

MINUTES
Town of Lexington
Executive Session and
Council Work Session

February 19, 2019

1

Town Council held an Executive Session followed by a Work Session and Special Council meeting (see separate minutes) on February 19, 2019 at 4:15 p.m. in the Eli Mack Sr. Room located 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, Steve Baker, and Todd Lyle.

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, Community and Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Pharr, Parks and Sanitation Director Dan Walker, Assistant Parks and Sanitation Director Johnny Dillard, Events and Media Coordinator Jennifer Dowden, Downtown Venue Promoter Walker Brewer, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were two (2) 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 taped for use by the Municipal Clerk only and Minutes are taken and posted on the Town’s web page following approval of Council.”*

MINUTES
COUNCIL WORK SESSION
February 19, 2019

INVOCATION, PLEDGE AND CALL TO ORDER

Councilmember Carnes gave the invocation. Assistant Parks and Sanitation Director Johnny Dillard led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 4:55 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 4:15 p.m. after a motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 4:46 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness. The motion was unanimously carried. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: two legal issues regarding pending litigation and advice regarding agenda items; one contractual item regarding a downtown economic development issue; and two personnel items related to Boards and Commissions and the development of security personnel/procedures. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Lyle to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve the minutes from Council's January 22, 2019 Work Session and Council's February 4, 2019 Regular meeting as submitted. The motion was unanimously carried.

PRESENTATIONS

1. **Mr. Randy M. Cooper, CPA, CFE, The Brittingham Group, LLC, 2018 Audit:** Mr. Cooper presented the results of the Town's June 30, 2018 Audit. (Copy attached.) He stated that the Town's CAFR had received the GFOAs "Certificate of Excellence in Financial Reporting" award for 19 consecutive years. This year the Financial Section of the CAFR received an unmodified or "clean" opinion which is the highest level of reporting assurance an organization can receive from its independent auditors. The Town also received unmodified audit opinions in all areas. The Town ended the year (June 30, 2018) with total net position of \$112 million. The Town's net position increased by \$5,299,053 over June 30, 2017 and the increase was mainly due to an increase in water and sewer revenue, the continued implementation of the hospitality tax, operating grants, capital grants, and additional contributions of infrastructure by developers. General revenues totaled \$12,912,490 which include property taxes, business license taxes, hospitality taxes, unrestricted state aid, investment

MINUTES
COUNCIL WORK SESSION
February 19, 2019

earnings and other miscellaneous revenues. No findings were noted that were required to be reported involving internal control. Mr. Cooper thanked the Mayor, Council, Finance Director Kathy Pharr and Town Staff for their cooperation and for allowing The Brittingham Group to conduct the Town's audit.

Mayor MacDougall thanked Mr. Cooper and Finance Director Pharr for the great audit. He asked if Council had any questions.

Councilmember Carnes asked what portion of the Town's net position of \$112M were cash reserves. Mr. Cooper responded that of the \$112M there is a total of \$174M of non-occurring assets offset by liabilities, cash investments of \$14.5M and receivables of \$4.8M.

Councilmember Maness stated that she may have questions once she has the opportunity to read the audit. She added that she had previously requested to receive the information before the meeting in order to have time to review it. Mr. Cooper stated that Councilmembers could call his office if they had any questions later.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's March 4, 2019 Regular Council Meeting.)

1. **Donation Request for 2019 National Senior Olympics – Municipal Clerk Becky Hildebrand:** Greg Jones, a fifteen year Town of Lexington Utilities Department employee, qualified to compete in the 2019 National Senior Games in Albuquerque, New Mexico in June. He requested a donation to help cover the expense of \$3,500 to attend the games and represent Lexington. Greg qualified to participate last year in the SC Senior Olympics where he placed first in the 5K for his age group and set the state record beating the previous record by 4 ½ minutes. When Greg was in college he was on track to qualify for the 1980 Olympic Games in the USSR which were boycotted by the United States. Council was asked to place this item on their March 4, 2019 agenda for consideration. Greg was also present for any questions.

