's November 18, 2019 Work Session and Council's December 2, 2019 regular meeting as submitted. The motion was unanimously carried.

PRESENTATIONS

1. **Proclamation for River Bluff High School Girls Tennis State Championship – Councilmember Kathy Maness:** Councilmember Maness read a proclamation congratulating the River Bluff High School Girls Tennis team for winning the Class 5A State Championship on November 9, 2019. (Copy attached.) Councilmember Maness added that she has known Coach Brian Lim since he was a Teaching Fellow at USC, which keeps the best and the brightest as teachers in South Carolina. She thanked him for being such a wonderful math teacher, especially for her son, who now says math is his favorite subject. She also welcomed Coach Lim's wife, Bridgette, who is the Teacher of the Year in Gilbert.

Coach Lim thanked the Mayor and Council for all their support and they hope to keep the tradition going.

2. **2019 Art Rish Employee of the Year Award to PFC Kimberly Honeycutt – Police Chief Terrence Green:** Chief Green stated that as many remember, Art Rish was an Inspector with the Lexington Police Department who lost his life to a battle with cancer. He added that Art was a hard worker with big integrity and actually came to work the last week of his life. Chief Green stated that the Art Rish Award is presented each year by the officer's peers and this year it was awarded to one of their great employees, PFC Kim Honeycutt who has been with the department for twelve years and does it all. Chief Green stated that her main job as the TAC Officer is entering warrants and records required by the NCIC so if the Federal government gives a passing audit he stays out of jail. He added that she does many other things such as when an officer is sick, she fills in. He stated that Officer Honeycutt never complains and gives 110% every time. Chief Green added that she is a great example of this award and her work is excellent and she makes herself available to the department anytime and anywhere. Chief Green stated that it is a great honor to present this award to PFC Honeycutt. Following a standing ovation, Mayor MacDougall assisted in presenting the award.

PFC Honeycutt thanked Chief Green and her fellow employees. She added that this award is very special to her in that Art Rish was a dear friend. She thanked the Mayor and Council and added that she loves her job and Chief Green.

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3. (Added) **2019 Tommy J. Fox Award from the Lexington County Law Enforcement Association to Officer Jennifer Klinsic – Police Chief Terrence Green:** Chief Green stated that the Tommy J. Fox Award is given for outstanding service and act of heroism in law enforcement. He added that Officer Klinsic, a five year veteran, was awarded the Tommy J. Fox Award last month for her hard work with the Community Action Team. She works with events in Lexington and knows how to connect with the community and especially Special Olympics where she was instrumental in raising \$50,000 this year. Chief Green stated that Officer Klinsic is always busy, she is the RAD Instructor, organizes the LPD Fall Festival, works on the Toys for Tots campaign, Coffee with a Cop, and assists with organizing Christmas families and much more. He added that she exceeds expectations while living the department's mission statement of building a partnership with the community. Chief Green stated that Officer Klinsic was with the department a long time ago and left because she was in love, but she returned to her true love, the Lexington Police Department. Following a standing ovation, Mayor MacDougall assisted in presenting the award.

Officer Klinsic thanked the amazing Chief Green and her fellow officers. She added that she was humbled by this award in that the department has many more deserving officer. She thanked the Mayor and Council for their support on all the Police Department events because it makes her job easier.

Mayor MacDougall congratulated Officers Honeycutt and Klinsic and added that they are great examples of some of the fine officers that work for the Lexington Police Department.

VISION PLAN UPDATE

Mayor MacDougall announced: (1) Construction is set to begin soon on the Gibson Pond Park dam, which was destroyed in the 2015 flood. The park will be temporarily closed while work is done. It is expected to take just under a year to complete. Citizens were encouraged to visit the Town's website for a list of other parks to visit. (2) Work will also begin soon on the new pavilion at the Icehouse Amphitheater. The pavilion will be the new home for the Town's Farmers Market and the covered shelter will also be home to many other events. It will be a great addition to downtown and further Main Street revitalization efforts. Also, on January 8th, the Town will announce the Icehouse Amphitheater's Spring Concert Series on the Icehouse Amphitheater's Facebook page. (3) Mayor MacDougall stated that each month he announces events going on in and around Lexington, all of which are a result of the Town's Vision Plan which was reviewed and updated in 2017 and again this past summer. The entire Vision Plan can be read on the Town's website. Citizens were encouraged to call the Mayor, Council or Staff if they knew of something that would improve the quality of life for the community.

