

MINUTES
Town of Lexington
Executive Sessions and
Council Work Session

January 22, 2018

1

Town Council held an Executive Session followed by a Work Session on January 22, 2018 at 6:30 p.m. in the Eli Mack Sr. Room located at 111 Maiden Lane, Lexington, South Carolina. The meeting was rescheduled from January 16, 2018 due to the Lexington County Night. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Ted Stambolitis, Todd Carnes, Ron Williams and Steve Baker. Councilmember Kathy Maness was absent and attending an NLC Finance Committee meeting in Washington, D.C.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Events and Media Coordinator Jennifer Dowden, Downtown Venue Promoter Walker Brewer, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

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

OPENING STATEMENT

Mayor MacDougall welcomed everyone to the Council Work Session. 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 comment 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 not tape recorded, but Minutes are taken and posted on the Town’s web page following approval of Council.”*

MINUTES
COUNCIL WORK SESSION
January 22, 2018

INVOCATION, PLEDGE OF ALLEGIANCE and CALL TO ORDER

Councilmember Stambolitis gave the invocation. Councilmember Baker led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:25 p.m.

EXECUTIVE SESSION REPORT #1

Mayor MacDougall reported that 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 6:22 p.m. after a motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston. 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 legal items regarding pending litigation and legal advice regarding a Town Ordinance; three contractual matters regarding CCF Contracts, Virginia Hylton Park, and the sale of Town owned property; and three personnel matters regarding a Boards and Commissions appointment, update on a personnel issue, and a routine personnel review. No vote was taken. A motion was made by Councilmember Stambolitis 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 Councilmember Stambolitis and seconded by Councilmember Carnes to approve the minutes for Council's Regular meeting held on January 2, 2018 as submitted. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Town of Lexington's 2017 AUDIT – Mr. Randy M. Cooper, CPA, CFE, The Brittingham Group:** Mr. Cooper provided Council an Executive Summary of the audit of financial statements for the Town of Lexington dated June 30, 2017. The opinion of the financial statements were unmodified in accordance with auditing standards. He stated that The Brittingham Group had performed the audit for 18 years. The Town ended the audit period of 2017 at \$107M which was a \$9M increase. The increase was primarily due to water and sewer, Hospitality Tax, and grants. There were no internal control instances. (Copy attached.)
2. **Midlands Business Leadership Group, Competitiveness Initiative – Ms. Lou Kennedy and Mr. John Lumpkin:** Ms. Kennedy stated that MBLG is a coalition of more than 40 CEO's and Executives from the Midlands region's largest employers who work on issues vital to the Midland's

MINUTES
COUNCIL WORK SESSION
January 22, 2018

success. She stated that for the past three years they have been ranking the Midlands competitiveness with other cities. Ms. Kennedy stated that they want to help improve the communities in the Midlands and continue to improve livability. MBLG has seven initiatives for 2018 including: from a collaboration with the property owners from Gervais Street to Catawba Street in Columbia to develop a regional waterfront amenity along the Congaree River; implement regional branding; evaluate the economic development mission in Lexington and Richland counties; form a new “Coordinating Council” to include young people in the positions of leadership; support both Chambers to ensure greater collaboration between public entities and the business community, support one-stop shop for resources for entrepreneurs; and identify an entity to plan for pedestrian connections along Assembly Street. Ms. Kennedy stated that it is not only about bringing big businesses here, but it is also about helping small businesses and keeping local talent here. She stated that Lexington has come a long way and she was very proud to have grown up here. (Copies attached.)

Mayor MacDougall thanked Ms. Kennedy for her presentation and added that it is important for the Midland leaders to work together.

Councilmember Stambolitis thanked Ms. Kennedy for her investment in the Lexington community and it is much appreciated by the Council and other leaders. He added that there are three rivers in the Midlands and the majority of the property is owned by three families. Ms. Kennedy stated that river fronts are a jewel in some cities and we could do more. Mr. Lumpkin stated that the Guinyard family owned a lot of the property and they are closing in on opening that area up. Ms. Kennedy stated that most of the families that own the large tracts have a goal to make the land a meaningful development in order to celebrate the river not just piece milled. Mr. Lumpkin stated that the Town is doing a great job with design guidelines and all they continue to do for growth in Lexington. He added that part of the penny tax from Richland County will also help tie part of the river walk all the way to Lexington Medical Center. He promised to keep Council posted on their developments.

