

MINUTES
Town of Lexington
Executive Session and
Council Work Session

April 18, 2022

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Town Council held an Executive Session followed by the Council Work Session on April 18, 2022 which started 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 Council Members Kathy Maness, Todd Carnes, Ron Williams, and Todd Lyle. Councilmember Steve Baker was absent.

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, Building and Technology Director John Hanson, Utilities Director Allen Lutz, Utilities Supervisor Billy Gunter, Finance Director Kathy Pharr, Economic Developer Jack Stuart, Parks and Sanitation Director Dan Walker, Communications Manager Laurin Barnes, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were twenty-five (25) citizens present and no news media members were present.

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:

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Councilmember Carnes gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:19 p.m.

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 Maness and seconded by Councilmember Lyle to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:14 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Carnes. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: one routine personnel matter; two legal items regarding pending litigation and advice regarding an agenda item; and one contractual item regarding a downtown development issue. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: Mayor MacDougall recommended that Presentation #1 (*Mr. Lee Tant, Public Affairs Manager, Cooperative Health*) be deleted in that Mr. Tant could not be present tonight. There being no objection, the item was deleted.

APPROVAL OF MINUTES: A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve the minutes from Council's February 22, 2022 Work Session and Council's March 7, 2022 Regular meeting as submitted. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Deleted.** (Cooperative Health – Mr. Lee Tant)
2. **Mr. Gary Baker, Lexington County Veterans – Lexington Veterans Monument:** Mr. Baker stated that he was the past Commander of American Legion Post 7 and former Director of Lexington County Veterans Affairs. He had other Veterans with him tonight from VFW, American Legion, Disabled American Veterans and Vietnam Veterans. He added that there are 24,500 Veterans in Lexington County. Mr. Baker explained that his purpose tonight was not to ask the Town for money, but to seek the Town's recommitment to maintain the Lexington Veterans Monument which is just a few feet away from this meeting. He stated that in 1999 a group of 21 Veterans came together to erect a monument to honor their brothers and sisters who served during World War II, Korea and Vietnam. After discovering that they could not erect a three sided monument, they designed the fourth side in honor home front heroes including mothers, fathers, sisters and brothers who stayed home during the

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wars and worked on the farm or in factories or taught school. They also held fundraisers to help build the monument. Mr. Baker stated that of the 21 Veterans who originally planned the monument, only nine are still alive and five or six of those are present tonight. Mr. Baker stated that they held the Monument Dedication on Veterans Day, November 11, 2002 which included the pilot of the Enola Gay and General Westmoreland. He described the monument with nine flags representing the United States, South Carolina, POW/MIAs, four branches of the military, Coast Guard and Merchant Marines. At the base of the monument there are 892 engraved bricks honoring Veterans from various groups. Mr. Baker added that \$186,000 was raised for the monument and the cost of construction was just under \$140,000. In the past 20 years it has become a landmark, plus the monument has been used to conduct patriotic events and became the start of the Veterans Parade. He stated that in 2004 an agreement was signed with the Town of Lexington which permitted the Town to maintain the monument. At that time the monument group transferred approximately \$27,000 to the Town in order to replace the flags and lights as needed. Mr. Baker stated since that time those funds have been depleted, but there are still some issues that need to be addressed which he discussed with Parks Director Walker and include: steps on both sides have uneven bricks which could be a safety issues; the granite markers and one of the benches needs to be power washed and the figures on the monument need to be repainted because they have faded over the years. Mr. Baker thanked the Town and Mr. Walker for all they have done to maintain the monument. He stated that their purpose today is not a precursor for an annual track before this body to seek funds, but they are here to seek a recommitment from the Town to continue the maintenance and upkeep of this valuable resource. He added that they are proud of this monument and they want to see it properly preserved for future generations.

