

**MINUTES**  
**Town of Lexington**  
**Executive Session and**  
**REGULAR COUNCIL MEETING**  
**April 20 , 2020**

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*Due to State Restrictions regarding the COVID-19 pandemic, Town Council held a Zoom Virtual Meeting. Citizens were invited to view the meeting LIVE on YouTube or on the Town's Spectrum Channel 1301. If citizens had any questions during the meeting regarding agenda items, they were directed to call 803/808-4219 or email [wcrosby@lexsc.com](mailto:wcrosby@lexsc.com).*

Town Council held a virtual Executive Session at 5:00 p.m. followed by a virtual Regular Council meeting at 6:30 p.m. on April 20, 2020. Town Council did not hold a Work Session during April. The meetings were virtually 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 who virtually attended: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Transportation Director Randy Edwards, Planning, Building and Technology Director John Hanson, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Special Projects Manager Wesley Crosby, Events and Media Coordinator Laurin Barnes, IT Manager Bea Daniels, Digital Media Coordinator Darrell Pritchard and Municipal Clerk Becky Hildebrand.

There were no citizens present for the Council meeting and no members of the news media were present.

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**INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER:** Mayor MacDougall welcomed everyone to Town Council's first virtual meeting and introduced the Council Members. He called on Councilmember Carnes to give the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:34 p.m.

*Mayor MacDougall addressed the rules of procedure for the virtual meeting as part of the Town's Emergency Ordinance adopted on March 17, 2020. He anticipated that Town Hall would remain closed for public access through the end of April at which time it would be determined if it was in the public's best interest to extend any restrictions due to COVID-19. As an order of procedure, Mayor MacDougall would read each item, call for a motion and a second followed by discussion and a roll call vote to allow each Councilmember to vote regarding an item. The meeting would be replayed several times during the week on the Town's Spectrum Channel and would be available on the Town's website. He encouraged citizens to call in on the numbers provided if they had a question regarding an agenda item and Wesley Crosby would answer any citizen calls*

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*and relay them to Council. Laurin Barnes would answer any media calls during the meeting. He reminded Council that many Staff members were virtually on the Zoom meeting and could be called on if Council had any questions for them.*

**EXECUTIVE SESSION REPORT**

Mayor MacDougall reported that the *Executive Session* was called to order at 5:00 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. Council adjourned from the *Executive Session* at 6:15 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams. 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 an agenda item; two contractual issues regarding Downtown Development and four pending Capital Projects; and, one personnel issue regarding Grade Modification. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Lyle 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 Lyle to approve the minutes from Council's March 2, 2020 meeting as submitted. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

**PRESENTATIONS:** None.

**PUBLIC HEARINGS**

Mayor MacDougall called the Public Hearing to order and requested that those wishing to speak call 803/808-4219 and limit their comments to five minutes.

1. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #3500—03-014 located at 4532 Darby Ambrose Road.

Mr. Crosby reported in that he had not received any telephone calls from citizens.

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

**OLD BUSINESS**

**Final Reading of an Ordinance Annexing Lexington County Tax Map #3500-03-014 located at 4532 Darby Ambrose Road.** Kenneth Shuler owns one (1) acre located at 4532 Darby Ambrose Road and petitioned to annex the property which is currently undeveloped. Properties near this property are zoned General Commercial and Limited Commercial. Darby Ambrose Road is classified as a Limited Local Road. The Planning Commission reviewed this annexation during their February meeting and recommended Limited Commercial zoning and Limited Local Road classification for this property.

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve Final Reading of an Ordinance Annexing Lexington County Tax Map #3500-03-014 located at 4532 Darby Ambrose Road. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried. (Copies attached.)

