

MINUTES
Town of Lexington

REGULAR COUNCIL MEETING
July 12, 2021

Town Council held a Reception for Keith Frost, Planning Commission Chair, followed by an Executive Session at 6:00 p.m., the Council Work Session at 6:30 (separate minutes), followed by the July Regular Council meeting at 7:00 p.m. in the Council Chambers on July 12, 2021 at 111 Maiden Lane, Lexington, South Carolina (*Summer Schedule*). The meetings were 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 were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Assistant Police Chief Major Matt Davis, Planning, Building and Technology Director John Hanson, Assistant Zoning Administrator Jessica Lybrand, Economic Development Johnny Jeffcoat, Transportation Director Randy Edwards, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Parks and Sanitation Assistant Director Johnny Dillard, Assistant to the Town Administrator Wesley Crosby, Communications Manager Laurin Barnes, I.T. Manager Bea Daniels, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were approximately twenty (20) citizens present and no news media members were present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Councilmember Steve Baker gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 7:04 p.m.

EXECUTIVE SESSION REPORT: (Reported during Council's Work Session.)

DELETIONS ON AGENDA: (1) Mayor Pro-Tem Livingston requested that New Business #8 (*First Reading of an Amendment to the Landscape and Tree Ordinance*) be moved back to Council's Work Session for more information. (2) Mayor Pro-Tem Livingston requested that New Business #3 (*First Reading of an Ordinance Approving a Planned Unit Development*) be moved to #1 and New Business #1 (*First Reading of an Ordinance Annexing Lexington County Tax Map #5596-02-033*) be moved to #3. Mayor MacDougall explained that the reason they were moving #3 to #1 is because #3 needs to be voted on before the new #2 and #3.

PRESENTATIONS

Mayor MacDougall wished to first acknowledge the many citizens who volunteer their time on the Town of Lexington's Boards and Commissions. Several of them have served for many years and they are recognized at our annual Boards and Commissions dinner in the fall. Their dedication to the Town of Lexington is very much valued and appreciated. Mayor MacDougall stated that the first presentation tonight is a proclamation of recognition presented to a citizen who has served on the Planning Commission for almost twenty years.

1. **Proclamation Recognizing Keith Frost – Mayor Steve MacDougall:** Mayor MacDougall read a Proclamation (copy attached) honoring Keith Frost for his service on the Town's Planning Commission for nearly 19 years and as the Chairman for 14 years. He assisted in reviewing many successful development projects and has been a staunch supporter and protector of citizen's homes and residential property making the Town of Lexington a great place to live and work and do business. Mayor MacDougall added that the proclamation does not mention it, but Mr. Frost is stepping down from his position on the Planning Commission due to moving just outside the Town limits. (Standing ovation.)

Mr. Keith Frost thanked the Mayor and Council and added that this is wonderful. He stated that he had enjoyed the 19 years that he has served. Mr. Frost confirmed that he is moving out of town, but not very far, and as he told Mr. John Hanson, he was only three parcels and a quarter mile away. He stated that this is his hometown and has lived here all his life so the opportunity to serve had been humbling. Mr. Frost thanked the Mayor and Council for what they do for the Planning Commission and he thanked all the Planning Commissioners, past and present, for what they do even when at times it is a thankless job but it is very worthwhile.

2. **2020 VIPS of the Year Award to Ms. Melissa Woods – Major Matt Davis:** Major Davis stated that on behalf of Chief Green and the Lexington Police Department it was his pleasure to present Ms. Woods with the 2020 VIPS of the Year Award. He added that Ms. Woods came to the program in 2012 after completing the Citizens Academy and since then has volunteered for more than 450 hours and 100 events. Major Davis stated that Ms. Woods is typically the first one to arrive at an event and the last one to leave. He added that even though COVID-19 brought challenges for all of them, Ms. Woods was at almost all the Toys for Tots events. Major Davis stated that Ms. Woods impressed the Police Department with her strong work ethics, caring heart, friendliness and deserves this award for her selfless dedication to the VIPS Program and to the Town of Lexington.

Ms. Melissa Woods thanked everyone and stated that it is a pleasure to work with the Police Department and they are amazing. She stated that it was an honor to receive the 2020 VIPS Award.