Mayor MacDougall thanked Mr. Baker for coming tonight and added that Council had discussed this issue prior to the meeting and he could tell Mr. Baker that there is a recommitment to maintain the Lexington Veterans Monument and keep it preserved forever. He asked all the Veterans who were present to not worry because it will be well taken care of. Mayor MacDougall stated that everyone on Staff at the Town is well aware of how valuable you are to us and we do recommit. He hoped that satisfied each and every Veteran here and if did not, he encouraged them to call him and tell him what they need and he will make it happen. Mayor MacDougall added that Mr. Walker already has things in place, a part has been ordered for the lights and it will be replaced as soon as it arrives, and the Town has a mason on Staff to do the brickwork and another Staff member who does power washing so that can be cleaned up as well. He stated that the Town would look into everything else for the Veterans and the Town is absolutely committed to maintaining the monument and he did not want the Veterans to worry about the money.

Mr. Baker stated that they appreciated the support (followed by applause from all the Veterans).

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BUSINESS ITEMS: (For discussion and recommendation for Council's May 2, 2022 Regular Council Meeting.)

1. **Discussion of Setbacks for PR2 Developments – Director of Planning, Building and Technology John Hanson:** Councilmember Carnes requested an item to discuss side yard setbacks for PR2 development. The side yard setbacks for patio homes, townhomes or condominiums are currently “six feet from the property line or between structures”. Director Hanson added that when the Town completed Ordinance rewrites side yard setbacks remained the same as there was no discussion about side yard setbacks. He stated that the focus was on front yard setbacks due to the concern of people parking in the street and setbacks were changed by adding 10 feet to the front and rear yard setbacks, therefore, we are where we are.

Councilmember Carnes stated that they have already discussed it some, and he was not sure they could get to it tonight, but the big question on the table is eight percent (8%) of every home built in Lexington during the past 10 to 15 years was built to PR2 with five foot side yard setbacks. He added that with rezoning the Town has doubled that with five to ten to spread density to make everything less dense, but when it comes to townhomes and/or single family homes, few very distinct areas of Town, some parts of downtown and around the interstates, we basically left those alone and they are currently at a three foot side yard setback. Councilmember Carnes stated that he was not comfortable with that density after ten to fifteen years of all five foot side yard setbacks. He would like to see Council and Staff discuss that issue as well as how many doors are we comfortable with under one rooftop in the realm of townhomes, based on some of the projects they have seen recently. He questioned if that number is three or five or seven or more, and if you are going to build those types of scenarios, how much green space does that require. For example, if you have five homes with shared walls with twenty feet across the front, what type of green space will be required between those types of structures so as not to feel like an urban environment as opposed to a suburban environment. Councilmember Carnes stated that he did not have answers to all of these things, but Council did not discuss these issues and perhaps the Planning Commission did, but he would like to see Council make some adjustments to it in order to put a different standard or matrix on the street. He asked if anyone else had helpful and legitimate suggestions on ways to have some type of development in that realm, but not at that density and how that would look. Councilmember Carnes added that in his mind, especially in the downtown areas, he has some disposition towards doing that type of high density in affordable housing but only doing it in very small clusters instead of someone coming in with 180 units like that on 12 acres. He recommended to provide that product but limit it to clusters of 30 so you

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can have high density without have 175 units together because generally that does not work out in the long term.

Director Hanson responded that the way some of Councilmember Carnes concerns have been addressed is by using the Comprehensive Plan. He did not have a copy tonight, but stated if Council recalled their discussion at a retreat, Councilmember Lyle had pointed out areas of Town where they did not want high density. Director Hanson stated that those areas were orange on the map and primarily in the center of Town. He added after that Staff took all the areas outside of Town and made them yellow indicating single family housing on large lots. Staff then reduced the area where you would be allowed to put this type of product, as discussed tonight, only in the downtown area and in some of the orange area near the interstate. Director Hanson stated that the only way to do what Councilmember Carnes is talking about under the current regulations is to rezone the property as PR2 and if you did that outside the areas shown on the map then you would need to change your long range plans. He added that setbacks can be changed to whatever Council wants, but the way they had attempted to address Councilmember Carnes concerns was to reduce the area where you could have that product to just downtown and near the interstate because you would not want high density on Old Cherokee Road or Pilgrim Church Road where it is areas of farmland.

