

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
September 5 , 2023

Town Council held an Executive Session at 5:15 p.m. followed by the Regular Council Meeting at 6:30 p.m. on September 5, 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 Gavin Smith. Councilmember Todd Lyle was absent.

Staff members present were: Interim 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 Supervisor Billy Gunter, Assistant Finance Director Laraine Wieder, Economic Developer Jack Stuart, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Communications Manager Laurin Barnes, Digital Media Coordinator Michael Tolbert, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were approximately fifteen (15) citizens present and one (1) member from the news media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting. He announced that the meeting was airing live on the Town's YouTube channel, but the Town's cable channel 1301 is down due to a piece of equipment that has failed. He introduced the Council Members. Mayor Pro-Tem Livingston called on her Associate Pastor from Watershed Fellowship Church to give the invocation. Associate Pastor and Director of Equipping Ministries, Nate Robbins, gave the invocation. U.S. Army Retired Sergeant First Class Rich Little led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:45 p.m.

EXECUTIVE SESSION REPORT: Mayor MacDougall reported the *Executive Session* was called to order at 5:15 p.m. after a motion was made by Councilmember Smith and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried by all those present. A motion was made by Councilmember Williams and seconded by Councilmember Carnes to adjourn the *Executive Session* at 6:33 p.m. 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: two administrative personnel matters and one discussion regarding the Utilities Director search and four legal items regarding the

MINUTES
REGULAR COUNCIL MEETING
September 5 , 2023

Municipal Election Procedures, litigation in the West Columbia Water Case, Utilities Condemnation Case and advice regarding agenda items. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Smith to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

PRESENTATIONS

1. **Proclamation Congratulating the Blowfish Baseball and Pettit Cup Championship (Bill and Vicki Shanahan) – Mayor MacDougall:** Mayor MacDougall read a proclamation to the Blowfish Baseball team on their Championship win and for all they do for the Lexington Community. (Copy attached.)

Mr. Bill Shanahan thanked the Mayor, Council and Staff for everything they have done for the Blowfish Baseball team. He added that the Blowfish are not just baseball, they enjoy joining many community events including the Chili Cookoff and the Shamrock Parade. He announced that the team received notice today that they are the Organization of the Year (back to back).

VISION PLAN UPDATE

Mayor MacDougall stated that the new amphitheater at Virginia Hylton Park is coming together. Equipment installation of the new playground is in full swing and the friendship arbor is up in the teen area. Stone facades are being added to the picnic shelters and other areas. Grading work will begin next on the splash pad. The goal is to reopen the park by Spring 2024. Citizens can view the Vision Plan on the Town's website at lexsc.com.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the following traffic update: (1) Use caution around the school zones as everyone adjusts to new schedules. (2) SCDOT work continues on realigning Glassmaster Road and Bruner Road. (3) Construction will begin in the next few weeks along Sunset Boulevard as a right turn lane onto Whiteford Way is installed. The next Traffic Committee meeting will be October 11, 2023 at 8:00 a.m. Please 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.

MINUTES
REGULAR COUNCIL MEETING
September 5, 2023

1. **Final Reading** of an Ordinance Annexing Lexington County Tax Map Number 4496-02-042 located at 2437 Mineral Springs Road.
2. **Final Reading** of an Ordinance Annexing Lexington County Tax Map Number 3500-03-057 located 4766 Sunset Boulevard.

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 Annexing Lexington County Tax Map Number 4496-02-042 located at 2437 Mineral Springs Road.** The motion was unanimously carried by all those present. (Copy attached.)
2. A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Annexing Lexington County Tax Map Number 3500-03-057 located 4766 Sunset Boulevard.** The motion was unanimously carried by all those present. (Copy attached.)

NEW BUSINESS

1. **Appointment of Assistant Municipal Judge:** Town Council was asked to consider appointing an Assistant Municipal Judge. The position would be part-time and for a suggested appointment term of two (2) years. The appointment would allow the Town more flexibility in scheduling of trials and would assist in clearing up the jury trial backlog. After appointment, the Judge must be sworn in with the attached Oath of Office. The Council was asked to appoint Mr. Shawn Graham to the part-time Judge position.

A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to approve the appointment of Mr. Shawn Graham to a two (2) year term as a part-time Judge for the Town of Lexington. The motion was unanimously carried by all those present.

