

**MINUTES**  
*Town of Lexington*  
**Executive Session and**  
**Council Work Session**

April 17, 2023

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Town Council held an Executive Session at 5:30 p.m. followed by the Council Work Session on April 17, 2023 at 6:00 p.m. in the Municipal Complex Conference Center located at 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston and Councilmembers Kathy Maness, Todd Carnes, Ron Williams and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Assistant to the Town Administrator Wesley Crosby, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Utilities Director Allen Lutz, Utilities Supervisor Billy Gunter, Finance Director Kathy Pharr, Financial Reporting Manager Chad Melven, Economic Developer Jack Stuart, Parks and Sanitation Director Dan Walker, Communications Manager Laurin Barnes, Digital Media Coordinator Michael Tolbert and Municipal Clerk Becky Hildebrand.

There were two (2) citizens present and no one was present from the news media.

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**OPENING STATEMENT**

Mayor MacDougall welcomed everyone to the Council Work Session and introduced the Councilmembers. 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 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 Williams gave the invocation. Councilmember Lyle led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:20 p.m.

**MINUTES**  
**COUNCIL WORK SESSION**  
April 17, 2023

**EXECUTIVE SESSION REPORT**

Mayor MacDougall reported the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Carnes to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:13 p.m. after a motion was made by Councilmember Maness 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 *Executive Session* to discuss: two legal items regarding pending litigation and advice on agenda items; and one contractual item regarding an economic development project code name 72Fins. 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.

**DELETIONS ON AGENDA:** None.

**APPROVAL OF MINUTES:** A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve the Minutes as submitted for the April 3, 2023 Regular Council meeting. The motion was unanimously carried.

**PRESENTATIONS:** None.

**BUSINESS ITEMS** (For discussion and recommendation for Council's May 1, 2023 Meeting.)

1. **§110.06 Peddlers and Solicitors Ordinance – Municipal Attorney Brad Cunningham:** The Town Code of Ordinances addresses peddlers and solicitors in §110.06. The definitions of peddling and soliciting are as follows:

- "*Peddling*" is the act of selling or offering to sell or taking orders for or attempting to take orders for property, merchandise, goods, entertainment or services.
- "*Soliciting*" is the act of begging or soliciting alms, or accepting alms or gifts in money, goods, services, entertainment or merchandise.

It is election year in the Town and candidates do have the option of door-to-door visitation during the campaign. The door-to-door visits are protected under the First Amendment of the Constitution. The Town may wish to clarify this for the benefit of citizens and candidates for office. Clarification could be included in §110.06(3) titled Activities Prohibited and Allowed. Staff suggests adding subsection (d) to §110.06(3) to clarify the issue. A draft amendment will be prepared for First Reading if it is Council's intention.

**MINUTES**  
**COUNCIL WORK SESSION**  
April 17, 2023

Municipal Attorney Cunningham clarified that candidates soliciting is already allowed, but some people think it is not.

Councilmember Carnes asked if the Town ever enforces this ordinance. Chief Green responded that it depends on the situation. For example, they may ask the person to leave or if they are repeat violations, they may receive a ticket and/or a fine. Town Administrator Poole added that neighborhoods are very quick to let the Town know if someone is soliciting and should not be.

Councilmember Maness asked if the amendment is approved, could Homeowner Associations be notified. Town Administrator Poole responded that the Town does have a somewhat updated list of contacts and the Community Action Team keeps it updated as they receive information.

A motion was made by Councilmember Williams and seconded by Councilmember Lyle to place the item on Council's May 1, 2023 agenda for First Reading. The motion was unanimously carried.

- 2. Lexington Police Department and Mutual Aid Agreement with Camden Police – Police Chief Terrence Green:** The Town received a request for a Mutual Aid Agreement with the Lexington Police Department and the new Police Chief of the Camden Police Department. (Draft copy attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the request on Council's May 1, 2023 agenda for First Reading. The motion was unanimously carried.