Mayor MacDougall wished to confirm that side yard set backs are six feet. Director Hanson responded that it means six feet between the buildings or three and three. Mayor MacDougall stated then side yard setbacks do not help with what the concern is about because the concern is density and if you make it 10 feet between buildings, or five and five, or if you make it seven feet or even 20 feet, it does not help with the density. He asked about the best way to control density in those areas where the Town says we want high density when the latest project they received is for 150 units on 20 acres which looks like an apartment from the sky.

Director Hanson stated that the latest project mentioned is in the correct area. Mayor MacDougall responded that it is still too dense. Director Hanson stated that one change in the new ordinance is density used to be based on the road classification and now it is based on the zoning classification, therefore, if you do not rezone something to PR2 you do not get eight units per acre. Director Hanson further explained that was the recommendation from the Consultant to not have it related to the road classification.

Councilmember Williams confirmed that the current rule is eight units per acre under PR2. He stated that it could be changed to six or five or four or whatever Council recommended. Director Hanson responded, yes it can be changed. Town Administrator Poole did not recommend changing it to four because that is essentially PR so that would just be the same thing.

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Councilmember Lyle wished to address the second issue brought up by Councilmember Carnes. He understood that there is an orange area, but surely there is a way for the Town to say that within the orange area you can only have so many units so you cannot fill up the entire space just because it is in the orange area. Councilmember Lyle referenced the new project that Council had received and stated that this plan could have nothing but townhomes all the way up to the road except for a little bit that he wanted to reserve for commercial and then told Council here is your 600 townhomes. He wanted to know what could be done to say that we want more clusters. Director Hanson responded that the map shows you where it can be, but the zoning classification still has to be changed or be the right zoning classification to do the project. Councilmember Lyle restated his question and asked is there a mechanism or some type of parameter that we can include and alter the ordinance that states the density requirement but also looks at total number of units. Town Administrator Poole responded that he would step away from density entirely because you have density set and go with a certain number of townhomes that is acceptable. He gave the example, if you are building 149 unit neighborhood, you can either set we are comfortable with “x” number of units at this classification, such as 30 as mentioned by Council. Town Administrator Poole stated or Council could do it like compact parking spaces in commercial lots which is you can have a percentage of what your total units are of that type of unit. He gave the example, if you have 100 units 20% (or 20) can be townhomes. He added that both of these are options that you could implement to say that in PR2 you could divide it up such as, they can build 20% townhomes, 20% patio homes and everything else has to be single family homes, just as numbers to illustrate. Councilmember Lyle asked if there was an example where someone has done this successfully where above a certain number of units it would trigger because Council seemed to like the project behind Flight Deck where there are only 30 units and too impactful, whereas if that had been presented with the same density with 120 units, Council may not have liked it. He added that the number of units would be 25, 30 or 40 before triggering the 20%. Town Administrator Poole agreed that could be done easily because it is just another “if” statement in the ordinance. Councilmember Lyle asked if any other municipalities have done something similar with success. Town Administrator Poole was not aware of any other municipalities, but regardless we should ask the Planning Staff to do some research on what other jurisdictions do, and not just South Carolina because there are probably some cities outside the state that used things to see what works best. He recommended that research to see what others are doing be done as a comparison to what we might do and take the positives and leave the negatives.

