

MINUTES
Town of Lexington
Executive Session and
Council Work Session

June 13, 2022

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Town Council held an Executive Session followed by a Council Work Session in the Municipal Complex Conference Center, followed by the June Regular Council meeting (*separate minutes*) in the Council Chambers on June 13, 2022 at 111 Maiden Lane, Lexington, South Carolina (*summer schedule*). The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Todd Carnes and Steve Baker. Councilmembers Kathy Maness, Ron Williams and Todd Lyle were 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, 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, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were six (6) 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.”*

CALL TO ORDER:

Mayor MacDougall called the Council Work Session to order at 6:08 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 Baker and seconded by Councilmember Carnes to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:04 p.m. after a motion was made by Councilmember Baker 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 two contractual items regarding a downtown development issue and the purchase of Town owned property. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Carnes to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to approve the minutes as submitted from Council's regular meeting held on April 4, 2022. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Lexington County Fun Day- Ms. Glenda Hiller:** Ms. Hiller stated that this is the 27th Annual "Back 2 School Bash" presented by Lexington Community Fun Day to be held on August 6, 2022 from 3:00 to 8:00 at 131 Duffie Drive. She introduced Ms. Tashia Hill who would present all the details. Ms. Hill, 104 Harris St, stated that she has lived in the Hendrix Street area all her life. She added that Lexington Community Fun Day is a 501(c)(3) which was formed 29 years ago by Ms. Anita Hiller Byrd and friends in order to serve single mothers in the neighborhood by providing backpacks and school supplies to kids just prior to the start of school. They now give out approximately 500 backpacks and provide food and fun to over 1,000 each year. She added that over the years they have partnered with local churches, businesses and community leaders. She thanked the Town of Lexington for providing resources in the past. (Copy of letter and flyer attached.)

Mayor MacDougall thanked them for the presentation and added that Council had earlier discussed their event and the Town has some things lined up to help with the event.

2. **Towing Increase – Mr. Allen Monts, Pro Tow:** Mr. Monts requested some relief with towing fees due to the astronomical increase in the cost of fuel, tires, equipment, etc. He recommended that the Town increase their towing

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service rate to the statewide rate. (Copy of seven comparisons attached.) He stated that they have not had an increase in 10 years. He added that insurance costs have doubled as well as fuel costs. Mr. Monts stated that they can no longer tow with the same old trucks because vehicles and trucks have gotten larger and fuel cost is killing them.

Mayor MacDougall thanked Mr. Monts and told him that Council would get back to him.

Ms. Anna Wingard, Wingard Towing, stated that she came to Council in October 2020 and they needed help with the astronomical cost of everything plus some items are even harder to get. She added that the government caps their rates. She wished to publicly say that they appreciate Chief Green who does a great job. Ms. Wingard stated that Chief Green expects a high caliber of service and she felt that is what they deliver.

Mayor MacDougall thanked Ms. Wingard and added that several Councilmembers are absent and he would like for them to be involved in this discussion. He asked for the average number of gallons of fuel used on a typical towing call.

Mr. Monts responded that with hot weather they actually put citizens in their trucks so they can stay cool and sometimes carry them home. He estimated 3 to 4 gallons, but there was also the added cost of tires, maintenance and just the insurance cost him \$100,000 a year. He added that in 2021 he purchased a tow truck which was \$90,000 and the same truck this year is \$110,000. Ms. Wingard agreed and said a truck she recently ordered had gone up \$25,000 plus they have to wait longer to receive the truck.

Councilmember Carnes asked what percent of the towing business is from insurance companies versus private companies. Mr. Monts responded that the majority of his business is from the Police Department, municipalities and Highway Patrol. Ms. Wingard responded that their's is probably 25% to 30%, but they also have different locations. She added that specifically for the Town, it was probably 20%. Ms. Wingard stated that it may appear that the cost of what they do is limited to the truck and the driver, but she has an assistant, a dispatcher, a person in charge of the impound lot, and insurance manager, a financial manager, plus the owner of the company. She added that they also work 24/7 with three shifts of dispatchers.