3. **Food Truck Ordinance - Mr. D. J. and Teresa Stone, The Blended Bakery:** Mr. Stone stated that after he and his wife married and blended their two families they started a home based bakery business in April 2016, along with their six children. He converted a trolley that he purchased in Oklahoma and his home base is Rhoten’s Store on East Main Street where he disposes of grey water. He added that the trolley has a full kitchen with three sinks, but no fryer since it is a bakery, and it is regulated by SC DHEC just like regular restaurants. He stated that they make everything from scratch and partner with local farmers. Mr. Stone stated that they go to many places including Soda City in Columbia, but they would like to bring those same services to Lexington, but currently they cannot unless

**MINUTES
COUNCIL WORK SESSION**

January 22, 2018

they have a special event permit. Mr. Stone stated that under DHEC rules every food truck has to have a commissary and since he has all his equipment in the trolley, he only uses Rhoten's for storage and to dispose of grey water. He stated that DHEC numbers show that there are 346 retail restaurants in Lexington County and only nine of those are mobile food vendors. Mr. Stone stated that the trolley is 32 feet long so he cannot just go door to door or pull over and sell items, plus it takes 30 to 40 minutes to set up and tear down. He stated that ordinances are the biggest challenge they face no matter where they do. He understands that you cannot do away with regulations, but they ask to implement something similar to the Peddlers License and to look at food trucks in a different way, but to allow them to come in with the approval of the land owner; make sure they are DHEC approved; pay the Hospitality Tax; and, obtain a business license. Mr. Stone stated this is what they propose for Lexington based on what they have learned in other areas.

Mayor MacDougall thanked Mr. Stone for his presentation and asked Council if they had any questions.

Councilmember Carnes stated that he was not sure how old the Town ordinance is and things have probably changed since then, but he asked Mr. Stone if his food truck was allowed by ordinance, where would he want to place it and would he need critical mass if he was dependent on foot traffic. Mr. Stone responded that for him sometimes it is not about just making money but it is also about can he help another business. He stated that they used to be inside Rustic Chic Interiors and they were at the Lexington Museum for their open house and they want them to come back and do breakfast. Mr. Stone stated that if they could park at Rhoten's they would like to do a mid-week sidewalk café so people to stop and get something to eat when traffic is so horrible. He added that his vision may be different from other food truck owners who are only interested in the dollars.

Councilmember Carnes asked if big box stores allowed food trucks in their parking lots. Mr. Stone responded that it depends if they own the land because he has found that many big name stores are not the owner of the property, such as Food Lion in Red Bank, which is close to where he lives. He added that they had originally asked him to park there even though they have a bakery inside, but they do not own the property. He stated that Lexington Medical Center and others would like to have a food truck if the owner agrees to it. Mr. Stone stated that they have a strong following and people find out where they are located. He added that he thinks having a food truck helps the other businesses. He knew in Greenville they developed a space that was for a food truck food court. He stated that wherever they go, they promote the business that allowed them to park there and that is how they have formed partnerships with others. Councilmember Carnes asked if West Columbia had a similar ordinance since that is where Lexington Medical Center is located. Mr. Stone

MINUTES
COUNCIL WORK SESSION

January 22, 2018

responded that they are in the unincorporated part of Lexington County and he did not know if anyone had approached them about it yet.

Mayor Pro-Tem Livingston asked if he ran the food truck every day. Mr. Stone responded that he does not run the food truck everyday yet because he also works full time at SCE&G, but he would eventually like to do it full time with the kids. He stated that they get asked a lot to do breakfast or lunch or catering for companies, just not in the Town. Mayor Pro-Tem Livingston asked Mr. Stone if he had requests from the industrial area such as Michelin where they would not be competing with local restaurants. Mr. Stone responded that they had checked with Michelin, but they do not have a fryer so they serve only items that can be baked such as grilled pimento cheese, gourmet soup or dinner pie so he did not see how they could compete with local restaurants.

Councilmember Stambolitis thanked Mr. Stone for his presentation. He added that because of this discussion, Council is considering an ordinance to allow food trucks but they have also been doing some homework to find out what other cities are doing and to adopt some of their ideology. Councilmember Stambolitis asked Mr. Stone if he had studied some of the laws of other cities such as Columbia. Mr. Stone responded yes and they did not want to roll up somewhere and not know what to do so they are very familiar with the rules for Columbia, Richland County, West Columbia and Cayce. He added that they are learning about other cities as they go. Councilmember Stambolitis stated that some cities require certain distances from restaurants, such as 100 to 250 feet, and that's what Council hoped to adopt in order to not reinvent the wheel. Councilmember Stambolitis asked Mr. Stone how a setback distance would affect him at his current location. Mr. Stone responded that they do not have a location in Lexington now, but their commissary is Rhoten's but they cannot park the trolley at Rhoten's which puts them in a dilemma because DHEC required they go there to get rid of grey water, but the Town won't allow them to be there. Mr. Stone stated that they have found that there is a certain amount of ambiance and certain number of people that can be served at a restaurant that a food truck cannot provide. He added that as a bakery he does not have a problem with it but he could see where you would not want a taco food truck parked next to a Mexican restaurant. He stated that as a bakery he can provide a partnership with the restaurant and they see an increase in business because they are there because people are drawn to the vintage trolley. He stated that to set a distance from other restaurants would be problematic for them in that there are a lot of restaurants in Lexington including two across the street from Rhoten's which could prohibit them from being there. Mr. Stone stated that some city ordinances set specific times they can operate, such as after 10:00 p.m. which was fine with him because he wants to be in bed by 10:00 p.m. He stated that for the City of Columbia's Soda City, they have a permit for that specific event and outside of that they have to have a peddler's license and a business license