Councilmember Carnes stated that he thought it would take some type of creative solution and to Director Hanson’s point, what he is trying to do is

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rewrite the zoning requirements for PR2 in the yellow allowable high density areas. He added that some type of cap on those super high density 20 foot wide type of scenarios might be great to go with and as an example use 20% of 100 and you can't go over that. Councilmember Carnes stated that those types of developments go a lot better when they go with 20 or 30 as opposed to 150 and we need to find the right mechanism to do it. He asked if there was a minimum width for a house because they have 20 foot wide homes coming at them, but could it be 15. Town Administrator Poole stated that there is a minimum width to a lot but he did not know of a minimum width for a house, but it would have to at least be four feet wide to get the door in. Councilmember Carnes stated that it could get ridiculous in this crazy market we are in. Director Hanson responded that people are building tiny houses. Town Administrator Poole stated that there is a neighborhood of 200 square feet tiny homes in West Columbia. Councilmember Carnes responded that you could pick them up and move them to West Columbia. He asked that Council and Staff get creative and try to figure it out because everyone seems to agree that we want to get something on paper that everyone can look at, including developers, and figure it out.

Mayor Pro-Tem Livingston wished to clarify the density recommendation for number of townhomes under one roof. Town Administrator Poole explained that he recommended that Council step away from the discussion of density because density is set by zoning and look more at the concern. He added that he understood the concern is overuse of one product door after door. Town Administrator Poole explained that none of the concerns addressed during any of the submitted projects was about how many units on "x" number of acres and that is density. He stated that exceptional neighborhoods that you have ever been to have a mix of different types of homes including townhomes, patio homes and single family which makes it a non-economic issue or value of the unit. He thought neighborhoods with big lots and \$400,000 homes can look cookie cutter.

Councilmember Carnes stated that in the last three years Council has had three or four site plans from that general area that looked like the site plan they discussed earlier tonight, all of which have a gazillion of the same thing, minimum standards, all pressed in and none of the site plans even made it to a vote. He thought Council needs to fix that because the developer is never going to make it unless it is some type of mixed use and limited scope.

Councilmember Williams asked if there is a way to limit how many units are in a building so we do not have someone plan 50 units in long runs if we have established 20%. Town Administrator Poole responded that you could do that, but he was told that the builders do not want more than five units in a building because the end units are worth more because of side

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windows. He added that based on Council's discussion tonight, it appears that five under one roof is the sweet spot. Director Hanson stated that if you did a percentage it would be a percentage of units, not a percentage under one roof. Town Administrator Poole thought Councilmember Williams' request was do that in addition. Councilmember Williams stated that some townhomes/condos in Oak Grove have been there a long time and they are in a straight line or you could limit how many doors you can have to break it down with green space in between. Town Administrator Poole compared it to some brownstones in Boston where there is door after door, yet those were built 200 years ago and are beautiful, but it is a similar scenario.

Councilmember Carnes stated that he was good. Director Hanson stated after 18 months of redoing the ordinances he thought they had put this to rest. Councilmember Lyle stated that it's all part of the process. Councilmember Carnes stated that if it totally goes away, Staff would have to worry about what they were going to do. Town Administrator Poole stated that they had been through the process and this is zoning which needs to go to the Planning Commission for a recommendation. He added that it can come from Council to the Planning Commission or it can come from the Planning Commission to Council, but either way the Planning Commission gets loop in on zoning changes. Director Hanson stated that Council has a couple projects now including Maxie Road which was just annexed with 25 units with PR2 and another project was approved last fall. Councilmember Carnes confirmed that Maxie Road only had First Reading. (It was later determined that Final Reading of Maxie Road was removed from Council's April 4, 2022 agenda.) Director Hanson stated that his question is what Staff will do with projects that come in the door now. Town Administrator Poole stated that we would have to accept them right now, but generally they are tied up in rezoning or in annexation.

Mayor MacDougall thanked Director Hanson for the information.