Mayor MacDougall stated that if they did something with the rates they would have to take care of the finest Police Chief in the state. He thanked Mr. Monts and Ms. Wingard.

BUSINESS ITEMS: (For discussion and recommendation for Council's July 11, 2022 Regular Council Meeting.)

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1. **Adoption of Pending Ordinance Doctrine – Municipal Attorney Brad Cunningham:** Town Council was asked to consider formally adopting the Pending Ordinance Doctrine as allowed by the South Carolina Supreme Court. The Town has been using the doctrine in practice, but formal adoption was requested. The doctrine allows the Town to deny a building permit or other zoning or development proposal when such proposal contradicts a pending and later enacted zoning ordinance. (Copy of proposed ordinance attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to place the item on Council's July 11, 2022 for consideration of First Reading. The motion was unanimously carried by all those present.

2. **Boards and Commissions Application – Municipal Clerk Becky Hildebrand:** The Town received an application from Ms. Linda Crapps who expressed an interest in serving on the Town of Lexington's Board of Zoning Appeals which currently has two vacancies. Ms. Crapps is a Town resident. (Copy of application attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to place this item on Council's July 11, 2022 agenda for consideration. Mayor MacDougall stated that he knows Ms. Crapps. The motion was unanimously carried by all those present.

3. **Mutual Aid Agreements, Cayce Police Department and Greenville County Sheriff's Office – Police Chief Terrence Green:** The Lexington Police Department requested to enter into a Mutual Aid Agreement with the Cayce Police Department. The Lexington Police Department also requested the removal of the Cayce Department of Public Safety from the LPD Mutual Aid Agreement with Multiple Jurisdictions list. (Copy of proposed agreement attached.) In addition, the LPD received a request for a Mutual Aid Agreement with the Greenville County Sheriff's Office. (Copy of proposed agreement attached.)

A motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston to place this item on Council's July 11, 2022 agenda for consideration. The motion was unanimously carried by all those present.

FOR YOUR INFORMATION

1. **Virginia Hylton Park Renovation and Expansion Bid Opening – Assistant to the Town Administrator Wesley Crosby:** On May 26, 2022 the Town accepted sealed bids for the Virginia Hylton Park

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Renovation and Expansion project. The following three bids were submitted:

- AOS Specialty Contractors \$8,429,300
- Wiley East construction Company \$8,330,000
- Randolph & Son Builders \$7,945,000

Boudreaux and the Town of Lexington reviewed the bids and issued a Notice of Intent to Award to Randolph & Son Builders.

Councilmember Baker asked if Staff knew when the ground breaking would take place. Mr. Crosby responded not yet because there are several other meetings that need to take place first so it might take a month or two. Councilmember Baker stated that this is a very exciting project.

Councilmember Carnes asked Mr. Crosby to send the largest colored conceptual Virginia Hylton Park drawing that he has to all Councilmembers via email. Mr. Crosby stated that he would send them a copy and the draft had some changes from the one Council was previously provided.

2. **Utility Bids – Director of Utilities Allen Lutz:** The Utilities Department took bids for the following projects and awarded the following: (Copies of bid tabulations attached.)

- July 27, 2021 – Four (4) bids were received for a gravity sewer extension along Pisgah Church Road. The low bidder was Ladd Corporation at \$1,096,588.50.
- January 25, 2022 – Six (6) bids were received for a water line and road repair on North Lake Drive. The low bidder was NWF Industries with a bid of \$52,500.00. (Due to SCDOT road repair requirements a change order for \$19,000.00 was done making the total \$71,500.00.)
- February 22, 2022 – Two (2) bids were received for 14 Mile Creek Sewer Manhole Rehabilitation. The low bidder was Shady Grove Construction with a bid of \$441,789.00.
- March 30, 2022 – Six (6) bids were received for the 12/14 Mile Creek 30” Force Main Division I. The low bidder as D. S. Utilities, Inc. with a bid of \$1,073,432.00.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

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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 6:27 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC

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.