

MINUTES
Town of Lexington
Executive Session ,
STATE OF THE TOWN ADDRESS and
REGULAR COUNCIL MEETING
March 7, 2022

Town Council held an Executive Session at 5:30 p.m. followed by the *State of the Town Address* and Regular Council meeting at 6:30 p.m. in the Council Chambers on March 7, 2022. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams and Todd Lyle. Councilmember Steve Baker was absent.

Staff members present were: Town Administrator Britt Poole, Town Prosecutor Cliff Koon, Assistant to Town Administrator Wesley Crosby, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Utilities Director Allen Lutz, Utilities Superintendent Billy Gunter, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Communications Manager Laurin Barnes, Digital Media Coordinator Libby Dallis, I.T. Specialist Chris Boyd, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

Approximately six (6) citizens were present 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 Councilmembers. He called on Mayor Pro-Tem Livingston for the invocation. Mayor Pro-Tem Livingston called on her Pastor, Kevin Thumpson, from Watershed Fellowship to give the invocation. Mayor MacDougall called on Lexington County Veteran Mr. Terry Hicks to lead in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:41 p.m.

STATE OF THE TOWN ADDRESS

Mayor MacDougall delivered his ninth *State of the Town Address*. (Complete copy of transcript attached.) He announced that the *State of the Town Address* would be a video for the fifth year which highlighted the Town's accomplishments in 2021 and on-going projects. Mayor MacDougall added that it is an exciting time to be in the Town of Lexington as we see record growth and thriving businesses. He added that the video would also be played on the Town's Spectrum Community Access Channel 1301 and be replayed on the Town's web page. Mayor MacDougall thanked Town Staff who assisted with the *State of the Town* video.

(Video - approximately 8 minutes.)

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- 2021 Summary:
1. Pandemic Growth: New businesses increased 9.2% and a 23% increase in Hospitality Tax collection.
 2. Police Department: Third year for decrease in property crime and multiple officers received statewide recognition.
 3. Traffic: Final phase of Adaptive Signalization to go live soon along with improvements in key problem areas.
 4. Gibson Pond Park Reopens: Park reopens with new improvements following thousand-year flood of 2015.
 5. Virginia Hylton Park: Soon to undergo major renovation and expansion to include new equipment, trails, splash pad and performance pavilion.
 6. Icehouse Amphitheater Pavilion: Opened as new home for The Market and Snowball Festival plus 100 events held there in 2021.
 7. Finance App and Awards: A new app launched to make it easier for customers to make payments and monitor their accounts. Finance Department recognized nationally for overall financial health 23 consecutive years and 13th year for highest quality budget documents award.

Mayor MacDougall introduced his fellow Councilmembers in the video which included: Mayor Pro-Tem Livingston and Councilmembers Kathy Maness, Todd Carnes, Ron Williams, Steve Baker and Todd Lyle. He thanked them and Staff for their dedication to the Town.

Following the video, Mayor MacDougall stated that he hoped everyone enjoyed the video. He added that the Town's Vision Plan continues to set the Town up for great success and the progress we have seen. Mayor MacDougall stated that he looked forward to what is in store for 2022 as he serves as the Mayor.

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 Lyle and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from the *Executive Session* at 6:13 p.m. after a motion was made by Councilmember Carnes and seconded by Councilmember Williams. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1), (2) and (3) Council met in *Executive Session* to discuss: one routine personnel matter; three legal items regarding pending litigation, advice regarding agenda items and advice regarding enforcement of an ordinance; and, three contractual items regarding an economic development contract, a real estate use agreement and a downtown contract. No vote was taken. A motion was made by Councilmember Lyle and seconded by Councilmember Maness to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

PRESENTATIONS

1. **Proclamation Honoring Fort Jackson Military Spouse of the Year, Mrs. Barbara Lercara – Councilmember Williams:** Councilmember Williams read a proclamation honoring Mrs. Lercara for being named Armed Forces Insurance 2022 Fort Jackson Military Spouse of the Year. Ms. Lercara was praised for her dedication and passion to inform and uplift other new military spouses. She is involved in many volunteer groups and is married to Captain Richard Wyatt, HHC Commander 369th AG BN. (Copy attached.)