3. **SC Law Enforcement Network DUI Officer of the Year to PFC Shawn Ludwig – Major Matt Davis:** Major Davis stated that on behalf of Chief Green and the Lexington Police Department it was his pleasure to present PFC Shawn Ludwig, Traffic Safety Unit, with the 2020 SC Law Enforcement Network DUI Officer of the Year Award. He added that PFC Ludwig is dedicated to safer road ways in the Town of Lexington and since joining the Traffic Unit he has completed over 400 hours to become one of less than 100 Traffic Safety Instructors in the State of South Carolina. In 2020 PFC Ludwig wrote over 750 citations, 26 arrests for driving under the influence and participated in the Collaborative Learning Exercise with River Bluff High School students. Major Davis stated that PFC Ludwig continues to work the Lexington Police Department's DUI Prevention Programs which promote designated drivers and gives options for getting home safely at the end of the night.

Patrolman First Class Shawn Ludwig thanked the Lexington Police Department for allowing them to do work during the 2020 pandemic and realizing that there is still work to be done and there are still people out there that unfortunately are not doing the best. He appreciated the Lexington Police Department for allowing the officers to do their jobs.

4. **SC Special Olympics Polar Plunge, Highest Raising Team, Lexington Police Department and Highest Raising Individual, Detective Caitlin Voravudhi – Mr. Mike Still, Special Olympics:** Mr. Still stated that he is the Director of Law Enforcement Torch Run Operations which means he has the coolest job in the world since he gets to work with law enforcement officers to raise money for Special Olympics. He added that in South Carolina they serve over 30,000 athletes with intellectual disabilities. Mr. Still stated that pre-COVID the men and women of law enforcement raised over \$1 Million for Special Olympics which is unbelievable. He added that the Lexington Police Department is one of the top 10 fundraising agencies in the state of South Carolina, raising over \$25,000 a year. One of their annual events is the Lake Murray Polar Plunge where Police Officers, teachers and crazy people in the community raise money to jump into Lake Murray in February. Mr. Still stated that with COVID everything was different last year and they thought they could not hold the event, but law enforcement officers still held the Polar Plunge and the Lexington Police Department was the top fundraising agency. He added that you would think things would have fallen off this year but the Lexington Police Department raised over \$6,700 so he wanted to award them with the Top Fundraising Team Award. Mr. Still stated that they also had the Top Fundraising Individual, Detective Caitlin Voravudhi raising \$1,700 herself. He added that the officers also wanted Chief Green to get involved and do the Polar Plunge but he said no way unless they raised \$5,000, so Chief Green plunged and Mr. Still had an award for Chief Green too. So without a doubt, on February 13th, Chief Green was the coolest Chief in the state of South Carolina.

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Councilmember Maness stated that she thought the Lexington Police Officers should challenge the Mayor next year! She added, for the record, they always think Chief Green is the coolest Chief.

Mayor MacDougall stated that all the awards tonight were wonderful. He added that we are surrounded by some super stars in the Police Department and it is incredible how well that department is staffed. He congratulated all of the officers because it is really a big deal.

VISION PLAN UPDATE

Mayor MacDougall announced: (1) The Gibson Pond is full of water and the park will reopen very soon. (Mayor MacDougall said everyone was welcome because he snuck down there and screwed the valve shut because he was tired of waiting on DHEC and a piece of paper! He added that God was trying to fill it up and they were letting all the water run out of it.) Citizens were encouraged to ride by and see the new bridge, 147 feet long, and dam were are quite impressive. We now have a waterfall. The contractor is working on wrapping things up and the Town's Parks and Transportation Departments are finishing up their to do list as well. Gibson Pond Park will be a frequented destination and the Town is glad to finally have it back better than ever after the 2015 floods. (2) The Request for Proposal for the Downtown Wayfinding Signage are due on July 23, 2021. The Town expects to select a vendor shortly after that to create more than a dozen signs for the first phase of this project. The signs will be placed in the downtown area to help point people to different destinations within the Town limits. (3) Work will begin in the near future on the walking trail that will wrap around the Old Mill Pond. Once completed the trail will be one mile long with lighting which will add to the list of things to do in the downtown area. Mayor MacDougall stated that these are just a few of the projects that are a result of the Town's Vision Plan which can be read in its entirety on the Town's web page at www.lexsc.com.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the Traffic Update: (1) Work continues along N. Lake Drive on the Harmon Street portion of the project. Please be aware of construction in this area. (2) SCDOT will be repairing asphalt on Old Cherokee Road behind the Walmart. The road work will start in the coming weeks. Mayor Pro-Tem Livingston asked Staff to place this notice on the Town's Facebook page. (3) As part of the final phase of the Town's Adaptive Signalization System, both daytime and nighttime work continues along 378/Sunset Boulevard. Please use caution in this area. (4) SCDOT will conduct nighttime paving along S. Lake Drive from Maiden Lane to Cinnamon Hill Lane in the next couple of weeks. (5) Citizens were asked if they were aware of a

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traffic signal issue, unsafe roadway situations or a pothole that needs repair, to please call 803-358-7273 and let the Transportation Department know.