Mayor MacDougall, with the assistance of Interim Town Administrator Ford, gave the Oath of Office to Judge. Graham. (Copy attached.) Judge Graham thanked the Mayor and Council for having faith in him to serve the Town.

2. **First Reading of an Ordinance To Amend the Zoning Ordinance Creating Special Requirements Related to Car Wash Locations:** Over the last few years the Town has seen a significant increase in the number of proposed automated car washes. These businesses utilize loud buzzers to signal equipment start-up, have large blowers to dry cars and utilize outdoor vacuums that operate

MINUTES
REGULAR COUNCIL MEETING
September 5, 2023

the entire time the business is open. These features present unique opportunities for noise complaints and other potential conflicts if the business is located too close to residential properties. During the August Planning Commission meeting, the Commission recommended amending the Zoning Ordinance to require new car wash businesses to locate at least 500 feet from any residential property line.

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve First Reading of an Ordinance to Amend the Zoning Ordinance creating special requirements related to car wash locations as stated. The motion was unanimously carried by all those present.

Councilmember Williams called on Planning, Building and Technology Director Hanson to clarify if the 500-foot requirement is from the house or the property line. Director Hanson responded that it is currently proposed as 500 feet from the car wash property line to the residential property line.

Councilmember Maness asked about her neighborhood, Hope Ferry Plantation, and if the 500-foot requirement would be from the neighbor's back fence. Director Hanson responded that in that instance their property lines are shared with some on Highway 378 so they would not be allowable properties for a car wash.

3. **First Reading of an Ordinance Creating the Small Business Advisory Committee:** Town Council was asked to consider approving the creation of a Small Business Advisory Committee. The Committee shall be charged with making recommendations to Town Council regarding ordinances, policies and procedures either impacting the small business community or that would be beneficial to small business were they to be adopted. Periodic reports may be made to Town Council on progress or upon specific recommendations. The Committee will sunset on December 31, 2025 and the Committee and terms of appointees may only be extended by subsequent ordinance passed by Council.

A motion was made by Councilmember Smith and seconded by Mayor Pro-Tem Livingston to approve First Reading of an Ordinance Creating the Small Business Advisory Committee as stated. The motion was unanimously carried by all those present.

4. **First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-001 and 5497-04-029 located at 108 Railroad Avenue:** McCutchan Holdings, LLC owns approximately 12.58 acres on two parcels located at 108 Railroad Avenue and petitioned to annex the property. An electrician's office is being planned on the site. Properties in Town near this one are zoned General Commercial and High Density Residential. Railroad Avenue is classified as a

Local Road. The Planning Commission reviewed this annexation during their August meeting and recommended Limited Commercial zoning for the parcel. They also recommended classifying Railroad Avenue as a Local Road.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to approve First Reading of an Ordinance Annexing Lexington County Tax Map #5497-04-001 and 5497-04-029 located at 108 Railroad Avenue as stated. The motion was unanimously carried by all those present.

5. **First Reading of an Ordinance Amending §72.47(D), Fine for Handicapped Parking Violation:** State Law §56-3-1910 requires that anyone found guilty of illegally parking in a handicap parking zone must be imprisoned for not more than thirty (30) days or fined not less than \$500 and not more than \$1,000. The State Legislature’s use of the word “must” indicates the requirement suggested is mandatory. Therefore, the Town should consider amending its Code of Ordinances to align with this requirement. The Town Code of Ordinances has conflicting provisions on this topic, neither of which is consistent with the State Law. §72.47 initially set the fine at \$100. Later, §75.12 was added and increased the penalty to \$150, along with other provisions for parking violations. It was suggested that the Town repeal §75.12(A) and amend §72.47(D) to increase the fine to comply with State Law.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve First Reading of an Ordinance Amending §72.47(D), Fine for Handicapped Parking Violation as stated. The motion was unanimously carried by all those present.

6. **Resolution for Civility in Local Government:** During the 2023 annual meeting of the Municipal Association of South Carolina in Greenville, President Barbara Blain-Bellamy spoke about the importance of civility in local government. Creating an environment that is open, fair and considerate to everyone is crucial. This means basing decisions on factual information, being transparent in actions and decision-making processes and being accountable for promoting a sense of pride and togetherness throughout the community. By prioritizing civility, a positive example is set to build trust and confidence, not just in local government, but in the community’s essential quality of togetherness. A civil local government is not just nice to have but a must-have. It is the foundation upon which a healthy and functioning democracy is built. Adoption of the Civility Resolution supports the critical need of civility for democratic self-governance and allows the Council to pledge “to practice and promote civility within the governing body” for the benefit of all.