Mayor MacDougall congratulated Greg and stated that beating the record by 4 ½ minutes was really moving and what a great opportunity he has in front of him!

Councilmember Baker wished to confirm that Greg's cost to attend the games would be a total of \$3,500. Greg responded yes, based on his calculations and he had to take the boss, his wife, because it was her idea for him to participate.

Councilmember Carnes asked about the 5K record setting time. Greg responded that it was 21.09 and now it is 17.09.

**MINUTES
COUNCIL WORK SESSION**

February 19, 2019

A motion was made by Councilmember Carnes and seconded by Councilmember Maness to place the item on Council's March 4, 2019 agenda for consideration with the amount to be determined. The motion was unanimously carried.

2. **Boards and Commissions Council Liaisons Policy – Municipal Clerk Becky Hildebrand:** During the February 4, 2019 Council meeting a motion was made and unanimously carried to approve Council Liaisons as submitted with an amended motion to change the term from two years to one year and to have an annual rotation of Councilmembers for all internal Boards. Liaisons were approved as listed below with a one year term expiring in January 2020. Council asked Staff to recommend a policy for annual appointments. It was proposed for the Mayor to recommend new appointments each January on a rotation basis. Each Liaison would be responsible for contacting an alternate Councilmembers if they cannot attend their assigned Board or Commission meeting.

External Board appointments are not to be included (such as Central Midlands COG Board) as they are generally filled by the Mayor unless he cannot serve for any reason (such as conflict of interest) than he would recommend an appointment for an External Board. He also appoints an alternate for External Boards in the event he cannot attend a meeting.

Internal Boards

Accommodations Tax Committee Liaison	Carnes
Advisory Committee Liaison	Lyle
Board of Appearance Review Liaison	Lyle
Board of Zoning Appeals Liaison	Baker
Building Codes Board of Appeals Liaison	Maness
Historic Review Board Liaison	Baker
Planning Commission Liaison	Maness, alternate Williams
Traffic Committee Liaison	Livingston, alternate Williams

External Boards

Central Midlands COG Board	MacDougall, alternate Livingston
Lex Joint Water & Sewer Board	MacDougall, alternate Williams

Council was asked to discuss the item and to place it on Council's March 4, 2019 agenda for consideration.

Councilmember Maness stated that she had concerns about changing the term especially since the Advisory Committee was given the Census as a project which will be a two year commitment.

Councilmember Lyle stated that he had simply asked Staff to look into how other municipalities handle Council Liaisons, not to necessarily have a guaranteed rotation. He gave the analogy that as a Commissioned Officer in the Army there are a few times you command and the rest of time you are on staff and you are a failure if you sit in one staffing position the entire time

MINUTES
COUNCIL WORK SESSION

February 19, 2019

because you need to know how all the others work. Councilmember Lyle stated that some Councilmembers say this will be their last term and if that is the case and they sit on the same Board or Commission seat the entire time, you are sitting it up to have someone come into the Liaison position with no experience. He stated that he had wanted it investigated to determine if it was a reasonable endeavor to have some type of rotation so everyone would get a chance to be at the different levels over a period of several years in order to get exposure to all of them. Councilmember Lyle added that there was no particular intent to make any one person move off a particular committee, it was merely an effort to have the opportunity to give a fresh look.

Councilmember Maness stated that even though she is not the Liaison to the Accommodations Tax Committee she could attend the meeting anytime. She added that just because they are the Liaison to a particular committee does not mean that others cannot attend any and all of the committees that they would like to attend. She added that Councilmembers Williams and Baker had attended the Planning Commission meetings at times when she was there or not.

Councilmember Baker asked what the argument is to not make a change. Councilmember Maness stated that one reason was the example she gave for the Advisory Committee working on the two year Census project. Councilmember Baker stated that may be the exception, but why should they be so attached to only one or two Boards. He added that he enjoyed the committees he has served, but there are also other Boards he would be interested in serving as the Liaison.