MINUTES
COUNCIL WORK SESSION
January 22, 2018

with property owner's permission with no distance requirements. He added that it was the same for Richland County, plus he had to pay Hospitality Tax. Councilmember Stambolitis wanted to make it clear that this is a new phenomenon for Council and they are considering a food truck ordinance, and will probably pass one, but the regulations were not created in the first place to prevent food trucks they just have to adopt and adapt which they are going to do tonight. Councilmember Stambolitis added that they will probably adopt regulations similar to Columbia's or Greenville's which include limitations. He wanted Mr. Stone to know that Council had done everything on their part to provide an environment for food trucks to come in with reasonable means without hurting existing businesses. Councilmember Stambolitis stated that there are limitations and you can't get everything.

Councilmember Carnes asked Mr. Stone if he had seen any regulations in other areas that were well intended but misguided with unintended consequences that may be helpful to Council in reviewing the ordinance. Mr. Stone responded that the Town of Lexington is the most restrictive and some food trucks have been run off because of it. He added that most regulations are hospitality tax driven; may specify location; and, he understood why there would be no dumping grey water in the town drains.

Mayor MacDougall stated that is exactly why the Town has the Ordinance in place because past food truck owners had dumped grease and trash straight into the Town's storm drains. Mr. Stone responded that those people should be fined. Mayor MacDougall stated that the Council wants to review the ordinance but it will take time and probably more than one night. He stated that Council was going back in Executive Session tonight and they would discuss it further during Council's next Work Session.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's February 5, 2018 Regular Council Meeting.)

1. **Discussion of Mobile Food Vendors – Municipal Attorney Brad Cunningham:** Town Council requested a discussion of Mobile Food Vendor operations within the Town limits.

Councilmember Stambolitis stated that they had looked at ordinances from Columbia, Spartanburg, Edisto, Greenville, Bluffton, and he was for passing an ordinance for food trucks, but did Council and/or Staff prefer one city's ordinance over another or would they prefer a hybrid of all five.

Mayor Pro-Tem Livingston asked Director of Planning, Building and Technology Hanson how he felt since he had prepared the research on what seven other municipalities allow. Mr. Hanson stated that the proposed ordinance was drafted after Greenville's ordinance. He stated that Greenville only allowed food trucks at certain locations. He added that none of the

MINUTES
COUNCIL WORK SESSION

January 22, 2018

cities would allow a food truck at any location on a permanent basis. Mr. Hanson stated that he and Municipal Attorney Cunningham had drafted the ordinance in line with Greenville's, but they now needed input from Council. He added that Greenville's ordinance only allows food trucks at several specific locations; Rock Hill requires the Planning Commission to approve the location of food trucks; and there are so many variables which could include fireworks and other peddlers. Mr. Hanson stated that Greenville's ordinance is the most comprehensive but he did not know if Council wanted to limit food trucks to two locations.

Councilmember Stambolitis asked how do you police the dumping of waste water into the Town's sewer system, can we verify it, and how do we monitor it now. Mr. Hanson stated that is another aspect to consider even though it sounds like Mr. Stone's food truck doesn't require a grease trap. Town Administrator Poole responded that we currently monitor grease traps for those restaurants that require it, but he did not know how the Town could verify that every dump was made through an approved grease trap. He added that there could be a very high fine if someone was caught doing it illegally, but it would be hard to verify that it happened each time. Councilmember Stambolitis recommended a site that would require documentation showing each time they made a dump. Mr. Poole stated the DHEC requires a food truck to have a commissary to dump grey water, but someone could pull off the side of the road. Mr. Hanson stated that the person he talked to at DHEC reported that most food trucks dump it in the mop sink which would eventually go to the grease trap. He added that if a commissary location is required, the Town would require a zoning permit, which carries other implications such as business license, hospitality tax, engineering, zoning because the commissary would be considered the headquarters. He further posed the question what would you do if you had five food trucks that wanted to go into one spot when traffic is a problem now. Mr. Hanson agreed with Mayor MacDougall that all the possibilities could not be addressed in one night.

Mayor MacDougall agreed and stated that it could take more than one night and may require several amendments if additional issues surface, but if people want to go into business, let's help them go into business. He added that DHEC already requires food trucks to have a commissary and Town Staff monitors the in-town traps now and inspections may result in a letter to the owner to clean their grease trap.