TRAFFIC UPDATE

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Mayor Pro-Tem Livingston gave the Traffic Update: (1) Work is expected to begin soon on a new deceleration lane at the new Hampton Inn being constructed along Sunset Boulevard/378 across from Franks Car Wash. Please use caution as periodic lane shifts will be used during this construction. (2) The next Traffic Committee meeting will be held on January 29, 2020 at 8:00 a.m. in the third floor conference room. (3) Citizens were encouraged to call 358-7273 if they were aware of a traffic signal issue, unsafe roadway situations, or a pothole that needs repair.

PUBLIC HEARINGS

Mayor MacDougall called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #4323-05-011 located at 702 West Main Street.

Mr. Walter Taylor, 624 Spring Lake Road, Columbia, stated that he was not familiar with the proceedings, but he was here to answer any questions from Council.

Councilmember Maness stated that she was at the Planning Commission meeting when they talked about having access through the church parking lot. She added that she has concerns about this piece of property with traffic and safety issues. She asked Mr. Taylor if he still has access to exit his property through the church with a shared drive. Mr. Taylor responded, yes, but they do not have a curb cut yet and he did not think they could file for that until after they affect the land swap that they will be doing with the church. He added that they are swapping a parcel at the rear for a portion next to 702 West Main Street and on the far end of that property they will put in a shared curb cut for them and for the church. Mr. Taylor asked Council if they had seen the site plan. Councilmember Maness stated that she had a copy of it and there is terrible traffic there being so close to Ellis Avenue and the Post Office. She wanted to be assured that Mr. Taylor will be sharing the drive with the church in order to have access to get in and out. Mr. Taylor stated that the shared drive they are putting in at Main Street will be shared.

Councilmember Carnes stated that the point there may be confusion is there was a conversation about shared drive out to Ellis Avenue that was an easement across the property of Pine Press. He added that there may have been another

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opportunity to get an easement out to Park Road with some access other than right on to Highway 378. He stated at one point he thought it was said that Mr. Taylor had those easements in place and had come to an agreement with those property owners. Councilmember Carnes added that recently he heard that Mr. Taylor did not have those accesses in place so Council needed clarification of whether or not Mr. Taylor has a second access in either one of those scenarios. Mr. Taylor responded that he was sorry because he was guilty of sharing information with the Town that he did not mean to represent that he had easements in place. He added that he was merely trying to share with the Town that this is what he understands that the Town wants and he will seek to get it. Mr. Taylor stated that they were told that the Town would like connectivity and this small parcel of .3 acres the desire was that they have connectivity to both Park and Ellis. He stated that it is complicated, but initially he did affect an easement to Ellis Avenue for this parcel; however, that was not formal but it was agreed upon by Nathan Enterprises. Mr. Taylor stated that subsequent to that they talked to SCDOT about a curb cut and they said they want a curb cut here and in order to get the curb cut where they wanted it, they gave the back portion of the property to the church in return for them giving them a portion on the road and in return for them doing that, they agreed to put in the shared full-service curb cut. Mr. Taylor added that he lost his ability to get to Ellis Avenue because the portion upon which this was to occur, they no longer owned. He offered to show them a plat to explain.

Councilmember Lyle wished to clarify that Mr. Taylor said they were going to swap, but then he said he had already given land. He asked if there had been an actual conveyance of land. Mr. Taylor responded, no, not yet. Councilmember Lyle confirmed that there had not been a real estate closing. Mr. Taylor responded that the closing was to take place tomorrow.