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 for Sale of Town Owned Property at 103 West Main Street.
2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map #5423-03-003 located at 110 Mill Street.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance for Sale of Town Owned Property located at 103 West Main Street, next to Alodia's Restaurant.** The motion was unanimously carried. (Copy attached.)
2. A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve **Final Reading of an Ordinance for Sale of Town Property near Stoney Creek Subdivision.** The motion was unanimously carried. (Copy attached.)
3. A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map #5423-03-003 located at 110 Mill Sreet.** The motion was unanimously carried. (Copy attached.)

NEW BUSINESS

1. **First Reading of an Ordinance Approving a Planned Unit Development on Lexington County Tax Map Numbers 5596-02-032 and 5596-02-033:** JCF Living requested approval of a Planned Unit Development (PUD) on two parcels located in the 4800 block of Augusta Road and along Dooley Road. The total PUD area is 62.76 acres. It will consist of an apartment project occupying 52.2 acres on the rear of the site and two commercial outparcels along Augusta Road. The apartment portion of the PUD will have 256 units located in 140 duplex or single buildings. The remainder of the PUD incorporates the two commercial outparcels. The type of commercial uses that will occupy these parcels has not

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been determined, but they will meet all traditional zoning and land development requirements.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to deny this project. There were no further questions from Council. The motion carried with a vote of six (6) in favor and one (1) opposed (Maness). Municipal Attorney Cunningham confirmed the vote.

Mayor MacDougall stated that Council should table original items #1 and #2, which are now items #2 and #3. He asked Town Administrator Poole to reach out to the property owner and see if they still want to annex since the PUD project was denied and if so, Council can put the annexation request back on the agenda at a later date.

2. (Item Tabled) **First Reading of an Ordinance Annexing Lexington County Tax Map #5596-02-033 located in the 100 Block of Dooley Road.**
3. (Item Tabled) **First Reading of an Ordinance Rezoning of a Portion of Lexington County Tax Map #5596-02-032 located in the 4800 Block of August Road.**
4. **First Reading of an Ordinance Annexing Lexington County Tax Map #4200-02-033 located in the 100 Block of Nightingale Court:** Frank Bouknight and Martha Williamson own 17.5 acres located in the 100 block of Nightingale Court and have petitioned to annex the property. A 66 lot subdivision is being planned on this property and an adjacent lot. Properties in Town near this one are zoned Protected Residential and Protected Residential 2. Nightingale Court is classified as a Local Road. The Planning Commission reviewed this annexation during their June meeting and recommended Protected Residential zoning for the property and Local Road classification for Nightingale Court.

Councilmember Lyle stated that he would need to recuse himself from the discussion and vote on this item in that he has a vested interest in the transaction. (Copy of Recusal Statement attached.) Councilmember Carnes stated that he would also have to recuse himself from the discussion and vote on this item in that he has a vested interest in the transaction. (Copy of Recusal Statement attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4200-02-033 located in the 100 Block of Nightingale Court as stated. The motion carried with five (5) in favor and two (2) recused (Carnes, Lyle).

5. **First Reading of an Ordinance Annexing Lexington County Tax Map #4200-02-031 located at 167 Nightingale Court:** Rosa K. Hendrix owns 14.9 acres located at 167 Nightingale Court and has petitioned to annex the property. A 66 lot subdivision is being planned on this property and the adjacent lot. Properties in Town near this one are zoned Protected Residential and Protected Residential 2. Nightingale Court is classified as a Local Road. The Planning Commission reviewed this annexation during their June meeting and recommended Protected Residential zoning for this property and Local Road classification for Nightingale Court.