Councilmember Stambolitis thanked Mr. Hanson for a great job in doing the research. He stated that to keep the ball rolling, he liked Greenville the best except it did not require a restroom, but one city did address it. He added that it would be important especially for someone with physical limitations. Councilmember Stambolitis asked Mr. Stone if his food truck had a restroom. Mr. Stone responded that he does not and most food trucks do not have restrooms. He stated that his staff uses the facilities wherever they are

MINUTES
COUNCIL WORK SESSION

January 22, 2018

located. Councilmember Stambolitis stated that not having a restroom is dangerous to the food truck employees especially if the food truck is located in a remote area. Mrs. Stone stated that the employees have access to the restroom wherever they set up.

Mayor Pro-Tem Livingston stated that Greenville's ordinance only mentions that the food truck should have access to a restroom, not particularly on the food truck. Mr. Stone commented that you don't want a restroom on the food truck. Mayor Pro-Tem Livingston asked if the draft ordinance includes only having two locations like Greenville. Mr. Hanson responded no, multiply locations was not included and it is one of the items they need to discuss. He added that West Columbia used to have two food truck rodeo sites, but the draft ordinance for the Town does not include it. Mayor Pro-Tem Livingston asked if the ordinance would only allow food trucks to park at the commissary where they have permission. Mr. Hanson stated that was an option that Council could consider and this proposed ordinance does not address the earlier question of what happens if five food trucks want to go to the same location. Councilmember Carnes recommended a separation of distance between multiple food trucks at one location and a limit of trucks could be on a first come first serve basis. Mayor Pro-Tem Livingston asked if there were other locations other than River Bluff High School or the Icehouse Amphitheater during an event that could handle five food trucks at a time. Councilmember Williams stated that it could include church or school carnivals. Mr. Hanson stated that those situations could be handled under the Special Events permits. Mr. Poole stated that the Special Events Permit would still exist. Mrs. Stone stated that most places are limited in parking spaces therefore it comes down to common sense, safety, and how many will fit in a particular space. Mr. Stone stated that DHEC requires the food trucks to go back to their commissary every day or provide public water and sewer hook-up and secondly he did not know where you could put a lot of food trucks. He added that as a rule of thumb you need at least 300 people to attend the event per food truck because if it was only 100, it would not be beneficial for so many food trucks just based on operating costs. Mr. Stone thought it should go back to property owner permission and how many the parking lot would accommodate. Mr. Hanson stated that the Town already allows multiple food trucks under the Special Events Permit.

Municipal Attorney Cunningham stated that it was important to point out that the draft ordinance was shaped after Greenville's ordinance but he and Mr. Hanson changed a lot of it including adding the statement that vendors should have restroom access for customer use, so he assumed that includes the parcel they are parked on.

Councilmember Williams asked if food trailers and food carts were counted as food trucks in the ordinance. He gave the example of Parklane Seafood which uses a very nice trailer at catering events. Mr. Hanson responded that caterers are not part of food trucks by definition. He added that the

MINUTES
COUNCIL WORK SESSION
January 22, 2018

ordinance references “self-contained motorized vehicles that return daily to its base of operation” which does not include food trailers. Mr. Hanson stated that the ordinance further states “a mobile food vendor is any person selling food from a mobile vehicle and this does not include food trailers”. Mr. Hanson explained that hotdog carts and street vendors using public right of ways are under a separate ordinance that has to be approved by Council. Councilmember Williams recommended that food trailers be included in the ordinance. He was concerned that if a food truck is required to go back to the commissary to dump grey water then the Town is receiving sewage that has not been paid for. Utilities Director Lutz stated that the food truck would be receiving water at the commissary and it would be paid for. Mr. Stone stated that the water tank is only 30 gallons. Councilmember Williams recommended that if Mr. Stone is required to go back to Rhoten’s per DHEC’s requirements that the Town could allow him to go back for one to two hours to dump the grey water and meet the DHEC requirement for now and not allow the truck/trolley to park there overnight. Mr. Poole stated that the ordinance does not address the commissary aspect, and it probably should. He added that Staff could add that to include the regulations of approved grease traps. Mr. Hanson stated that there is nothing that stops Mr. Stone from doing that now if he is non-operational and only dumping water, he could park in the back, but he could not be operational, which is how this issue came up. He was not sure where Mr. Stone had been dumping grey water since November. Councilmember Williams confirmed that Mr. Stone could go to Rhoten’s now to meet his commissary requirements so he is not penalized during the time it will take Council to draft and approve a new ordinance. Mr. Hanson responded yes, if that is all he is doing, he can do that now. Mr. Hanson added if it becomes permanent the Town would have to address parking and access needs.