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve the adoption of the Civility

MINUTES
REGULAR COUNCIL MEETING
September 5, 2023

Resolution as stated. (Copy attached.) The motion was unanimously carried by all those present.

Councilmember Carnes wished to add that civil debate is our strength and in civil debate where people don't attack each other, but debate ideas, the best ideas always win at least in a sane population and he did not know about an insane population. He added the best ideas always win and it is a sad state of affairs when we lose the ability to disagree, debate civilly and walk away with pride and walk away with our relationships intact. Councilmember Carnes stated that he knows this Council strives for that, this Town strives for that and, hopefully, one day our nation will strive for that once more. He was very proud of the fact that Council has adopted this Resolution.

Councilmember Maness directed the Municipal Clerk to let the Municipal Association of SC know that Town Council had adopted the Civility Resolution.

7. **Boards and Commissions Application, Historic Preservation Review Board:** The Town received an application from Ms. Joyce Mize who is interested in an appointment to the Town of Lexington Historic Preservation Review Board which currently has two vacancies. (Copy attached.)

A motion was made by Councilmember Williams and seconded by Councilmember Smith to approve the appointment of Ms. Joyce Mize to the Historic Preservation Review Board. The motion was unanimously carried by all those present.

8. **Facility Rental Deposits:** There was a discussion at the August 21, 2023 Council Work Session regarding changes to the Deposit Rate Policy for the Conference Center, Palmetto Collegiate Institute and Eli Mack Room. The intent is to increase deposits associated with each facility in order to address the increased damages the Town has been experiencing. The proposed change is to increase the deposit rate to \$750 for the Conference Center, PCI and Eli Mack Room and change the deposit method for reserving a room. The new deposit method will require the renter to pay ½ of the rental fee at the time of reservation and the remaining fee + deposit paid no later than 30 days prior to event date. All deposits made at least 30 days prior to the rental will be returned within 5 to 7 business days after the facility is inspected and no damages are assessed.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to approve the rate and method changes to the Town's facility rental deposits as stated. The motion was unanimously carried by all those present.

9. **Use of Space at Icehouse Market Events for Lexington County Animal Shelter:** Lexington Town Council recognized the vital role the Lexington County Animal Shelter plays in ensuring the welfare of animals within our community. As such the Town of Lexington Council is forming a partnership with the Lexington County Animal Shelter by offering their staff free space at the Town's Icehouse Market as a vendor under the "Booth for a Cause" category. The Animal Shelter will pay the usual season security deposit. This partnership will not impact the availability to other vendors in the category because the Animal Shelter will not count toward the category vendor limit and the Animal Shelter will be given a spot once per month during the Icehouse Market season. This will afford the Animal Shelter another opportunity to put animals in front of members of the community as they work to combat overcrowding and find these animals loving homes.

A motion was made by Councilmember Smith and seconded by Mayor Pro-Tem Livingston to approve the use of space at the Town's Icehouse Market for the Lexington County Animal Shelter as stated. The motion was unanimously carried by all those present.

10. **Ratification of Council Poll:** Town Council authorized by poll vote the award of a utilities line installation on Reed Avenue to NWF Industries for \$26,300 in accordance with the Town's Purchasing Ordinance. Other bids submitted were from Carolina Tap & Bore for \$37,800; CBG, Inc. for \$57,361.07 and Metro Construction for \$60,000. Funds are from the Water and Sewer Utilities CIP.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to ratify Council's poll vote as stated. The motion was unanimously carried by all those present.

11. **Up Lights on Tree Islands on Main Street:** The Parks Department received a request about installing up lighting on the trees in planters on Main Street. Bids received were: Green View \$10,746.42; BMB Irrigation and Lighting \$18,870.00; Lightscares of Columbia \$19,215.00. Council's approval was requested to proceed with Green View with funding for this project coming from Vision Plan Funds – Contractual Services 275-5-121-150.

A motion was made by Councilmember Maness and seconded by Councilmember Smith to approve the up lights on Main Street by Green View for \$10,746.42 as stated. Mayor Pro-Tem Livingston confirmed that Green View is in no way associated with her husband's company which is Green Earth. The motion was unanimously carried by all those present.

