

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
May 1, 2023

Town Council held an Executive Session at 5:00 p.m. followed by the Council Meeting at 5:30 p.m. on May 1, 2023 in the Council Chambers at 111 Maiden Lane, Lexington, South Carolina. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Carnes, Ron Williams and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Assistant to the Town Administrator Wesley Crosby, Transportation Director Randy Edwards, Police Chief Terrence Green, Assistant Police Chief Matt Davis, Planning, 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, Digital Media Coordinator Michael Tolbert, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were approximately forty (40) citizens present and one member from the news media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members.

Pastor Kevin Thumpston, Watershed Fellowship Church, gave the invocation. He wished to honor Mayor Pro-Tem Livingston as everyone celebrates her 25th year on Town Council. He added that Hazel has a servant's heart and he used the following words to describe her: hospitable, willing to help, holding fast (or head strong) and heart after God.

Lexington Veteran Terry Hicks to lead in the Pledge of Allegiance. Mr Hicks thanked the Mayor and Council for all their hard work. He added that it is an honor to lead in the pledge as it is our motto for the United States. Mr. Hicks stated that he is from Lexington and remembers when there were only two stop lights and now there are more than that on one corner. He welcomed any Veteran to join his Veterans group, there is no fee and they have 20 members. Mayor MacDougall thanked Mr. Hicks for being a part of the community.

Mayor MacDougall called the meeting to order at 5:38 p.m.

EXECUTIVE SESSION REPORT AND RATIFICATION: Mayor MacDougall reported the *Executive Session* was called to order at 5:00 p.m. after a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Lyle was not present for the vote.) Council adjourned from *Executive Session* at 5:15 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Lyle. 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: a routine personnel item; two legal items regarding pending litigation and advice regarding agenda items; and one contractual item regarding Project Code 72Fins. 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.

DELETIONS ON AGENDA: None.

PRESENTATIONS

1. **South Carolina Representatives Chris Wooten and Paula Calhoon – Resolution to Mayor Pro-Tem Hazel Livingston:** Representatives Wooten and Calhoon presented a House Resolution to Mayor Pro-Tem Livingston honoring her 25 years of service on Town Council. Representative Wooten stated that he and Councilmember Carnes used to lead a prayer breakfast for the football team and they used the acronym of DISCIPLE which stood for discipline, integrity, servanthood, courage, passion, loyalty and endurance to help teach the kids to be passionate about something. He added that he did not know anyone more passionate about the Town than Hazel Livingston. Representative Calhoon stated that Hazel has made the Town more beautiful through the Beautification Committee and other programs that she established which all have her fingerprints all over them. She thanked Mayor Pro-Tem Livingston for everything she does. Representative Wooten read the Resolution. (Copy attached.)
2. **Mayor and Council Presentation to Mayor Pro-Tem Hazel Livingston:** Mayor MacDougall stated that this is a very important occasion and Council wanted her to feel very special tonight. He added that since Representative Wooten covered most of Mayor Pro-Tem Livingston's accomplishments for the past 25 years, he and Council wished to present her with something that is very special to the Town in recognition of her dedication to many different projects, especially the beautification of Lexington. He presented her with a framed print of the Town's Official Flower, Day Lilies, painted by Fran Smith and adopted by the Town in 1985. He added that for Hazel, this represents the many hours she personally spent planting flowers in the Town for everyone to enjoy, including future generations which include her beautiful grandchildren. Mayor MacDougall, on behalf of Council, Staff and Town citizens, thanked Mayor Pro-Tem Livingston for the many selfless hours and contributions and ideas that she

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had shared over the past 25 years in order to maintain and improve the beauty of our great town. He added that the Town of Lexington would not look the way it does today without her.

Councilmember Maness presented Mayor Pro-Tem Livingston with a 25-year tiara crowning her Queen of Lexington.

Mayor Pro-Tem Livingston stated that she was very humbled by all of this and did not know what to say. She added that the description she heard that she could most agree with was the “head strong” part. Mayor Pro-Tem Livingston stated that she could not have done any of the projects without her team on Council, her team of family who were present and friends, some of who were here from South Georgia, the House Representatives, County Council members. She especially could not have done it without the citizens who have put their faith in her every time over the past 25 years. She stated that she does love serving the people and being there for them.