Councilmember Lyle stated that he would need to recuse himself from the discussion and vote on this item in that he has a vested interest in the transaction. (Copy of Recusal Statement attached.) Councilmember Carnes stated that he would also have to recuse himself from the discussion and vote on this item in that he has a vested interest in the transaction. (Copy of Recusal Statement attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Maness to approve First Reading of an Ordinance Annexing Lexington County Tax Map #4200-02-031 located at 167 Nightingale Court as stated. The motion carried with five (5) in favor and two (2) recused (Carnes, Lyle).

6. **First Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-031 located at 140 Pilgrim Point Drive:** Barry J. Bernstein owns a parcel located at 140 Pilgrim Point Drive and has petitioned to annex the property. A single family home is located on the site. Properties in Town near this property are zoned Protected Residential and Pilgrim Point Drive is classified as an RL 6 Road. The Planning Commission reviewed this annexation during their June meeting and recommended the same zoning and road classification for this parcel.

A motion was made by Councilmember Carnes and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3420-01-031 located at 140 Pilgrim Point Drive as stated. The motion was unanimously carried.

7. **First Reading of an Ordinance to Adopt the Updated Model Business License Ordinance and Standard Rate Classification:** The South Carolina General Assembly enacted a comprehensive standardization of Business Licensing which will become fully implemented state-wide on May 1, 2022. The new law provided in part the following:

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- A Standard Business License Year and Due Date (May 1 – April 30 with due date of April 30th)
- A Uniform set of Rate Classes state-wide utilizing updated NAICS Codes
- A state-wide internet portal for renewals and payments

The Town needs to adopt the updated Class Schedule and rebalance rates in accordance with State Law and adopt the Updated Model Business License Ordinance to be effective May 1, 2022. This process must be completed prior to the renewal season which begins in early 2022. Rates will be adjusted prior to Final Reading to reflect the results of rebalancing. Updated Class Schedule and related rates must be rebalanced to be revenue neutral in accordance with State Law.

A motion was made by Councilmember Baker and seconded by Councilmember Lyle to approve First Reading of an Ordinance to Adopt the Updated Model Business License Ordinance and Class Schedules as stated. The motion was unanimously carried.

8. (Deferred to Council's Work Session for more information.) **First Reading of an Amendment to the Landscape and Tree Ordinance**

9. **Ratification of Resolution Supporting the MASC Retail Recruitment Training Program:** The Town of Lexington was asked to consider participating in the MASC South Carolina Retail Recruitment Training Program. An article describing the program is attached. Also attached is a Resolution which was passed by emergency telephone vote due to the application deadline. The Resolution was required to be in the MASC office by July 2, 2021. The program fee is \$5,000 if the Town of Lexington is selected to participate. Council was asked to ratify the telephone vote approving the Resolution. (Copies attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to ratify Council's telephone vote approving the Resolution and the program fee of \$5,000 if the Town is selected to participate. The motion was unanimously carried.

Councilmember Maness stated that she read about the program which states that the Town would select a person to attend the program. She asked Town Administrator Poole who would attend if the Town was selected. Mr. Poole responded that he thought Johnny Jeffcoat, himself and Laurin Barnes would attend because marketing is a big part of the program. He added that there are four classes and it is only full price for the first person then the fee is greatly reduced.

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10. **Regional Gateway Projects:** The Midlands Business Leadership Group (MBLG) is attempting to start a highway interchange beautification project which would include several interstate interchanges:

- *Airport Boulevard Gateway:* A one-mile stretch beginning at I-26 and SC 302 continuing to the Airport Expressway (City of Cayce, Town of Springdale)
- *Fort Jackson Gateway:* I-77 and Forest Drive (City of Columbia)
- *Lexington Gateway:* I-20 and US 1 (Town of Lexington)
- *Harbison Gateway:* I-26 and Harbison Blvd. (City of Columbia)
- *Downtown Connector Gateway:* I-20 and SC 277 (Richland County)
- *I-20 and I-26* (Lexington County, Richland County)
- *I-20 and I-77* (Richland County)
- *I-77 and I-26* (City of Cayce)

The goal is to foster a spirit of regionalism while improving the Midlands chances of landing economic development opportunities. The first interchanges to be improved are the Airport Gateway and Fort Jackson Gateway. MBLG set a goal of \$1.3 million to construct the first two interchanges. They have raised \$1.2 million thus far. They have asked local governments to participate in a pro rata share of the maintenance cost based on their population.