Councilmember Stambolitis agreed with Staff’s draft of the food truck ordinance along with the additions he recommended because the body of it addresses most of the concerns unless Staff or Council had other recommendations. He was okay to move forward with the ordinance at Council’s next Work Session.

Town Administrator Poole recommended that Council table this item for now and email their input for modifications to him or to Mr. Hanson to be included in the next draft at Council’s February Work Session. Councilmember Baker agreed that was the best thing to do since this was the first time they had seen the proposed ordinance. Mayor Pro-Tem Livingston suggested instead of tabling the item to just bring it back to the next work session. She asked if there was anything Council could do to help Mr. Stone until Council approves an ordinance. Mr. Poole stated that it sounds like Mr. Stone can use Rhoten’s as his commissary for now as long as he does not park there overnight. Mrs. Stone responded that it would let them meet their DHEC requirement, it just would not allow them to sell there.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

Councilmember Carnes asked for clarification, does DHEC require a food truck to return to the commissary every 24 hours. Mrs. Stone responded yes, for cleaning and servicing.

It was the consensus of Council to bring the item back to Council's February Work Session.

2. **Trees in Subdivisions – Director of Parks and Sanitation Dan Walker:** Subdivision developers often plant trees along the street edge between the curb and the sidewalk. This causes problems in the future because the roots lift the sidewalks and curbs once the trees mature. At that size the residents become fond of the trees and removing them stresses the resident. Council was asked to approve banning the placement of trees within a certain distance of the sidewalks and curbs.

Director of Parks and Sanitation Walker recommended that the Tree Ordinance be amended in the Subdivision Development portion that the trees be planted a certain distance from sidewalks and curbs, such as five feet or more.

Councilmember Carnes stated he brought this issue up because he just moved into Barr Lake and there is a grass strip approximately 3 to 4 feet wide in front of the homes and trees are planted there between the sidewalk and the curb. He estimated that in eight to ten years the tree roots would tear up the sidewalk and the homeowners would be responsible to fix it. Councilmember Carnes and Transportation Director Edwards rode through his old neighborhood, Westbrook, there is approximately \$50,000 damage to sidewalks that the Town is liable. He stated that the Town is currently behind the curb so to speak on this and he was not sure what steps needed to be taken to correct this or who needed to be involved, but there is approximately \$150,000 future cost liability for damaged sidewalks just in Barr Lake. He stated at this point they could dig them up and replant them, but it would be a nightmare. He was not sure why the developer planted them there because it was a bad idea, but it is a simple fix.

Town Administrator Poole stated that currently there is no landscape requirement for residential neighbors, so they usually develop their own. He was not sure if there were specific trees to prohibit which cause the problems, so you could state that trees could be planted there if you use a specific tree. He added that the Town would have to modify the Tree Ordinance and add any restrictions.

Councilmember Carnes asked if there was a specific tree root system that would not damage the sidewalks. Mr. Walker stated that there are a lot of trees that are prone to shallow root systems, but with a footprint of two feet, any tree will damage the sidewalk eventually. He added that you could put in root barriers which was done on Main Street or a system that drive roots

MINUTES
COUNCIL WORK SESSION
January 22, 2018

down. Mr. Walker stated that there are some trees that have deeper root systems, but every tree will have surface roots. He stated that it is not a tree selection issue, but you could ask for a root barrier system, but it would be easier to just move it back five feet from the sidewalk because you would still get shade from the tree and the homeowner would be responsible for the tree. Mr. Walker stated that the Town does require subdivision entrances to be landscaped and this issue could be addressed in that portion of the Landscape Ordinance. Councilmember Carnes stated that it only becomes important for the Town because we require sidewalks in all neighborhoods and it is no different than making sure they pour the right kind of concrete. He added that for longevity we need to get the trees away from the sidewalks. He stated that you can see the damage it can cause in Westbrook and Martins Grove. Mr. Walker stated trees were planted close to the sidewalks in Creekside Farms and Town received permission from the home owners to take all of them out and replant. Councilmember Carnes asked if Staff could confirm whose responsibility it is to repair the damage caused by the trees. Municipal Attorney Cunningham stated that the Town is responsible if the trees are in the right of way. Mr. Walker stated that when in was in charge of streets he had the inclination to not just cut the tree down when a citizens called to complain about a broken sidewalk, but instead let the citizen know that he would fix the sidewalk if he could cut the tree down, otherwise it would just happen again. Councilmember Carnes asked if Staff could reach out to developers who are actively building subdivisions now and explain the issue and that the Town is looking for a solution and give them an opportunity for input. He added that based on the \$75,000 liability in Westbrook, the best alternative may be the root barriers or to move the trees back.