12. **Appeal of Impact Fee Assessment, Premier Elite Medical Services:** Dr. Christopher Cooper, MD of Premier Elite Medical Services wishes to open a medical office at 201 Caughman Farm Lane. He advised the Town of his appeal

MINUTES
REGULAR COUNCIL MEETING
September 5, 2023

of the assessment of Impact Fees on the property to Town Council. The procedure for appeals to Town Council is for Staff to present its case to the Town Council and for the applicant (appellant) to be allowed to respond. Councilmember Williams called on Interim Town Administrator Ford to present for the Town.

Interim Town Administrator Ford presented the case that the Impact Fee Ordinance was correctly applied in the amount of \$3,258 regarding Dr. Cooper's new doctor's office at 201 Caughman Farm Lane. Mr. Ford discussed each of ten documents which were presented for the record and included: letters, Ordinance copies, Zoning Permit Application, Fee Schedule and Time Line. (Copies attached.) Mr. Ford concluded that in this instance the Town has applied the ordinance fairly and in accordance with the rules that have been applied to every other business. He added that it is imperative that we carry out the directive of Town Council through the ordinance process and uphold this impact fee and deny the appeal.

Councilmember Williams asked if the Town was allowed to reduce the fee under the law and if another business moved in, would the Town be able to recoup some of the impact fee. Mr. Ford responded that Council could certainly ask the attorney for his opinion, but at a Staff level, the way it would be applied is, it is a medical office and they get credit for a medical office because if there is a change in use, you have to look at the current use compared to the proposed new use and if the new use has, according to the various standards that have to be followed, and if it causes more of a traffic impact, we would be at that time required to impose an impact fee. He added that we would have to use that existing use and couldn't penalize a new person in his judgement because we didn't collect it when it became a medical office.

Dr. Christopher Cooper responded and stated that from his standpoint, when he thinks of a medical office, and to Council's point, you think of a thousand patients with multiple staff seeing multiple patients, but that is not at all what this is. He stated that they are a primary care service and designed to have a very small number of patients. Dr. Cooper stated that the prior tenant was a CPA which he compared his office to. He understood that they have to be classified as a medical office, but as far as the impact on the environment, he does not believe that they create a substantial or additional demand on the property. He wished to clarify that it would be one thing if they paid this fee and then wanted to move to a new space, this fee does not follow him. Dr. Cooper added that this building is an old house that was relocated to the property and not designed to be a medical office, but they did not have a lot to choose from when they picked this spot and it was supposed to be temporary. He stated that he could not predict what the future holds, but the building could not hold 20 to 30 patients a day. He understood the Town's rules, but he did not think they would create an impact. Dr. Cooper stated that when their number of patients increases, they may need to look for another place, or keep this location as a secondary office. He added that

MINUTES
REGULAR COUNCIL MEETING
September 5 , 2023

he has invested a lot of money into the business and still operating at a loss. He threw himself at the Council's mercy for consideration for his appeal or a reduction.

Councilmember Carnes asked if this location is one or two stories and are there any out buildings. Dr. Cooper responded that it is one story and there are no out buildings.

Mayor MacDougall stated that, without objection from Council, he would like for this to be taken as information only and Council would discuss it at their next Executive Session in order to give Council time to look at all the documentation followed by Council's decision within 30 days.

ANNOUNCEMENTS

Mayor MacDougall wished Councilmember Carnes a Happy Birthday this month on September 28th.

Councilmember Carnes made the following announcements: (1) Only FOUR more markets this year - plan to attend The Market at Icehouse each Saturday in September from 9:00 to 1:00. For a full list of events go to icehouseamphitheater.com. (2) The Board of Zoning and Board of Appearance will not meet this month. (3) Town Council will meet again September 18th at 6:00 in the conference center for the Council Work Session. (4) The Planning Commission will meet on September 20th at 8:00 a.m. in the Council Chambers. (5) Things are very busy this time of year at the Icehouse Amphitheater. The Thursday free Icehouse Live concerts continue with Cat5 Band starting at 6:30. On Thursday, September 14th the Swingin' Medallions return. On September 21st we welcome The Root Doctors back. On September 28th Under The Sun returns for a fun night of music. This Friday night is Rocketman – Tribute to Sir Elton John. Tickets are \$29. On September 15th Sister Hazel is back! Tickets are \$32. Councilmember Carnes stated that is pretty phenomenal with six big events at the Icehouse for our community and good job to the Town's Staff. Thank you for tuning in tonight for the Lexington Town Council meeting and have a great week.