Councilmember Carnes requested to look at the new plat from Mr. Taylor. Mr. Taylor distributed three copies of the new plats to Council. (Copies attached.) Mr. Taylor stated that this is a copy of the property they intend to purchase. He asked Council to notice the depth of the property and added that to the left of this parcel on the corner of Ellis Avenue is a building that sits right on the road and it covers the entire piece of property except for the parking in front of the building which faces Ellis Avenue. Mr. Taylor described that at the back of that building is where they were going to affect an easement out to Ellis Avenue. He pointed Council to the next plat which shows the parcels to be swapped, where they give the rear property to the church and the church gives them the property on the right for them to put in a shared driveway. Mr. Taylor directed Council to the third easement plat which is the land plat that they will be submitting to Mr. Hanson for site plan approval. Mr. Taylor wished to continue with the question regarding access. He stated that he submitted several different plats that actually showed easements on the church property, which he did not have, but he created an official looking plat rather than to ask for something vague to present to the church who subsequently had group meetings. Mr. Taylor stated that the church

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told him they would not give access to Park Road for a variety of reasons, such as events in their parking lot with children and families. He stated that later he went back and asked for access to Ellis Avenue and they declined to give an easement because they did not want to encumber their property which may be redeveloped at some point in the future with an easement. Mr. Taylor stated that when he first engaged the church and Lori Moroz, owner of Pine Press, on Ellis Avenue, they both wanted to formalize the access that the church had been using to get to Ellis Avenue because they had been driving across her property for years with her permission, and in return the church would allow Ms. Moroz to continue to use the church property for parking on three or four spaces as a result of losing it to keep one lane open for the church. He added that at that time they were to be a party of that formalized agreement too because they were buying the original parcel with the full depth. Mr. Taylor stated at that time he would have been giving the church an easement through the property that they would own at 702 West Main and across Ms. Moroz's property to Ellis Avenue. Mr. Taylor stated that he thought Council could see how this turned into something that lacked clarity, plus his communication with the church would sometimes take two weeks, even though they were wonderful to deal with, there were no quick answers. Mr. Taylor stated that this deal will formalize access for the church to Ellis Avenue and if the church ever wants to sell their land to be developed they will not have to try and get access to Ellis Avenue because they will have it. He added that the church property will also have a joint access with them to Main Street, assuming they are approved.

Mayor MacDougall thanked Mr. Taylor and asked him if he understood what the holdup would be, it would be connectivity. He added that they all know that Mr. Taylor does not have access to Ellis and he does not have connectivity to Park and without it, it will not pass. He asked Mr. Taylor if there was any way he could get connectivity to Ellis Avenue without selling or swapping this piece of property. Mr. Taylor responded that he could ask them. Mayor MacDougall stated that the safety concerns at that intersection are far greater than allowing this to pass the way it is and safety has to be addressed and the only way to address it is to have connectivity either out Ellis Avenue or out Park Road. Mr. Taylor responded that he could ask again but he did not have the power of condemnation. Mayor MacDougall asked Mr. Taylor if he did not swap the property with the church would he still have access to Ellis Avenue. Mr. Taylor responded yes, but he would not meet the SCDOT request. Mayor MacDougall confirmed that it was a request, not a requirement. Mr. Taylor responded that he understands that he needs their approval and they said they did not want a right-in right-out.

Councilmember Williams confirmed with Mr. Taylor that one of the plats he gave Council shows the swap, but it has not happened yet. Mr. Taylor responded that the swap has not yet taken place.

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Councilmember Carnes asked for clarification about the asphalt apron that was there now which he assumed the church uses to access their property. Mr. Taylor thought the asphalt apron was there for the homeowner at 702 West Main. Councilmember Carnes stated that the apron actually comes off Highway 1 and it shows that it enters onto St. Paul Church property, so he assumed they use it, either formally or informally, and he wondered if there was an easement in place. Mr. Taylor stated that he was not sure but the church has a right-in and the curb cut would have to be reconfigured.