Councilmember Carnes wished to give a shout out to his head strong colleague beside him and tell everyone in the Town that in about a year something great is going to pop up behind Town Hall. The Virginia Hylton Park will be fantastic for decades and Hazel has more time in that than anybody. He added that she has worked hard to create some things that are going to last for generations

3. **Proclamations Recognizing Ms. Jamie Lynn Boswell, Ms. Lillian Grace Grantham and Ms. Reagan Elizabeth Roper – Councilmember Todd Carnes:** Councilmember Carnes read three proclamation recognizing three students for their community service and stated that communities stay great when people actually care about them and do things to make it better. Ms. Boswell, US Miss National Alicia Van Order Community Service Winner and a 10th grader at Gray Collegiate Academy; Ms. Grantham, a three-time recipient of the Gold Presidential Service Award and a 9th grader at Gray Collegiate Academy; and Ms. Roper, Miss Gilbert High School 2023, an 11th grader at Gilbert High School and a four-time recipient of the Gold Presidential Service Award. These young ladies have countless volunteer hours in their community and are co-founders of Crowns for Hunger. They each thanked the Mayor and Council for the recognition. (Copies attached.)
4. **Proclamation Recognizing May 20 – 26, 2023 as National Safe Boating Week – Councilmember Todd Lyle:** Councilmember Lyle read a proclamation declaring May 20 – 26, 2023 as National Safe Boating Week to bring attention to important life-saving information for recreational boaters. He presented the proclamation to Mr. Skip Hudson, Flotilla Commander, US Coast Guard Auxiliary Unit Guard at Lake Murray. (Copy attached.)

Mr. Skip Hudson, Flotilla Commander, stated that he is a hometown boy making this a special honor to accept the proclamation. He added that they are

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volunteers for the US Coast Guard and serve the community by bringing a message of boating safety as the season heats up at Lake Murray. He added that it is very important for people to remember (1) make sure your boat is in proper working order, plus they offer free inspections by signing up at cgaux.org; (2) make sure you have and wear a US Coast Guard approved life jacket for every person on board and that is appropriate for the activity that you are doing; and (3) designate a sober skipper and do not drink and boat because it is against the law, extremely dangerous and most fatalities on the lake are caused by someone being an intoxicated boat operator. Mr. Hudson thanked the Mayor and Council for their time to bring attention to this important matter. He presented the Town with a Certificate of Appreciation honoring the many years of support to the US Coast Guard Auxiliary.

Mayor MacDougall thanked Mr. Hudson and the US Coast Guard Auxiliary for everything they do to help keep Lake Murray safe.

VISION PLAN UPDATE: Mayor MacDougall gave the following update: (1) Virginia Hylton Park construction work continues. The park is getting an 8.25 acre expansion which will more than double its size. New features will include all new playground equipment, a workout trail and an open play field. The park remains closed but the plan is to open the park in sections as they are completed. (2) Visit lexsc.com for updates on all of the Town's Vision Plan projects.

TRAFFIC UPDATE: Mayor Pro-Tem Livingston gave the following update: (1) The US-1 at I-20 work continues with bridge relocation and road work. New traffic patterns for access to I-20 will be expected in the next couple of months. (2) As part of the Lexington Medical Center expansion near West Main Street, there will be periodic delays on Thompson Street while a new water line is installed. (3) The next Traffic Committee meeting will be held on August 30, 2023 at 8:00 a.m. Citizens may call 803-358-7273 to report any traffic signal issues, unsafe roadway conditions or a pothole that needs repair.

PUBLIC HEARINGS

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 Update the Business License Ordinance.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve **Final Reading of an Ordinance to**

Update the Business License Ordinance. The motion was unanimously carried.

NEW BUSINESS

1. **First Reading of an Update to Amend the Peddlers and Solicitors Ordinance §110.06:** 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. The attached draft of a revised ordinance shows a potential Subsection (D) of the Peddlers Ordinance which could clarify the situation. (Draft amendment attached.)

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Update to Amend the Peddlers and Solicitors Ordinance §110.06 as stated. The motion was unanimously carried.

2. **First Reading of an Ordinance Entering into a Mutual Aid Agreement with the Camden Police Department:** The Town of Lexington is entering into a Mutual Aid Agreement between the Lexington Police Department and the new Police Chief with the Camden Police Department. (Draft attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve First Reading of an Ordinance Entering into a Mutual Aid Agreement with the Camden Police Department as stated. The motion was unanimously carried.

3. **First Reading of an Ordinance for a Budget Adjustment, Police and Transportation:** 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,

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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. The Town 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	<u>7,100</u>
	Total Funding Sources	\$ 387,600
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	<u>6,100</u>
	Total Uses:	\$ 387,600
	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 approve First Reading of an Ordinance for a Budget Adjustment, Police and Transportation as stated. The motion was unanimously carried.