Councilmember Maness announced that, after much prayer and conversations with her family, she has decided to not seek reelection to Town Council. She added that it has been a blessing to serve the citizens of the Town of Lexington for the past 19 years from the parks to improving our roads to the Icehouse Amphitheater which she loves going to especially on Saturdays. Her daughter just got married in Germany and they are trying to have a baby so she will be spending a lot of time in Germany in the next couple of months. Her youngest son was two years old when she first ran for Council and he is now in college so she and her husband are loving this empty nest time of their lives. Councilmember Maness stated that she and her husband want to be able to travel whenever they want to and not have to work around the first and third Mondays. Her granddaughter, Olivia Katherine, was born since the last time she was elected and she loves being her Nana. She also wants to spend a whole lot more time with her. She

MINUTES
REGULAR COUNCIL MEETING
September 5, 2023

loved her time serving on Council and they have had some hard decisions to make, but everyone sitting on Council tonight wants to do what is best for our great town. She stated that it was an honor for her to be the first woman from South Carolina to ever serve as President of Women in Municipal Government. She brought ladies from all over the country to South Carolina and she and the Municipal Clerk did a lot of work showing them smiling faces and beautiful places in South Carolina. It was also her honor to serve as the President of the National League of Cities as the first person from South Carolina to ever serve in that position. She added that she would always be known as the “Zoom President” since her Presidency occurred during the COVID crisis. She got to travel all over the country, but not as much as most Presidents, and she did get to travel where she was so proud to let everybody know that she was from the small town of Lexington, South Carolina. She loved bragging about our Town and all the good things that we do and they all loved her accent! Councilmember Maness stated that when she leaves office on December 3rd, she knows that she is leaving Lexington better than it was when she got here. She added that it is very important that our citizens pay attention to the candidates who are running to serve on this Council. Citizens need to study the candidates and not just go to that ballot box and check those names. She stated that we have some candidates, some of whom are here tonight, who will continue to make Lexington a great place to live and to work, but in her opinion, we have others who are running that will set Lexington back and this cannot happen. She is very concerned about some of the candidates and she wants everybody to here to serve Lexington and not have a hidden agenda. She added that she would talk about this some more next month. Councilmember Maness stated that we want Lexington to be the best place in South Carolina to work, play, worship and attend school and the best way to do that is to elect people who do not have a hidden agenda and who want to be a true public servant. She could say that she learned to be a public servant from her Daddy who served on Lancaster’s Town Council while she was growing up. She added that he was here when she first took the Oath of Office, but he had gone to heaven by the time she took the Oath the second time, but she knows he is watching. She is so proud that she was blessed to be his daughter and to learn how to be a true public servant. Councilmember Maness asked the citizens of Lexington to pay attention to who is running and if you want her thoughts on it, give her a call.

Mayor MacDougall thanked Councilmember Maness for her 19 years on Council and what she has done for this Town. Outstanding job.

Councilmember Smith wished to make two announcements. He will host his Open Door at 4:00 event in the Conference Center on September 14th from 4:00 to 6:00 p.m. He welcomed anyone to come if they wanted to talk or have questions about anything going on in the Town. He added that citizens could work with him or other members of Council on any issues. Secondly, Councilmember Smith stated that tonight is an exciting night for him because he has worked on many issues since being elected to Council three months ago. He added that tonight is the first night that he helped draft an ordinance for First Reading which is for the Small Business Advisory Committee. He promised to not do this every time, but he wanted to say thank you to some of the Staff members who helped him learn and understand the process. He especially wanted to

MINUTES
REGULAR COUNCIL MEETING
September 5 , 2023

thank Stuart Ford, Brad Cunningham, John Hanson and his team and Jack Stuart for all their research to get this across the finish line. Councilmember Smith stated that small businesses are so important to the Lexington Community and he believes it is a great step forward. He also wished to thank the other Councilmembers in that they had some things they had to work through, but ultimately, they had those conversations and he appreciated all of them voting in favor tonight of small business in the Town.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT

Mayor MacDougall thanked the Councilmembers and citizens for attending the Town Council meeting. He announced that the meeting had aired live on the Town's YouTube channel and could be watched there at a later date as well.

Without objection from the Council, Mayor MacDougall adjourned the Regular Council Meeting at 7:38 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.