Mrs. Lercara thanked the Mayor and Council and added that she was honored to represent Lexington and Fort Jackson.

2. **Presentation to Lexington Police Department Foundation from Lexington County Blowfish Baseball Club President and Owner Mr. Bill Shanahan:** Mr. Shanahan was pleased to present a check in the amount of \$5,000 to Chief Green and the Lexington Police Department Foundation from funds raised during the Annual Chili Cookoff. He commended John and Kelly Clinger for another successful Chili Cookoff which is in its 8th year.

Mr. Shanahan also wished to remind everyone about the 7th Annual Shamrock Parade which would be held on Main Street in Lexington on March 12, 2022. He announced that the Grand Marshall this year is Ms. Lou Kennedy, CEO Nephron Pharmaceutical.

PUBLIC HEARING(S):

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 Adopt the 2022 Comprehensive Land Use Plan.
2. **Final Reading** of an Ordinance Updating the Land Development and Zoning Ordinances.

There being no public comments or questions from Council, Mayor MacDougall declared the Public Hearings closed.

OLD BUSINESS

1. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness for **Final Reading of an Ordinance to Adopt the 2022**

Comprehensive Land Use Plan. (Copy attached.) The motion was unanimously carried by all those present.

Mayor MacDougall thanked Staff as well as the Planning Commission for all the time and energy spent to update the Town's Comprehensive Plan which has to be done every ten years.

2. A motion was made by Councilmember Maness and seconded by Councilmember Williams for **Final Reading of an Ordinance Updating the Land Development and Zoning Ordinance.** (Copy attached.) The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing Lexington County Tax Map #4325-01-014 and 018 Located on Thompson Street:** (Copy attached.) Lexington Health, Inc. owns 1.62 acres on Thompson Street and petitioned to annex the property. A medical office is being planned on the site. Properties in Town near this one are zoned General Commercial, Limited Commercial and Protected Residential. Thompson Street is classified as Local Road. The Planning Commission reviewed this annexation during their February meeting and recommended Limited Commercial zoning for the property and Local Road classification for Thompson Street. (Copy attached.)

A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4325-01-014 and 018 located on Thompson Street as submitted. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #4300-04-044 Located at 112 Maxie Road:** Jeff Lacey owns 6.52 acres located at 112 Maxie Road and petitioned to annex the property. The property is currently undeveloped. Properties in Town near this one are zoned Protected Residential 2 and Maxie Road is not currently classified. The Planning Commission reviewed this annexation during their February meeting and recommended Protected Residential 2 zoning for the property and Local Road classification for Maxie Road. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Lyle to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4300-04-044 Located at 112 Maxie Road as submitted. The motion was carried with a vote of five (5) in favor and one (1) no vote (Lyle).

3. **First Reading of an Ordinance Annexing Lexington County Tax Map #4497-01-013 Located in the 4800 Block of Sunset Boulevard:** Charles Jackson owns 23.2 acres located in the 4800 block of Sunset Boulevard and petitioned to annex the property. The property is currently undeveloped. Properties in Town near this one are zoned Protected Residential and General Commercial. Sunset Boulevard is classified as an Arterial Road. The Planning Commission reviewed this annexation during their February meeting and recommended General Commercial zoning for the property and Arterial Road classification for Sunset Boulevard. (Copy attached.)

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4497-01-013 Located in the 4800 Block of Sunset Boulevard as submitted. Councilmember Carnes asked if the property was bound on either side by residential and how long had this project been in the planning stage. Mr. Poole responded that part of the trailer park is residential. Mr. Hanson explained that there was another project proposed for this property about two years ago, but this is a new project. He added that they withdrew the site plan before the meeting. Councilmember Williams confirmed that the property needed to be rezoned. The motion carried with a vote of four (4) in favor and two (2) opposed (Livingston, Lyle).