4. **First Reading of an Ordinance to Adopt the FY 2023-2024 Budget (Title Only):** South Carolina law requires Town Council to adopt a balanced budget each year. Budget Revenue, Expenditures and a draft ordinance were provided. (Copies attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to approve First Reading of an Ordinance to Adopt the FY 2023-2024 Budget (Title Only) as stated. The motion was unanimously carried by all those present. (Councilmember Williams was absent for the vote.)

5. **First Reading of an Ordinance to Provide for the FY 2023-2024 Tax Levy:** South Carolina law requires Town Council to adopt the Tax Levy each year. A draft ordinance was provided. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance to provide for the FY 2023-2024 Tax Levy as stated. The motion was unanimously

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carried by all those present. (Councilmember Williams was absent for the vote.)

6. **First Reading of an Ordinance Approving a Planned Unit Development for Smallwood Cove:** Mayor MacDougall stated that this item is one of the most important things that has happened to this town.

Smallwood Cove, LLC, Edisto Cove, LLC, Kendrick Cove, LLC and Kendrick Cove II, LLC requested approval of a draft Planned Unit Development for a master planned mixed use project on 93.53 acres located along Beekeeper Court and N. Lake Drive. The project is being planned with a convention center, single family home sites, multi-family/townhome sites, retail space, restaurant space, hotel space and a marina. The project requested approval as a Planned Unit Development due to the unique nature of the proposal and to allow variances in the traditional zoning requirements. The Planning Commission will review this proposal during their May meeting. (Copies attached.)

Mayor MacDougall stated that it was his honor to make a motion to approve First Reading of an Ordinance Approving a Planned Unit Development for Smallwood Cove as stated. The motion was seconded by Councilmember Lyle. The motion was unanimously carried.

7. **First Reading of Ordinances Annexing Lexington County Tax Map # 3400-02-001, 009, 077, 004, 007, 006 and 002 Located Along Beekeeper Court and North Lake Drive:** Smallwood Cove, LLC, Edisto Cove, LLC, Kendrick Cove, LLC and Kendrick Cove II, LLC own seven parcels located along Beekeeper Court and North Lake Drive and petitioned to annex the properties. The total acreage for these parcels is approximately 93.53 acres. A master planned, mixed use development is being planned on the site. Properties in Town near these properties are zoned General Commercial and Protected Residential. North Lake Drive is classified as an Arterial Road and Beekeeper Court is currently unclassified.

The Planning Commission will review this annexation and the accompanying Planned Unit Development proposal during their May meeting to recommend zoning and road classifications for these parcels.

A motion was made by Councilmember Carnes and seconded by Councilmember Lyle to approve First Reading of four (4) Ordinances Annexing Lexington County Tax Map # 3400-02-001, 009, 077, 004, 007, 006 and 002 Located Along Beekeeper Court and North Lake Drive as stated. The motion was unanimously carried.

8. **First Reading Approval of a Draft Development Agreement for Smallwood Cove (Title Only):** Smallwood Cove, LLC, Edisto Cove, LLC, Kendrick Cove, LLC and Kendrick Cove II, LLC requested approval of a draft Development Agreement for the development of Smallwood Cove. State law allows the adoption of development agreements to provide some measure of certainty on large scale projects through encouraging a commitment to comprehensive and capital facilities planning. This agreement establishes the expectations for the provision of infrastructure including construction of the conference center for the Smallwood Cove project.

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve First Reading Approval of a Draft Development Agreement for Smallwood Cove (Title Only) as stated. The motion was unanimously carried.

9. **First Reading of an Ordinance Annexing a Portion of Lexington County Tax Map #5497-01-012 at 460 South Lake Drive (a portion of the Old Mill Pond):** Old Mill, LLC owns approximately 39.4 acres which includes the Old Mill Pond. During the Old Mill Trail development process, it was discovered that a portion of the pond has never been annexed into the Town limits. Old Mill, LLC has petitioned to annex the property to alleviate any jurisdictional concerns that could arise once the trail is completed.

The Planning Commission will review this annexation during their May meeting to recommend zoning and a road classification for this parcel.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Lyle to approve First Reading of an Ordinance Annexing a Portion of Lexington County Tax Map #5497-01-012 at 460 South Lake Drive (a portion of the Old Mill Pond) as stated. The motion was unanimously carried.

10. **First Reading of an Ordinance Annexing of a Portion of Lexington County Tax Map #3400-01-034 Located at 1524 North Lake Drive:** C. C. Goodwin LP owns approximately 1.4 acres located at 1524 North Lake Drive and petitioned to annex the property. A Dollar General store is located on the site. Properties in Town near this one are zoned General Commercial and Protected Residential 2. North Lake Drive is classified as an Arterial Road.