Mayor MacDougall stated that when he was newly elected to Council he was appointed to the Advisory Committee and he set out to make sure there was something they could do and they got busy working on the dog park which opened the following year. He added that if a Councilmember wants to get involved in something they can as long as they put the time and effort into it. Mayor MacDougall stated that they need to have an open discussion about anything someone wants to be involved in.

Mayor Pro-Tem Livingston asked if it would be a problem to look into what other municipalities do. Municipal Clerk Hildebrand stated that she had looked into it and other municipalities do not assign Councilmembers as Liaisons to Boards or Committees, but they do assign Staff Liaisons just like the Town. She added that the Town of Lexington didn't assign Council Liaisons until around 2004, but it is not mandated to do so.

Councilmember Lyle stated that he did not want anyone to think that he did not want to be on the Advisory Board because that would be far from the truth, in fact he already has a meeting set up. He added that as a new Councilmember he just did not think he would be in the same appointment for his entire four year term. He thought they should all be encouraged to serve

MINUTES
COUNCIL WORK SESSION

February 19, 2019

on different committees. Councilmember Lyle stated that it is not about a title, because he was going to make a diligent effort to get some experience with all the committees and would be a good opportunity to encourage that and to have it look that way on the outside especially when you have folks on the committees that it would be good for them to meet Councilmembers in different settings. He was aware that they could attend as many of the meetings as they liked, but there is only so much time in the day.

Councilmember Carnes stated that the situation they are in is just a static situation and any analysis feels like a personal rejection and therefore there is never any analysis. He added that they should look at it to determine if an annual analysis should be done to see if this is the way to move forward, are they in the right seats or should they rotate around. He added that Councilmember Lyle's point is valid in that you would obtain more experience by moving around. He did not think just being a static system is the best thing.

Mayor Pro-Tem Livingston stated that if it is such an issue why not do away with Council Liaisons and ask Staff to send Council every agenda for each Board or Commissions. She added that then they could each see if there were any topics on the agendas that they would like to hear, then they could attend the meeting. Mr. Poole stated that Council receives several of the agendas now, but all the committees may not have an agenda or may not have it until the last minute, but he would make sure they receive them.

Councilmember Lyle stated that his response to that is by having Liaisons it encourages Council to have a presence at each meeting and it taps someone to make it a priority.

Mayor MacDougall stated that it was very important for the Planning Commission and the Traffic Committee to have a Council Liaison at the table because both Chairmen look into the audience at times to ask the Councilmember a specific question. He added these two committees come to mind but the others are just as important to have someone there who can speak for Council. He added that Council needs to have more discussion between them before appointments are made in order to determine if some folks are interested in other committees.

Councilmember Williams made a motion to place the item on Council's March 4, 2019 agenda for consideration to establish a policy to rotate Councilmembers as Board and Committee Liaisons each year. Councilmember Williams stated that he was afraid if Council didn't do something with this item now, it would be pushed off again until next year. Councilmember Maness asked if there is a policy now. Mr. Poole stated that the only policy was that Council Liaison appointments have been traditionally made following an election which would be every two years. Councilmember Carnes stated that based on what

MINUTES
COUNCIL WORK SESSION
February 19, 2019

Council approved at the February Council meeting, they have to do something or, at the new term of one year, no one will be reappointed since Council directed Staff to look into a rotation policy. He added that he thought the expectation was that Council would serve one year terms and at the end of the year an analysis would be done to determine if any moves needed to be made or if any appointments should remain the same. Mayor Pro-Tem Livingston stated that it meant that, for example, Councilmember Maness could possibly stay on as the Planning Commission Liaison after one year if she lobbied for it. Mayor MacDougall stated that Councilmember Williams had withdrawn his motion.

3. **Commercial Solid Waste Hours – Town Administrator Britt Poole:** At the January 22, 2019 Work Session Town Council requested further information regarding Commercial Solid Waste Hours. For discussion purposes, Mr. Poole provided a memo in order to provide an overview, answers to Council's questions, and to provide options for moving forward. (Copy attached.)