4. **First Reading of an Ordinance Annexing Lexington County Tax Map #5499-02-001 Located at 207 Glassmaster Road:** George McCutchen owns 1.08 acres on the corner of Glassmaster and Bruner Road and petitioned to annex the property. A small office and garage building are located on the site. Properties in Town near this one are zoned Industrial and General Commercial. Glassmaster Road is classified as a Collector Road and Bruner Road is classified as a Local Road. The Planning Commission reviewed this annexation during their February meeting and recommended General Commercial zoning for the property and Local Road classification for both roads. (Copy attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Lyle to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5499-02-001 Located at 207 Glassmaster Road as submitted. The motion was unanimously carried by all those present.

5. **First Reading of an Ordinance Annexing Lexington County Tax Map #5496-01-031 Located at 186 Zenker Road:** The Bruce Gates Estate owns 77 acres located at 186 Zenker Road and petitioned to annex the property to facilitate the development of a residential subdivision on the property. A sketch plan for this subdivision was presented to the Planning Commission in November and then withdrawn. Properties in Town near this one are zoned Industrial and Zenker Road is classified as a Local Road. The Planning

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Commission reviewed this annexation in November and recommended against annexing the property with the requested PR2 zoning.

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to not approve the annexation, as recommended by the Planning Commission, of Lexington County Tax Map #5496-01-031 located at 186 Zenker Road. The motion was unanimously carried.

6. **First Reading of an Ordinance Rezoning Lexington County Tax Map #5596-01-015 Located on Carlen Avenue from General Commercial and High Density Residential to General Commercial and Protected Residential 2:** Landtech Holdings, LLC requested to rezone 31.56 acres on Carlen Avenue from General Commercial and High Density Residential to General Commercial and Protected Residential 2. The purpose of the request is to support the development of a townhome project that is being planned on the property. Site plan approval for this project is expected to be on the Planning Commission's March agenda. Properties adjacent to this project are zoned Industrial, General Commercial and High Density Residential. The Planning Commission reviewed this request during their February meeting and recommended approving the rezoning.

A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve First Reading of an Ordinance Rezoning Lexington County Tax Map #5596-01-015 Located on Carlen Avenue from General Commercial and High Density Residential to General Commercial and Protected Residential 2 as submitted. The motion carried with a vote of five (5) in favor and one (1) opposed (Lyle).

7. **Habitat for Humanity Fee Waiver Request:** On February 1, 2022 a meeting was held with the new Executive Director for Habitat for Humanity, Suzanne Brooks. She gave an update on the organization's projects within the Town of Lexington, as there had been a number in the recent past. During the discussion a request was made for Town Council to consider waiving Habitat's fees within the Town of Lexington's corporate limits. Currently, business license fees are waived on all their projects as they function as a non-profit. They do pay building permit fees, impact fees and capital contribution fees (CCF) for water and sewer connections. The Town's ordinance on impact fees does not offer an option to avoid paying the fees and obligations to bond holders require the payment of CCFs. Council does have the option to waive building permit charges. Building permit fees are calculated on the value of construction. It was estimated that those fees would be \$650 to \$1,000 per project.

A motion was made by Councilmember Lyle and seconded by Councilmember Maness to approve waiving future building permit fees for Habit for Humanity projects with in the Town limits. Councilmember Lyle stated that Habitat does a great job.

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Councilmember Williams recused himself from the discussion and vote as he serves on the Board of Directors for Habitat for Humanity. (Copy of Recusal Statement attached.) The motion was carried with a vote of five (5) in favor and one (1) recused (Williams).

8. **Boards and Commissions Application:** The Town has received applications from Mr. Jeremy Addy and Mr. J. T. Stephenson, III, who both expressed an interest in serving on the Town of Lexington’s Planning Commission which currently has one vacancy. (Copies attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Carnes to appoint Mr. J. T. Stephenson to the Planning Commission and appoint Mr. Jeremy Addy to the Board of Appearance. The motion was unanimously carried by all those present.

9. **Special Accommodations Tax:** The Accommodations Tax Advisory Committee met on February 10, 2022 for a review of Special Accommodations Tax applications. The special application cycle was introduced to help expend remaining funds from the 2021 A-Tax project year. Council was provided a spreadsheet listing the requests and the Accommodations Tax Committee’s award recommendations as summarized below. Award recommendations totaled \$55,000 of the available \$64,169 in leftover 2021 65% funding. Any unallocated funding not awarded during this special cycle would be reallocated into the upcoming annual 2022 A-Tax allocations.