**NEW BUSINESS**

1. **Ratification of Emergency Ordinance #1:** The March 17, 2020 Emergency Ordinance #1 provided for the temporary suspension of rules related to Town Council meetings to allow for remote attendance and participation in public meetings and to provide for continuity of operations during the COVID-19 Emergency. The Emergency Ordinance also provided for suspension of water and sewer cut-offs, suspended assessment of Hospitality Tax late payment charges, and provided for the Municipal Court to follow certain operational guidelines from the S.C. Supreme Court. Emergency Ordinances under State Law require one reading; are valid for up to 60 days; and require a 2/3 vote of Council. On March 17, 2020 an emailed poll of Council elicited a unanimous vote in favor of approving an Emergency Ordinance. (Copy of Emergency Ordinance #1 attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Lyle and seconded by Councilmember Williams to ratify the approval of Emergency Ordinance #1 as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

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**2. Enactment of Emergency Ordinance #2:** The COVID-19 Emergency is on-going and the economic and social impacts are significant. Although Lexington Town Council enacted an Emergency Ordinance on March 17, 2020, the severity and duration of the emergency necessitates the enactment of a Second Emergency Ordinance to extend provisions of the first Emergency Ordinance and provide for additional provisions to address on-going emergency impacts. The Emergency Ordinance #2 provides for the temporary suspension of rules related to Town Council meetings to allow for remote attendance and participation in public meetings and to provide for continuity of operations during the COVID-19 Emergency, suspends water and sewer cut-offs and related penalties through June 30, 2020, abates Business License late payment penalties through June 30, 2020, suspends assessment of Hospitality Tax late payment charges through June 30, 2020, provides for the Municipal Court to follow certain operational guidelines from the S.C. Supreme Court and authorizes creation of a limited small business emergency loan program totaling up to \$1,000,000.

Emergency Ordinances under state law require one reading, are valid for up to 60 days, and require a 2/3 vote of Council.

(Copy of Ordinance #2 attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Mayor MacDougall and seconded by Councilmember Baker to approve Emergency Ordinance #2 as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

**3. First Reading of an Ordinance for a Budget Adjustment, Transportation:** Council budgeted \$135,000 for a street-sweeper for the Transportation Department. To get the sweeper with the needed peripheral equipment an additional \$38,000 is required. The Transportation Department currently has a vacant position so money is available in the Salaries and Fringes line item that could be transferred to Capital. (Copy attached.)

Reduce Transportation Department Salaries and Fringes:	\$ (38,000)
Add to Transportation Department Capital Outlay:	\$ 38,000
Net Change to Appropriations	\$ -0-

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve First

Reading for a Budget Adjustment as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

4. **First Reading of an Ordinance Entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department:** The Lexington Police Department is entering into a Mutual Aid Agreement with the City of North Myrtle Beach Police Department and requested Council's approval. (Copy attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading of an Ordinance for a Mutual Aid Agreement with the City of North Myrtle Beach Police Department as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

5. **First Reading of an Ordinance Entering into a Mutual Aid Agreement with the Pine Ridge Police Department:** The Lexington Police Department is entering into a Mutual Aid Agreement with the Pine Ridge Police Department and requested Council's approval. (Copy attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Williams and seconded by Councilmember Carnes to approve First Reading of an Ordinance for a Mutual Aid Agreement with the Pine Ridge Police Department as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

6. **First Reading of an Ordinance Annexing Lexington County Tax Map #4300-01-018 located in the 200 Block of Caughman Farm Lane:** RP Caughman Farm Lane, LLC owns 10.37 acres located in the 200 Block of

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Caughman Farm Lane and petitioned to annex the property. A Government Services Administration building is being planned on the site. Properties in Town near this one are zoned Protected Residential 2, High Density Residential and General Commercial. Caughman Farm Lane is classified as a Collector Road. The Planning Commission will review this annexation during their next meeting to recommend a zoning and road classification for this parcel.

