

MINUTES
Town of Lexington
Executive Session and
Council Work Session

February 16, 2021

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Town Council held an Executive Session prior to a Saxe Gotha-Lexington Public Facilities Corporation meeting (see separate minutes) and Council Work Session at 5:30 p.m. on February 16, 2021 in Municipal Complex Conference Center located at 111 Maiden Lane, Lexington, South Carolina. The meeting was held in the Conference Center to allow for social distance spacing. 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. *(Four guest speakers were present for portions of the meetings.)*

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Finance Director Kathy Pharr, Assistant to the Town Administrator Wesley Crosby, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand. *(Only Staff members with items to present were required to attend.)*

There were two (2) citizens present and no news media members were present.

OPENING STATEMENT and CALL TO ORDER

Mayor MacDougall welcomed everyone to the Council Work Session. He apologized for the late start of the meeting and 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 comments 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 taped for use by the Municipal Clerk only and Minutes are taken and posted on the Town’s web page following approval of Council.”*

INVOCATION, PLEDGE AND CALL TO ORDER

Councilmember Carnes gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 7:26 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was extensive but they received some good information. He thanked Wayne Rogers, Bill Zieburz and Jeff Dykstra for attending. He stated that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Baker to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmembers Carnes and Lyle were absent for the vote.) Council adjourned from *Executive Session* at 7:12 p.m. after a motion was made to reconvene the *Executive Session* following the Work Session by Councilmember Williams and seconded by Councilmember Baker. 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 advice regarding agenda items; three contractual items regarding a downtown economic development issue, a road project and a rate study contract; and one routine personnel matter. No vote was taken. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: There being no objection from Council, Mayor MacDougall requested to delete Presentation #2 (Ms. Louise Geddings, Regarding Senior Living Apartments). He added that due to the late start of the meeting Ms. Geddings could not stay for the presentation, but she left a hand-written presentation to be distributed at the meeting. (Copy attached.)

APPROVAL OF MINUTES: A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the minutes as submitted for Council's Regular Meeting held on February 1, 2021. The motion was unanimously carried.

PRESENTATIONS

1. **2020 Audit – Mr. Randy M. Cooper, CA, CFE, The Brittingham Group, LLC:** Mr. Cooper presented the Town's Audit from June 30, 2020 results. He summarized the findings for Council and distributed a copy of his seven page presentation. (Copy attached.) He commended the Town overall for their strong financial position which included (full copy attached):

- The Town received the GFOA's "Certificate of Excellence in Financial Reporting Award" last year for the Comprehensive Annual Financial Report, making it 22 consecutive years.
- The Town received an unmodified or "clean" audit opinion which is the highest level of reporting with an unlimited scope opinion meaning the Auditors had full and complete access to the Town's records.

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- The Town ended 2020 with a total net position of \$131 million, an increase over 2019 which was \$121 million which was due to an increase in water and sewer revenue, state aid not restricted, capital grants and additional contributions of infrastructure by developers.
- General revenues totaled \$14,215,548 which includes property taxes, business license taxes, hospitality taxes, unrestricted state aid, and investment earnings.
- No internal control findings were noted in the audit.

Mr. Cooper thanked the Town Staff and particularly Finance Director Pharr and the Finance Department Staff for their cooperation and assistance during the audit.

Town Administrator Poole thanked Mr. Cooper for the great job working with Staff as they have worked so well together over the years.

Mayor MacDougall asked Council if they had any questions. Councilmember Maness stated that she may have questions after she has had a chance to read the CAFR. Mayor MacDougall thanked Mr. Cooper for the great report and apologized again for the late start of the meeting.

2. **Senior Living Apartments – Ms. Louise Geddings:** Due to the late start of the meeting Ms. Geddings could not stay for her presentation. She left a hand written presentation to be distributed to Council. (Copy attached.) Her presentation addressed: (1) Nine new senior livings apartments in Lexington. (2) She discontinued her Section 8 houses due to crime and preferred peace and less traffic than Federal funding. (3) Request to Council to say “no” to anymore apartments due to traffic, crime, property values and way of life in Lexington.

BUSINESS ITEMS: (For discussion and recommendation for Council’s March 1, 2021 Regular Council Meeting.)

1. **Accommodations Tax – Assistant to the Town Administrator Wesley Crosby:** The Accommodations Tax Advisory Committee met on February 10, 2021 to review Accommodations Tax projects requesting funds from the 65% A-Tax fund allocation. A spreadsheet was provided to Council for their review and approval which listed the requested amounts and the Accommodations Tax Committee’s award recommendations. Award recommendations totaled \$142,500 of the available \$226,669 in 65%. The available 65% funds are a combination of FY 2019 and 2020 A-Tax money. Mr. Crosby stated that the Town did not allocate funds last year due to COVID. He added that a budget from the Lexington Chamber and Visitors Center was provided (copy attached) regarding the designation of the FY 2021 30% Advertising Promotion Special Fund which totals \$48,170.22. Council was asked to place the item on their March 1, 2021 agenda for approval.