Organization	Project Title	Amount Requested	Committee Recommended
Capital City/Lake Murray	Destination Marketing	\$15,000	0
Columbia Museum of Art	Marketing Specific Show	\$10,000	\$5,000
Lexington Chamber	Tourism Strategic Plan	\$19,727	0
Town of Lexington Icehouse	Amphitheater Sound System	\$50,000	\$50,000
	TOTAL	\$94,725	\$55,000

Funding Available	\$64,169
Recommended Funding Awards	\$55,000
Unallocated Funds	\$ 9,169

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve the special A-Tax funding as recommended by the Accommodations Tax Committee. The motion was unanimously carried by all those present.

10. **Pilgrim Point Street Lights:** Historically the Town has paid a portion of the street light bill for Pilgrim Point residents. In accordance with the Town’s

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Residential Street Light Ordinance, the Pilgrim Point Homeowner's Association requested that the Town again pay a pro rata share of their street light bill. (Copy of letter attached.) There are 48 lots in Pilgrim Point and the Town Ordinance states that the Town would be responsible for one (1) street light per six (6) lots, which equals eight (8) lights. The total requested is \$2,146.56 (22.36 x 8 x 12). Funds would come from Transportation budget, account #100-5-665-520.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve a pro rata share of street lights for Pilgrim Point in the amount of \$2,146.56 as stated. The motion was unanimously carried by all those present.

ANNOUNCEMENTS

Councilmember Lyle made the following announcements: (1) He thanked Mayor MacDougall for delivering the State of the Town Address and added that the video gives citizens a great overview of all the projects going on in Lexington. If anyone has questions about specific projects, please contact Council or Staff and we will be glad to answer any questions. (2) He wished Councilmember Williams a belated Happy Birthday. (3) Several Town meetings are lined up for March: The Board of Appearance will meet tomorrow at 5:30; the Traffic Committee will meet Wednesday at 8:30; the Accommodations Tax Committee will meet Thursday at 9:30; Council will meet again on March 21st in the Conference Center at 6:00 for the Council Work Session; and, the Planning Commission will meet on March 23rd at 8:00 a.m. (4) The Town will host a Red Cross Blood Drive in the Conference Center this Wednesday from 9:00 to 3:00. Town Administrator Poole will present a proclamation during the Blood Drive proclaiming March 2022 as Red Cross Month. (5) Town Administrator Poole will be the Guest Speaker at the monthly Lexington Chamber Breakfast in the morning. (6) The Icehouse Amphitheater has been a busy place and with St. Patrick's Day just around the corner it will be in full swing soon, starting with the 7th Annual Shamrock Parade and Concert on Saturday March 12th. The Shamrock Parade starts at 2:00 on Main Street and the Shamrock Concert starts at 3:30 at the Icehouse Amphitheater featuring The Bograts from Charleston followed by Jeff Pitts of Prettier Than Matt and Charles Riley of 76 and Sunny. On March 26th David Nail will perform as he brings his "Bootheel Tour" to the Icehouse. The opening act is Maddie Rean and the concert starts at 6:00. Tickets are \$28. (7) In April the Lexington Live Free Concerts are back on eight consecutive Thursday evenings. The Town of Lexington and Nephron Pharmaceuticals will host the concerts which start at 6:30. Walker Brewer has put together a great line up starting with the first three: Vinyl Junkies on April 7th; the Mighty Kicks on April 14th; and Too Much Sylvia on April 21st. For the full line up go to icehouseamphitheater.com. Councilmember Lyle wished everyone a Happy St. Patrick's Day and thanked citizens for tuning in tonight for the Town Council meeting.

NEWS MEDIA QUESTIONS: None.

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PUBLIC COMMENTS: None.

CLOSING STATEMENT and 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 and a video will be available on the Town's website at www.lexsc.com.

Mayor MacDougall stated that without objection from Council, he declared the Council meeting adjourned. The Regular Council meeting was adjourned at 7:30 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.