Mayor MacDougall read the item and called for a motion if there were no questions or comments. A motion was made by Councilmember Lyle and seconded by Councilmember Baker to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4300-01-018 located in the 200 Block of Caughman Farm Lane as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

7. **First Reading of an Ordinance Amending the Hospitality Tax Ordinance to Enable Property Tax Cuts, Pandemic Economic Recovery Response Measures, and Related Matters:** The COVID-19 pandemic's devastating economic and social impacts require comprehensive responses designed to provide relief to businesses and residents of the Town of Lexington. The necessity of immediate and long-term measures is evident. Town Council has provided immediate assistance through two emergency ordinances which provide in part for the suspension of water and sewer cut-offs, and waiving of penalties for late payment of water and sewer bills, hospitality taxes, and business licenses through June 30, 2020. Long-term measures require additional action by Town Council to enable a substantial cut in property taxes for businesses and residents of the Town and the institution of a Limited Small Business Emergency Loan Program totaling up to \$1,000,000. The removal of the sunset date in the Hospitality Tax Ordinance will provide for both immediate and future recurring funds to sustain a 21% property tax rate cut and enact long-term economic recovery measures. Additionally, all current, on-going traffic improvements would be fully funded while providing a mechanism for funding of future traffic projects and other major needs and priorities. Budget and Finance: State Law allows Hospitality Taxes to pay for eligible expenditures of the General Fund. The resulting offset of General Fund costs allows for long-term property tax cuts, emergency response measures and continued funding of the Streets and Infrastructure Fund. (Copy attached.)

Mayor MacDougall read the item and called for a motion if there were no questions or comments. Mayor Pro-Tem Livingston clarified that the 21% tax cut only applies to the Town's portion of property taxes,

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not the County or School District taxes. Mayor MacDougall added that this is also the third tax cut in Town taxes in 30 years. Mr. Poole added that there were also no tax increases during that time. A motion was made by Councilmember Baker and seconded by Councilmember Maness to approve First Reading of an Ordinance Amending the Hospitality Tax Ordinance to Enable Property Tax Cuts, Pandemic Economic Recovery Response Measures, and Related Matters as stated. Mayor MacDougall called for a Roll Call vote. *Roll Call Vote Results: Mayor MacDougall, yes to the motion. Mayor Pro-Tem Livingston, yes to the motion; Councilmember Maness, yes to the motion. Councilmember Carnes, yes to the motion. Councilmember Williams, yes to the motion. Councilmember Baker, yes to the motion. Councilmember Lyle, yes to the motion.* The motion was unanimously carried.

Mayor MacDougall stated that he was very proud of Council and Staff for stepping up to the plate to help our Town, our residents and our businesses and everyone that visits our great Town. He added that we will come back even stronger and he thanked Council for their vote.

**NEWS MEDIA QUESTIONS:** Mayor MacDougall called on Ms. Barnes who was available to answer calls from the media. Ms. Barnes reported that she had not received any questions from the news media.

**PUBLIC COMMENTS:** Mayor MacDougall called on Mr. Crosby who was available to answer calls from the public. Mr. Crosby reported that he had not received any questions from the public.

**COUNCIL/STAFF COMMENTS:** Mayor MacDougall confirmed that there were no further comments from Council or Staff.

Mayor MacDougall thanked the Town's citizens and businesses, on behalf of himself, Town Council and Town Staff, for the way everyone has handles this on-going CODIV-19 Pandemic. The Town, along with citizens and businesses, had to re-think how we do business and continue to provide services, all while protecting the health of ourselves, our families, our children and our community. If we continue to follow the guidelines recommended by the Centers for Disease Control, we will eradicate this disease and return our community to an even better place to live, work, play and learn. We will never forget watching this community come together for each other and for a nation that needed everyone to do their part.

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**ADJOURNMENT**

Mayor MacDougall thanked the Council members and citizens for attending the first Zoom 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](http://www.lexsc.com).

Mayor MacDougall stated that without objection from Council, he declared the meeting adjourned. The Regular Council meeting was adjourned at 6:55 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.*