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A motion was made by Councilmember Baker and seconded by Councilmember Williams to place the item on Council's March 1, 2021 agenda for consideration. Councilmember Maness asked if changes would be made at the March meeting. Mayor MacDougall responded yes. Councilmember Williams asked Mr. Crosby to email a copy of last year's A-Tax allocations. Mr. Crosby distributed a copy of the previous year's list. Councilmember Maness stated that she would like to make changes tonight. Mayor MacDougall responded that there is a motion and a second on the floor that they would need to address first. Councilmember Maness requested to table the motion for now so they could discuss the item and any changes. Councilmember Williams withdrew his second to the motion. Mayor MacDougall stated that Council could discuss the item and recommend changes, but that did not mean that it cannot be changed during the final approval in March.

Councilmember Maness asked why the events from the Town of Lexington were not fully funded. She would rather Town events receive A-Tax funds instead of general funds. She asked Mr. Crosby to explain the Committee's conversation about Town events. Mr. Crosby explained that there was a discussion about it and the consensus was to fund a portion and wait to see if a second round of funding was done and look at it again. He added that the other option would be to hold off until next year because many events were cancelled this year. He stated that the funds would be down approximately 30% next year which could total \$80,000. Mr. Crosby stated that it would be up to Council to have a second round of awards this year with the remaining funds or to hold it until next year. He confirmed that the State allows funds to be held for two years. He added that he has asked for an extension in October due to the current circumstances, but he has not heard from the State Committee yet. Mayor MacDougall stated that he did not think we would be an exception to that request.

Councilmember Maness made a motion to fully fund the Columbia Metropolitan Convention and Visitors Bureau and the co-op advertising. She stated that they had requested \$40,000 and the committee recommended \$20,000. Councilmember Baker seconded the motion. The motion carried with a vote of five (5) in favor and two (2) opposed (Carnes, Lyle).

Councilmember Maness stated that the Bass Federation brings a lot of "heads in beds" to Lexington, yet the committee only recommended \$2,500 and they had asked for \$10,000. She added that she had seen an advertisement about it on television. Mr. Crosby stated that this was the first year that the Bass Federation has applied for funding and he had

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assisted them with their application. He thought they could use the funding, and he would explain how it had to be used. He added that there was not a lot of discussion about it. Mr. Crosby stated that this tournament is to be held this year on November 3rd through the 7th and is different from the one promoted by Capital City Lake Murray. Mayor MacDougall confirmed that there is more than one fishing tournament on Lake Murray. Town Administrator Poole stated that if there is a second round of funding, they would have a second chance at the bite of the apple. Councilmember Carnes stated that he thought the Bass Federation was hurt by the fact that there were no live presentations this year so all the committee saw was their hand written application.

Councilmember Maness stated that was all the changes she recommended if the rest of Council was good with not fully funding the amphitheater. Mayor MacDougall stated that they could also receive funding if there is a second round. Councilmember Lyle that it would be financially prudent to look at it later. Councilmember Baker stated that he was good with looking at it later since the funds requested were intended for a year when all events would happen with the Snowball and Icehouse Amphitheater. Councilmember Maness stated that in 2019 the Town asked for \$4,000 for the amphitheater and \$5,000 for the Snowball.

Councilmember Baker restated his motion to add this item to Council's March 1, 2021 agenda. Councilmember Lyle seconded the motion. The motion was unanimously carried.

2. **Lexington Police Department Worker's Comp Coverage – Police Chief Terrence Green:** Currently officers with the Lexington Police Department do not have Worker's Compensation Coverage when working off-duty assignments. The Lexington Police Department requested an increase of the hourly rate from \$38.50 to \$40.46 to protect officers who are not protected under the color of law and liability insurance coverage. Council was asked to place this item on their March 1, 2021 agenda for approval.

A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to place the item on Council's March 1, 2021 agenda. Councilmember Lyle stated that he has a good knowledge of Worker's Comp and asked if it was not an option to include their extra duties while still in uniform instead of an hourly rate increase. Town Administrator Poole responded that it is an hourly rate increase but it moves it to the company that hired them. He added that the officer is still covered under the Town's insurance policy. Chief Green stated that Lexington County recently had an officer injured at the football field and the County did not cover it. Councilmember Lyle stated that Worker's Comp can be brutal and it is a no-fault injury, but it is your sole remedy. The motion was unanimously carried.

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COUNCIL/STAFF COMMENTS: Town Administrator Poole requested that those Staff members not required to be in the Executive Session be excused.

PUBLIC COMMENTS: None.

NEWS MEDIA COMMENTS: None.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 7:51 p.m. and reconvene to the Executive Session.

EXECUTIVE SESSION CONTINUED

Mayor MacDougall called the Executive Session back to order at 7:52 p.m. Council adjourned from Executive Session at 8:00 after a motion was made by Councilmember Lyle 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 a reconvened *Executive Session* to complete discussions regarding a personnel matter and a contractual matter regarding a road construction project. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Williams to ratify the Mayor's report. The motion was unanimously carried.

Respectfully submitted by:

Becky P. Hildebrand, CMC

APPROVED BY:

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.