2. **Discussion of Additional Signage in Commercial Centers – Director of Planning, Building and Technology John Hanson:** Councilmember Carnes requested an item on the agenda to discuss allowable signage in a commercial center. Currently the Ordinance allows each business in a commercial center to have one wall sign and one space in the center's group development sign. The Board of Zoning Appeals reviewed several Variance requests over the last few years where the tenant space faces the parking lot, but the rear of the unit faces a roadway. In these situations, the tenant requests a second wall sign to install on the rear of the building. In most cases the Board has approved these requests but limited the size of the second sign. Director Hanson added that Council may remember a couple years ago the Lexington Chamber asked the Town to research sign information and this was one of the items discussed as a potential change

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because the Town keeps getting the same Variance request which indicates you may need to change the Ordinance which is the position he took on it. He stated that the consensus then was for the Board of Zoning Appeals to review each request. Director Hanson stated it might be reasonable to consider and he would have to draft the language so it would be very narrow in scope to allow it, but limit the size.

Mayor MacDougall stated that the only thing that makes him hesitate is that Director Hanson said “almost all of them” got approved. Director Hanson stated all but one he knew of got approved.

Councilmember Carnes stated that he requested the item because of the guys that did the Blair Cato building and Palmetto Mortgage called him about signage. He added that he goes there often and it is a messed up deal because they have a brand new \$3 Million building on East Main Street with signage at the road front, but when you pull into their parking lot there are three doors and you do not know if you are entering the insurance company, the mortgage company or the attorney offices because they are not allowed to put anything at the doors. Councilmember Carnes stated that Town Administrator Poole told him there is a deal where they could put a 12 inch x 12 inch sign there which is what Director Hanson recommended at a Board of Zoning meeting. Director Hanson stated that he usually does not make recommendations but in that scenario he encouraged them. Councilmember Carnes added that it depends on who is at the meeting and/or the presenter. He stated that they are using rugs now to help direct clients. Councilmember Carnes stated that they had asked him for an 18 x 18 sign and he recommended at 2 x 2 sign.

Mayor Pro-Tem Livingston asked Director Hanson to bring back a recommendation as to what he thought the sign change should be.

Town Administrator Poole stated that Staff would probably bring back a recommendation for a larger sign because most requests reviewed by the Board of Zoning receiving a 5% approval and you usually get 10% of wall face so they end up with one 5% sign and one 10% sign. He added that the 18 x 18 sign may be fine for the mortgage company but most requests have come from restaurants in shopping centers which need more visibility. Director Hanson agreed that would eliminate half of the Variance requests, it just needs some standard language. Mayor Pro-Tem Livingston stated that she would make a motion if Director Hanson brought back something reasonable to Council’s next meeting. Town Administrator Poole determined that if this item came to Council’s next regular meeting (May) for First Reading, the Planning Commission could still review it prior to a Final Reading in June.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place this item on Council’s May

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agenda for consideration to update the Sign Ordinance as discussed. The motion was unanimously carried by all those present.

3. **Leadership Lexington Donation Request – Municipal Clerk Becky Hildebrand:** The 27th Class of 2022 Leadership Lexington requested a donation to their “Dream On with Dream Riders Project. Council was provided with a flyer indicating different levels of sponsorships. (Copy attached.) The Town has two employees attending Leadership Lexington this year.

No motion was made.

COUNCIL/STAFF COMMENTS

Councilmember Maness stated that since Council has \$5,000 remaining in the Contributions budget she would like to do more for Palmetto Boys and Girls State. She added that it should be used instead of lose it. Councilmember Lyle asked what would happen to the funds if not used because he liked the direction Council was going by not having everyone come forward with a request. Town Administrator Poole responded that any unused funds would go back into the Fund Balance. Mayor MacDougall stated that it would not be lost and would definitely be spent for something.

PUBLIC COMMENTS

Mayor MacDougall called on Ms. Angelle LaBorde, President and CEO Lexington Chamber and Visitors Center, to tell her that the Dining on the Dam event was phenomenal, well planned and even the weather was great.

NEWS MEDIA COMMENTS: None.

ADJOURNMENT: Mayor MacDougall thanked everyone for attending the meeting. There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 7:03 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC

APPROVED BY:

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.