Transportation Director Edwards stated that (1) Lexington County has a no sidewalk in right of ways mandate. He and the Mayor discussed this and the Mayor reached out to Chairman Cullum, but he was not sure where that stands. He added that a solution would be to push the sidewalk back to a reduced right of way which would yield a six foot grass strip to meet what both sides are looking for by having sidewalks close to the road. (2) Do not forget about the stormwater benefits from trees that shade roadways. As the rain comes down, runs down the hot asphalt, runs down the storm drain and runs into the creeks, it raises the temperature of the water bodies across the state. He added that this is a big problem for water quality. It is just another benefit of trees, not just the picturesque and beautification benefit. To just wholesale a litany of trees from the nearness of the asphalt has a reverse affect so it should be weighed in with the decision. He did not know if a compromise could be reached with the County's mandate, but it could yield a required minimum strip. He added that it is comical to place a tree in a two foot strip. He recommended to see what the County is going to do with the Town's request because we would like to have sidewalks very near the roadway and currently they are pushing them outside the right of way which is 25 feet from the center line putting them 12 ½ feet back of the curb.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

Councilmember Carnes asked why we would care what the County does. Mr. Edwards responded that the County maintains and reviews the Town street policy. Councilmember Stambolitis asked when the Town would receive an answer from the County. Mr. Edwards responded that would be when Chairman Cullum moves that pawn to Public Works. He added that they adopted a new Land Development Policy in July so the Town has one subdivision on Zenker Road waiting on an answer so the developer will know where to put the sidewalks to make the County and the Town happy. He confirmed that the County has the Town's proposal. Mr. Poole stated that the County wants to find a solution and their only concern is they do not want to own the sidewalks because they have a different perspective than the Town. Mr. Hanson stated that during the past couple years, every final plat signed for an in-town subdivision includes a statement that the Town or the County will not maintain sidewalks, but that pushes it back to the Homeowners Association to fix the problem and that includes all phases of Barr Lake which may give the Town some protection. Councilmember Carnes stated that it means that they are in the right of way and not being maintained by the Town. Councilmember Stambolitis asked would happen in older neighborhoods. Mr. Poole responded that old neighborhoods are all over the board because some are maintained by the County, some by the Town, and some are not maintained by anyone, such as Main Street. Councilmember Stambolitis recommended that the Town come up with a Comprehensive Sidewalk Plan. Councilmember Carnes jokingly stated that he may go home and cut his tree down.

A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to place the item on the next Work Session in order to address the issue. The motion was unanimously carried by all those present.

3. **Lexington School District One Educational Foundation – Town Administrator Britt Poole:** Ms. Julie Washburn, Executive Director, Lexington School District One Education Foundation, submitted a contribution request for a \$2,500 Diamond Sponsorship for their annual “Celebration of Excellence in Education” event to be held February 28, 2018 at the Brookland Banquet and Conference Center. Council has budgeted \$1,000 for this annual event since March 2004. The event spotlights the academic top 10% of seniors from each of the five high schools in the district. (Copy of request letter attached.)

A motion was made by Councilmember Stambolitis and second by Mayor Pro-Tem Livingston to place the item on Council's February 5, 2018 agenda for consideration to increase the amount. Councilmember Stambolitis stated that he would like to increase the amount and confirmed that Council had approximately \$5,000 remaining in their Contributions budget. Mr. Poole stated that Ms.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

Washburn was present if Council had any questions. The motion was unanimously carried by all those present.

- 4. Boards and Commissions Application – Municipal Clerk Becky Hildebrand:** Ms. Lisa Gibson submitted a Boards and Commissions Application and indicated an interest in serving on the Board of Zoning Appeals. Ms. Gibson is a Town resident and currently serves as a member of the Planning Commission. (Copy of application attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place the item on Council's February 5, 2018 agenda for consideration. The motion was unanimously carried by all those present.

- 5. Pilgrim Point Street Lights – Finance Director Kathy Roberts:** Historically the Town has paid a portion of the street light bill for Pilgrim Point residents. In accordance with the Town's Residential Street Light Ordinance, the Pilgrim Point Homeowner's Association requested that the Town again pay a pro rata share of their streetlight bill. (A copy of their letter is attached.) There are 48 lots in Pilgrim Point and the Town Ordinance states that the Town would be responsible for one (1) street light per six (6) lots, which equals eight (8) lights. The total requested is \$1,669 (17.39 x 8 x 12).

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council's February 5, 2018 agenda for consideration. The motion was unanimously carried by all those present.

- 6. Shore Road Pump Station Property Acquisition – Assistant Town Administrator Stuart Ford:** The Town plans to expand the Shore Road Pump Station as part of the Town's long-term Water and Sewer System Capital Improvements Plan (CIP). Additional property is needed for the expansion and to currently improve access to the site for on-going operations. Adjacent property is being developed as an expansion of the Fox Chase subdivision. The developer has agreed to sell the Town approximately ½ acre of additional property for the pump station in exchange for seven (7) Sewer Capital Contribution Fees with a total value of \$25,900.