If the Town of Lexington chooses to participate the Town's share would be \$2,000 per interchange as they are constructed, with a maximum of \$16,175 annually once all are constructed. Local governments that have committed to participate at this time are Lexington County, Richland County, City of Columbia, City of Cayce, City of West Columbia and the Town of Springdale. Two additional pages of information were provided to Council along with a draft copy of the Intergovernmental Agreement. (Copies attached – 13 pages)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to enter an IGA for the Regional Gateway Project as stated. The motion was unanimously carried.

11. **Capital Projects Sales Tax Commission Appointment:** Lexington County is creating a Capital Projects Sales Tax Commission and advised the Town of Lexington that it may appoint one member to the Commission. According to State Law, the Commission must be composed of six members with three of those members selected by the County and three by municipalities. Those selected by the municipalities must be residents of an incorporated municipality in Lexington County. (The text of the Capital Projects Sales Tax statute is attached.)

The Commission will be charged with compiling a project proposal for a countywide referendum on the tax. The proposal must be for specifically identified projects intended to be funded by a potential one cent Capital Projects Sales Tax. The proposal must also identify an ending date for the collection of the

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tax which can be collected no longer than eight years pursuant to State Law. All potential projects must be identified in the proposal before it can go to a referendum.

Mr. Sammy Hendrix who currently serves on the Town's Planning Commission previously served in this capacity. It was recommended that Mr. Hendrix be appointed to serve again.

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve the appointment of Mr. Sammy Hendrix to serve on the County's Capital Projects Sales Tax Commission. Town Administrator Poole requested that the motion be modified to allow Mr. Hendricks to continue serving on the Town's Planning Commission until such time the County's Sales Tax Commission starts which could be a month or two. Councilmember Carnes agreed to the amendment to his motion. Councilmember Maness agreed to the amendment. The amended motion was unanimously carried.

Mayor MacDougall thanked Mr. Hendrix for his willingness to serve again for the Town of Lexington.

ANNOUNCEMENTS

Councilmember Williams made the following announcements: (1) He hoped everyone enjoyed the Town of Lexington's fireworks display and music held the Friday before Independence Day. (2) The Market at Icehouse has been busy every Saturday morning. Don't miss out on all the great vendors and music! The Market will continue to be at the Icehouse Pavilion from 9:00 to 1:00 every Saturday through September. (3) There are so many events and concerts scheduled at the Icehouse Amphitheater, he wanted to let everyone know about a few in July. For a complete list of concerts, please visit www.icehouseamphitheater.com.

- This Thursday, July 15th join us for Animalia and Random Act of Kindness at 7:30 – a double fun time for the family. Dr. Knows-A-Lot will explore a whimsical world in Animalia which includes action packed dancing and circus acts. The cast of Random Act of Kindness will demonstrate their love for each other and show the audience their impressive skills in dance and circus acts. Tickets can be purchased at www.icehouseamphitheater.com and are \$25 for VIP tickets, \$20 for General Admission, \$10 for ages 3 to 10; and 2 and under get in free. Come warm your heart and be entertained Thursday July 15th.
- This Friday, July 16th – You've got to come out for this free concert starting at 7:30 – featuring The Local Boys! They are a bluegrass band who have roots in traditional music and have evolved from old time music, bluegrass, country and rock and roll. They have performed at Merlefest for the past 22 years and have

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hosted the Plaza Stage with the late Tut Taylor. They also participate in an outreach program that brings music to surrounding area schools. Don't miss it! There will also be beer, wine, soft drinks, water and food vendors available for purchases.

- July 23rd – Flannel Fest is back at the Icehouse Amphitheater!! Gates open at 6:00 and the music will continue until 10:00. Music will be by Stone Temple Pilots, Nirvana and Alice in Chains and will feature: Core (A Stone Temple Pilots Tribute); Heart Shaped Box (A Nirvana Tribute); and Grind (An Alice in Chains Tribute). Tickets are \$12 and can be purchased at www.icehouseamphitheater.com.

(4) Council will meet again on August 16th at 6:00 p.m. for Council's Work Session and Regular Council meeting.

On behalf of the Mayor and Councilmembers, Councilmember Williams thanked everyone for watching their Council in action tonight.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

Mayor MacDougall thanked the Council members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on cable channel 1301 and it will also be replayed several times during the week and the video will be available on the Town's website at www.lexsc.com.

Mayor MacDougall stated that without objection from Council, he declared the meeting adjourned. The Regular Council meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall

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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.