The Planning Commission will review this annexation during their May meeting to recommend zoning and a road classification for this parcel.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing of a Portion of Lexington County Tax Map #3400-01-034

Located at 1524 North Lake Drive as stated. The motion carried with a vote of five (5) in favor and one (1) opposed (Livingston).

11. **First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-001 Located at 2408 Mineral Springs Road:** Larry Weil owns approximately 2.98 acres located at 2408 Mineral Springs Road and petitioned to annex the property. A quick service restaurant and a car wash are being planned on this and two additional properties in the area. Properties in Town near this one are zoned General Commercial. Sunset Boulevard is classified as an Arterial Road, Mineral Springs Road is classified as a Collector Road and Powell Road is classified as a Local Road.

The Planning Commission will review this annexation during their May meeting to recommend zoning and road classifications for this parcel.

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-001 Located at 2408 Mineral Springs Road as stated. The motion was unanimously carried.

12. **First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-002 Located at 2418 Mineral Springs Road:** Anna Greene owns approximately 1 acre located at 2418 Mineral Springs Road and petitioned to annex the property. A quick service restaurant and a car wash are being planned on this and two additional properties in the area. Properties in Town near this one are zoned General Commercial and Mineral Springs Road is classified as a Collector Road.

The Planning Commission will review this annexation during their May meeting to recommend zoning and a road classification for this parcel.

A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-002 Located at 2418 Mineral Springs Road as stated. The motion was unanimously carried.

13. **First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-019 Located at 2422 Mineral Springs Road:** Danny Warr owns approximately 1 acre located at 2422 Mineral Springs Road and petitioned to annex the property. A quick service restaurant and a car wash are being planned on this and two additional properties in the area. Properties in Town near this one are zoned General Commercial and Mineral Springs Road is classified as a Collector Road.

The Planning Commission will review this annexation during their May meeting to recommend zoning and a road classification for this parcel.

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4423-01-019 Located at 2422 Mineral Springs Road as stated. The motion was unanimously carried.

14. **Approval of an Easement on Kauffman Avenue:** Wellington Square, LP requested an easement from the Town along the Kauffman Avenue alley adjacent to 136 East Main Street. The purpose of the easement is to allow a stairway to be constructed to access the second floor of the Lexington Dispatch building. Wellington Square intends to preserve and redevelop the building. The alley was closed many years ago and is now only accessible from Gantt Street. The requested easement is for no more than a seven foot wide strip adjacent to the building.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve an easement on Kauffman Avenue as stated. The motion was unanimously carried.

15. **Sponsor Requests from American Legion for SC Palmetto Boys and Girls State Programs:** 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 the request letters were provided. (Copies attached.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve sponsorships in the amount of \$300 for Palmetto Boys State and \$340 to Palmetto Girls State. The motion was unanimously carried.

ANNOUNCEMENTS: Councilmember Williams made the following announcements:

(1) He stated that he would be brief for the sake of time so they could attend a reception for Mayor Pro-Tem Livingston. In addition to all the other accolades she had received tonight, she would also celebrate her birthday on May 22nd. Happy Birthday, Hazel!

(2) The Lexington Live Spring Concert Series has gotten off to a great start so far at the Icehouse Amphitheater. This Thursday features the famous Root Doctors. It's a show

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you don't want to miss. For a full schedule of events go to icehouseamphitheater.com. (3) Don't forget the Wine Walk on May 13th at 6:00. (4) The Market at Icehouse kicks off on May 20th from 9:00 a.m. to 1:00 p.m. (5) Town Council will meet again on Monday May 15th at 6:00 in the Conference Center for Council's Work Session. Council's summer schedule will start on June 12th. (6) The Planning Commission will meet on May 17th at 8:00 a.m. here in the Council Chambers. (7) Town Hall will be closed Monday May 29th in observance of Memorial Day. (8) The Town has a Special Election tomorrow to fill the vacant Town Council seat. If you usually vote at a school location, your precinct has merged with a local church. He added that if you voted at Lexington Middle School it is now called North Lake community center and you will still vote there. You can verify your polling place by contacting Lexington County Voters Registration office at 785-8361. Please get out and vote because it does matter. Councilmember Williams thanked everyone for tuning into the Town Council meeting tonight.

Mayor MacDougall congratulated Mayor Pro-Tem Livingston and added that it was very well deserved.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

Mayor MacDougall thanked the Councilmembers and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on cable channel 1301 and added that it would be replayed several times during the week. He stated that it can also be viewed on the Town's website at www.lexsc.com or the Town's YouTube.

Mayor MacDougall stated that without objection from Council, he declared the Council meeting adjourned. The Regular Council meeting adjourned at 6:26 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.