A motion was made by Councilmember Williams and seconded by Councilmember Baker to place the item on Council's February 5, 2018 agenda for First Reading approval of an ordinance to acquire property on Shore Road. Councilmember Williams confirmed that the acquisition by exchange of CCFs would be a credit toward a future phase of Fox Chase subdivision.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

7. **Lane Closures – Transportation Director Randy Edwards:** The Town Administrator requested that Council discuss the possibility of developing an ordinance that would give Town Officials authority to approve or disapprove any lane closure requests associated with new building construction within the Town limits, specifically on Highway 378, US 1 and SC 6 in order to better manage daytime traffic. In recent months, there have been all day lane closures that have required emergency removal due to the unsafe traffic conditions being created. While the SC Department of Transportation (SCDOT) issues permits that allow for lane closure between 9:00 a.m. and 4:00 p.m., contractors have exceeded these times. By granting Town Staff the authority to approve all closures along these routes it will help to address some of the traffic issues. The expectation is that no more than a two hour temporary lane closure would be permitted during daytime hours and any lane closures requiring a lengthier amount of time would be required to be after 7:00 p.m. and before 6:00 a.m. No funds are required for this action.

Transportation Director Edwards stated that Police Chief Green already had to come out several times and stop lane closures due to the unsafe traffic conditions.

Councilmember Williams asked if an ordinance could be prepared by Council's next meeting. Mr. Edwards would inquire with the Municipal Attorney to see if it could be prepared by Council's February 5, 2018 meeting.

Councilmember Stambolitis asked if the ordinance meant that the Town could tell SCDOT when to have lane closures. Town Administrator Poole stated that the concept is to tie the ordinance to a building permit. He added that they would still have to get permission from SCDOT but Staff wants to add another step. He stated that currently the Police Chief and/or Officers can make a determination regarding public safety and force the builder to open up the road. Mr. Poole stated that there is not currently much punitive the Town can do even if someone does it two or three days in a row, but the ordinance would allow a ticket to be issued which would have a punitive amount. He reminded Council that these road closures are primarily done by commercial builders, not residential, therefore they are here for one job and then move on to the next state so they are not worried about making friends here. Mr. Poole stated that such an ordinance would give the Town a tool to keep traffic flowing, because you cannot count on SCDOT to do it. He responded to Councilmember Stambolitis' question that night time work is not always the best solution, because sometimes it would be okay to close a lane from 9:00 to 11:00. Councilmember Stambolitis questioned the hours and stated that traffic is bad all hours in Lexington on Highway 378. He thought night time was always better. Mr. Poole said there are places that it would not cause a problem when you consider it would be Highway 378, US 1, or SC 6. Mr. Edwards added that it might not be possible to get three

MINUTES
COUNCIL WORK SESSION

January 22, 2018

yards of concrete poured at 4:00 in the morning and there was the temperature to consider based on SCDOT's guidelines and the added cost. Mr. Poole compared it to December when all the asphalt plants were closed due to the temperature. Mr. Edwards stated that there a few windows that they can monitor and it gives them the opportunity to get the materials in on time, but if they don't, it is not a Town problem and if they have to do it on a Sunday afternoon because they didn't plan properly. He added that Staff needs a hammer to be able to say "no, it has to be done another way". Councilmember Stambolitis asked how it was done when the work was done at West Main Street because he thought it was all done at night and it did not interfere with traffic. Mr. Poole responded that it wasn't all done at night and a lot of it was done during the day even though the big sections of the project were done at night. He added that this ordinance is not about road projects and resurfacing two lanes of Highway 378, these are commercial projects. Mr. Poole stated that the Town still needs to be reasonable because it is time and money for a builder. He added that night time is not the only solution when there are areas that would not create a traffic problem, but if there is a problem they need to have the ability to say no. Councilmember Stambolitis thought the Town should be stricter about the hours. Mr. Edwards stated that the one-way pair is not scheduled to have asphalt poured until March or April when you can reach the proper temperature to pour at night, but we would not want to hold a business up for several months. He added that a Take 5 Oil Change building could be built in three months and they would not want to wait several months for asphalt and delay opening. Mr. Poole gave the example if Flight Deck was under construction of a brand new restaurant and the building was finished in December, you would not want to wait until March or April to finish because of asphalt and any reasonable person would have a problem with it. Councilmember Stambolitis stated that a good contractor would schedule it and have the temperatures in their favor. Mr. Poole stated that they probably would not in January or February.

Councilmember Baker asked why limit it to three roads. Councilmember Williams stated that it could be town wide. Mr. Poole stated that the three roads were identified as the problem areas, but it could certainly be town wide because we could have issues in other areas in the future.