Mr. Taylor asked what does this mean if Council did not act and would the Mayor state again what his marching orders are. Mayor MacDougall stated that Council would have to vote on the item when it comes up on their agenda tonight. He added that there is still a safety concern at that dangerous intersection which has not yet been addressed, especially with cars turning left. Mayor MacDougall advised Mr. Taylor that Staff had pretty bluntly told him what he needed to do. Mr. Taylor stated again that he did not have the power of condemnation and when he saw SCDOT they want a joint curb cut. He added that at this point in time he is being told that he has to affect this. Mr. Taylor stated that it seems to him, in the greater scheme of things, there's a big large parcel of property that may be developed one day where all of these things will be in effect. He stated that they are building a shared entrance into the church now so their connectivity will be in place then to connect to Park Road and it will be in place to connect to Ellis Avenue, because the Town can impose that on the church to allow them to come through their property. He added that he cannot impose that on the church.

Town Administrator Poole wished to clarify by re-stating what he had interpreted as the Council's position. It was his understanding that Council could support the rezoning as requested if the developers were to find access to either Ellis Avenue or Park Road, not both, but either one as alternate access to the site.

Mayor MacDougall responded yes, but he did not want to speak for other Council members because they can vote their opinion. He added that he thought there would be favoritism to do that if there is access that takes care of the safety concern at that intersection.

Councilmember Maness asked, if based on Council's concern regarding safety issues, would it be better for Mr. Taylor to withdraw his request. Mayor MacDougall responded no in that it is already on the agenda and they had already moved past that point and would vote on it in a few minutes. Mr. Taylor asked if Council was going to annex the property. Mayor MacDougall responded that he did not know yet because Council had not yet voted. Mr. Poole stated that regardless of the vote, it can be reapplied for at a later date with no time limit for waiting.

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2. **Final Reading of an Ordinance Annexing Lexington County Tax Map #3524-01-003 located at 125 Ashley Trace Drive.**

There were no public comments.

3. **Final Reading of an Ordinance for a Budget Adjustment, Administration.**

There were no public comments.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Lyle to **deny Final Reading of an Ordinance Annexing Lexington County Tax Map #4323-05-011 located at 702 West Main Street and to deny service to the property until such time the safety issues can be addressed.** (Copies attached.)

Councilmember Carnes stated that it seems everyone is trying to get the right resolution here, but since it appeared that it cannot be resolved tonight, is there an opportunity to table the service denial for one month, instead of denying the item, and give Mr. Taylor an opportunity to find connectivity as requested. Town Administrator Poole wished to restate his understanding that Councilmember Carnes wished to make a motion to table this item for one month and hold the utility service for one month and then make a final decision at the next Council meeting. Councilmember Carnes responded, correct. Town Administrator Poole stated that Council could do that and the item would have to come back to Council and the utility service would be held on the site until such time a final decision is made by Council.

Councilmember Williams asked if they tabled the item for a month as requested by Councilmember Carnes, would the item automatically come back to Council or would Mr. Taylor have the ability to withdraw his request. Town Prosecutor Koon stated that it would automatically come back to Council because his understanding is Council would table the motion which would not have to be withdrawn or killed. He added that the motion would still be “live” until such time Council voted and in the meantime Mr. Taylor could address the connectivity issues. Councilmember Williams seconded Councilmember Carnes’ motion to table the item for one month as stated.

Councilmember Maness confirmed that they were voting on the motion to table the item.

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Councilmember Carnes stated that they were getting into the finer points of Robert's Rules. He wished to confirm that if they table the motion, what precedes if this entire request is withdrawn over the next 30 days. Town Prosecutor Koon stated that if the request was withdrawn, the motion would die. Councilmember Carnes confirmed that services could be withheld with or without annexation for the next 30 days.

Councilmember Lyle told Mr. Taylor that Council appreciates him wanting to improve this piece of property and speaking for himself, he stated that this was addressed several months ago and it was made clear to Council that there would be no additional heavy in and out traffic. He added that since Mr. Taylor lives in Columbia, he may not have had to make a left turn from Ellis Avenue onto West Main Street, but it is a nightmare and dreadful. Councilmember Lyle stated that the thought of someone making a left hand turn is a legitimate safety concern and he wanted Mr. Taylor to know that there was a lot of thought behind it.