- 3. Sponsor Requests from American Legion for SC Palmetto Boys and Girls State Programs – Town Administrator Britt Poole:** The Town received a request from Ms. Linda Merrill, American Legion Auxiliary Unit 7 Chairperson, requesting sponsorship support in any amount for the ALA Palmetto Girls State Program scheduled for June 11-17, 2023 at Presbyterian College. The tuition is \$340 per candidate and girls are chosen from Lexington High School, River Bluff High School and White Knoll High School.

The Town also received a request from Mr. David Griffith, American Legion Post 7 Commander, requesting sponsorship support in any amount for the SC Palmetto Boys State Program scheduled for June 11-17, 2023 at Anderson University. The tuition is \$300 per candidate. (Copies of request letters attached.)

**MINUTES**  
**COUNCIL WORK SESSION**  
 April 17, 2023

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to place the requests on Council’s May 1, 2023 agenda for consideration. The motion was unanimously carried.

4. **Budget Adjustment – Finance Director Kathy Pharr:** Staff requested Council to consider making a budget modification. For various reasons, including unfilled positions, increased interest rates on deposit accounts, and business licenses growth, funds are available to modify the budget to better meet the Town’s current needs.

By appropriating funds for the purchase of vehicles and equipment now, it allows them to be ordered prior to the start of most other jurisdictions’ budgets, hopefully placing the Town at the top of the list as vehicles become available. Additionally, state law requires reimbursement to a jurisdiction for expenses in sending an officer to the SC Criminal Justice Academy if a police officer is hired by another jurisdiction before their completion of 2 full years of service. We recently hired someone in that very situation. Paying this fee is more cost-effective than hiring someone without experience and training.

Therefore, the following budget adjustment was requested:

|                 |  |                   |
|-----------------|--|-------------------|
| Funding Source: | Reduce Police wages and benefits             | \$ 10,000         |
|                 | Reduce Transportation wages and benefits     | 70,500            |
|                 | Add Business License revenue                 | 300,000           |
|                 | Add Interest income                          | 7,100             |
|                 | <b>Total Funding Sources</b>                 | <b>\$ 387,600</b> |
| Uses:           | Police                                       |                   |
|                 | Travel & training                            | \$ 10,000         |
|                 | Capital outlay 5 vehicles                    | 220,000           |
|                 | Capital outlay equipment for 5 vehicles      | 95,000            |
|                 | Transportation capital outlay                |                   |
|                 | Ford Transit minivan                         | 50,000            |
|                 | Stripe machine                               | 6,500             |
|                 | Rhythm In-Sync signal controller             | 6,100             |
|                 | <b>Total Uses:</b>                           | <b>\$ 387,600</b> |
|                 | Net change to fund balance                   | \$ -0-            |
|                 | Appropriation of additional available funds: | \$307,100         |

A motion was made by Councilmember Lyle and seconded by Councilmember Carnes to place the item on Council’s May 1, 2023 agenda for First Reading. Councilmember Maness asked about the use of a minivan by the Transportation Department. Town Administrator Poole explained that the guys who work on signals find that they can get out of the rain to do the technical electrical work. Councilmember Lyle confirmed that the minivan would replace the purchase of one truck. Transportation Edwards added that it replaces a vehicle with high mileage. He stated that they found keeping the electrical components in an enclosure works better. Transportation Director Edwards stated that they

**MINUTES**  
**COUNCIL WORK SESSION**  
April 17, 2023

have a larger van with cabinets and this van would just be for repair components and take the place of the service truck. The motion was unanimously carried.

**COUNCIL/STAFF COMMENTS**

Finance Director Pharr introduced new employee Chad Melven the Financial Reporting Manager in the Finance Department. She added that he has already helped with the budget and is doing a fine job and she is happy to have him.

Mr. Chad Melven, Financial Reporting Manager, stated that he has lived in the Columbia/Irmo area since 1976; his wife is retired after teaching for 36 years and then returned to teaching; they have three children one of which is a Band Director in Summerville, one is a Band Director in Kershaw and one attends USC.

The Mayor and Council welcomed Mr. Melven to the Town of Lexington Staff.

**PUBLIC COMMENTS:** None.

**NEWS MEDIA COMMENTS:** None.

**ADJOURNMENT:** Mayor MacDougall thanked everyone for attending the meeting tonight. There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 6:32 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC  
Municipal Clerk

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.*