Mayor MacDougall stated that with the ordinance the Town would at least have the flexibility to tell the company to open a lane back up whereas now we have to beg to get it done. Councilmember Williams added it would give the Town the ability to issue a fine. Councilmember Stambolitis asked about the amount of the fine. Councilmember Williams responded that it would be included in the ordinance. Mr. Poole added that currently the Police Department will get the lane back open even though it may take 20 minutes to an hour, but the problem is they can do it again tomorrow.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

A motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston to place the item on Council's February 5, 2018 agenda for First Reading of an ordinance regarding Town authority on all lane closures. The motion was unanimously carried by all those present.

FOR YOUR INFORMATION

1. **Emergency Procurements – Finance Director Kathy Roberts:** Finance Director Roberts was happy to report that there were no emergency purchases made in the fourth quarter of 2017.
2. **Project Bids for Information Only – Utilities Director Allen Lutz:** The Utilities Department awarded several bids during the past few months and are summarized as follows:
 - (1) South Church Street Water Line Relocation (due to SCDOT and Town sidewalk project): Bids were opened on June 21, 2017 and on hold awaiting SCDOT to award the sidewalk work.
 - (2) New Maintenance Facility: bids were opened on October 12, 2017 and the low bidder was Loveless Commercial Contracting at \$2,525,615.48 (site work currently underway).
 - (3) I-20 Wastewater Temporary Pump Station: bids were opened on October 31, 2017 and the low bidder was NWF Industries at \$58,617.52 (project on hold awaiting takeover of the I-20 system).
 - (4) PRV Installation at River Club: Bids were opened on November 16, 2017 and Carolina Tap and Bore was low bidder at \$47,486.00.
 - (5) Cromer Road Pump Station: Bids were opened on December 20, 2017 and the low bidder was Republic Contracting at \$6,392,000.00.

Council was asked to accept this as information only and to record it in the minutes of this Work Session.

Councilmember Stambolitis confirmed that the New Maintenance Facility is the Town's facility at the old dump site and the square footage of the enclosed building is 3,800, plus other covered sheds. He asked to see a copy of the plans. He wanted to ensure that there was room to grow as Lexington grows. Mr. Lutz verified that all the utility equipment would fit at the location plus room for future growth. He added that the Parks Department, Police, and Transportation would also store some equipment at the site.

Councilmember Williams asked about the anticipated takeover of Carolina Water. Mr. Lutz responded that they anticipate it to be in a couple weeks.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS

Mr. Keith Frost stated that it would behoove Council to also look at lane adjustments. He added that at 7:30 to 8:00 a.m. Main Street has people going into the median. He has contacted Mr. Edwards and Mr. Hanson because unless it is an emergency there is no reason to shift traffic into a median at 8:00 in the morning.

Councilmember Williams invited everyone to come to Lexington Elementary School in the morning when they receive their National Baccalaureate Certification.

Mr. Michael Blackwell wished to address Mr. Edwards and Mr. Cunningham regarding his easement request on Town property. He was told it would be on the agenda. Mr. Poole responded that his request for an access easement on Bruner Road did not need to be on the agenda. He confirmed with Municipal Attorney Cunningham that it had already been handled. He apologized if there had been a misunderstanding. Mr. Blackwell asked if the entire complex (New Maintenance Facility) would be fenced in. Mr. Poole responded that the office building would have security around it. Mr. Edwards added there would not be fencing on the north side near the retention pond. Mr. Blackwell stated for their information, there has been kids with four-wheelers all over the place firing high powered firearms. He added that the retention pond is huge and if it is not fenced in they will get hurt and “scream and call Akim” because they would see dollar signs. He did not worry about it in the past because he had three acres of trees between his property and the Town’s property. Mr. Poole asked him if they were on Town property and had he called the police. Mr. Blackwell said he was not going back there looking for them while they were firing rifles. He added that the owner of NaturChem was having a lot of items stolen until he constructed a fence. Chief Green stated that if they are in Lexington County they can discharge a firearm. He asked Mr. Blackwell to call the Lexington Police Department if he was in question.

ADJOURNMENT: Mayor MacDougall called for a motion to adjourn back into Executive Session. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis for Council to adjourn the Work Session and reconvene into Executive Session to discuss an economic development contractual matter regarding the sale of Town property. The motion was unanimously carried by all those present.

The Council Work Session adjourned at 8:04 p.m.

MINUTES
COUNCIL WORK SESSION
January 22, 2018

EXECUTIVE SESSION REPORT #2

Mayor MacDougall reported that the *Executive Session* was called to order at 8:05 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Stambolitis to reconvene into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 8:12 p.m. after a motion was made by Councilmember Williams and seconded by Councilmember Baker. 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 economic development contractual matter regarding the sale of Town property. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to ratify the Mayor's report. The motion was unanimously carried by all those present.

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.