Mr. Taylor stated that the SCDOT lined up the curb cut for them across from George Street which is on the other side of West Main Street. He added that in their minds that was good planning. He stated that the ones affected are the ones on this property waiting to turn onto Main Street and they will likely go right and they would likely take a right on Ellis Avenue just like they would do if they could and had access to Ellis Avenue.

Mayor MacDougall told Mr. Taylor that he hoped he could appreciate what Council did tonight and understanding what they were doing trying to help him. He added that Council wants to see this developed and they want to see it happen, but there are a couple things that Mr. Taylor needs to clear up first.

Mr. Taylor responded that he would try. He added that he was in much further than he wanted to be and if he could he would just back away now.

Mayor MacDougall called for the vote to a motion made by Councilmember Carnes and seconded by Councilmember Williams to table this item (*Final Reading of an Ordinance Annexing Lexington County Tax Map #4323-05-011 located at 702 West Main Street*) for one month and hold the utility service for one month and make a final decision at the next Council meeting (*February 3, 2020*). The motion was unanimously carried.

2. A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to **approve Final Reading of an Ordinance Annexing Lexington County Tax Map #3524-01-003 located at 125 Ashley Trace Drive.** (Copy attached.) The motion was unanimously carried.
3. A motion was made by Councilmember Williams and seconded by Councilmember Carnes to **approve Final Reading of an Ordinance for a**

Budget Adjustment, Administration adding \$25,100 to Administration Salaries and Benefits as stated in the Ordinance. (Copy attached.) The motion was unanimously carried.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #5311-01-130 located at 304 Montrose Drive:** Felicia Kinney and Romey Coard own a parcel located at 304 Montrose Drive and petitioned to annex the property. A single family home is located on the site. Properties in Town near this one are zoned Protected Residential 2. Montrose Drive and Asa Rose Lane are classified as RL-4 roads. The Planning Commission will review this annexation during their next meeting to recommend the zoning and road classification for this parcel. (Copy attached.)

A motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5311-01-130 located at 304 Montrose Drive as stated. Councilmember Carnes asked if this was part of a subdivision and, if so, was the Town cherry picking homes in the subdivision. Director Hanson responded that this property is part of Vintners Wood which is half in Town and half out of Town. He stated that this property is a corner lot along a row of houses that are in Town and when they changed service they were asked to annex at which time they signed a petition. Councilmember Carnes asked if one phase of the subdivision annexed at a time. Director Hanson responded that there are nine total phases and the first five are outside of Town because the Town was not contiguous at that time. He added that once the Town was contiguous, phases six through nine were annexed as part of the Town, with phases eight and nine still under construction. Director Hanson stated that this property is just across from the annexed phases which makes it easier for the Police Department and the garbage service to know which homes are in Town and which ones are not. There being no further questions, Mayor MacDougall called for the vote. The motion was unanimously carried.

ANNOUNCEMENTS

Councilmember Lyle made the following announcements: (1) He expressed deepest sympathies to Johnny Jeffcoat in the recent loss of his lovely wife, Pat. He added that she would be missed by so many, including her Town family. (2) As the Mayor mentioned, this will be a busy year at the Icehouse Amphitheater. The Spring Concert Series will be announced on January 8th - so stayed tuned to the Town's social media

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for an update. (3) Town Hall will be closed Monday, January 20th in observance of Martin Luther King Day. So, Council will meet again on Tuesday, January 21st at 6:00 for Council's Work Session. (4) The Traffic Committee will meet on January 29th at 8:00 a.m. in the 3rd floor conference room. (5) If you would like to participate in the Lexington County Chili Cook Off on February 9th, please email john@oldmillbrewpub.net. Councilmember Lyle wished everyone a Happy New Year and thanked them for watching their Town Council in action tonight.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

Mayor MacDougall thanked the Council members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on cable channel 1301 which will also be replayed several times during the week.

Mayor MacDougall stated that without objection from Council, he declared the meeting adjourned. The Regular Council meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

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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.