Mayor MacDougall asked if the whole reason for this item is related to what happened at the frame shop and the pizza restaurant. Mr. Poole responded no, even though those two shops are two very particular situations, it would be best to step away from those two and have a discussion about the whole because he is getting complaints from other businesses downtown and from the Chamber who has an issue and they have received additional complaints. He added that Staff had looked at some silencing devices for the backup noise from the trucks. He did not think that the technology is very strong for silencers in that they only lower the decibels by four or five which doesn't matter if the backup beeper is going off at 110 decibels. Mr. Poole stated that it could be considered to remove the back-up beepers from the trucks because they are 110 decibels and dumping the truck is 85 decibels, however he was not sure if their insurance company would allow it. He added that OSHA would allow it if you met one of two standards: there is a backup camera or you have a flagman every time you back up.

Town Administrator Poole stated that Council also asked about franchising, which can be done, but you cannot be exclusive and require businesses to only use your people. He added that approximately 20 franchise commercial waste haulers had been identified and they could have requirements placed on them which could include: pickup early, pickup early in certain areas using a map (copy attached), pickup early at certain dumpsters, backup beepers are not allowed, or other rules identified by Council. He pointed out that school buses are in neighborhoods by 6:00 a.m. and they have the same backup beepers as the waste haulers. Mr. Poole stated that the waste haulers have requested to pick up much earlier than 6:00 a.m. and they preferred 4:00 a.m. He offered to talk through any of the options that Council wished to discuss further.

MINUTES
COUNCIL WORK SESSION
February 19, 2019

Mayor MacDougall asked if it could be determined, by using the traffic cameras on Main Street, what time of day does Main Street start backing up at the lights. Transportation Director Edwards estimated it to be around 6:30 a.m.

Councilmember Carnes asked about the origin of the buffer measurements of 500 feet and 1,000. Mr. Poole responded other municipalities have dumpster buffers which are usually 500 feet or 1,000 feet. He added that every dumpster identified on the map with a blue dot was at least 500 feet from residentially zoned property and the red dot indicates that they are 1,000 feet from a residentially zoned property. He estimated that there are 500 to 600 dumpsters in Town of which 300 have a 500 foot buffer. Councilmember Carnes stated that the last time Council had this discussion one of the haulers was going to provide how many stops it takes to fill a truck. Parks and Sanitation Director Walker stated that they run 8 to 10 hours and have a weight restriction on the truck. He added that some trucks are equipped to weigh the waste and some drivers are very experienced with front end loaders and can almost guess the weight. Mr. Walker stated that the weight limit may not mean that the truck is full. He stated that commercial haulers in Lexington usually go to the landfill in Richland County because the fees are lower. Mr. Poole remembered the hauler stating that a truck could do two to three landfills runs in one shift.

Councilmember Baker asked Mr. Poole what he thought was the best option. Mr. Poole responded that there are a lot of good options, but it seems that the downtown option is reasonable because if you live in a downtown area you should have some expectation to hear some noise such as sirens and people working. He added that people who bought in a neighborhood expect a neighborhood environment and some protection from excess noise.

Councilmember Lyle asked if a compromise would be to give the haulers an earlier pick up time but resolve the noise problem. Mr. Poole responded yes, that could be an option if Council wanted to franchise then they state that a franchise person can pick up earlier but they would have to eliminate the backup beeper. He added that during the research, he found a statement from a city in Colorado where they found the biggest noise reduction, other than no backup beeper, was to have a well-trained driver because they don't have to shake the dumpster. Mayor Pro-Tem Livingston stated that there will be a problem right now to find well-trained drivers. Mr. Poole stated that there would probably always be a problem with it. Mayor Pro-Tem Livingston stated that if there will always be a problem then why are they talking about it as a solution. Mr. Walker stated that it would help with excessive shaking of the can if the businesses would all put their trash in bags before placing it in the dumpster because if they don't the trash sticks to the can and the driver has to shake the dumpster to get it out.

MINUTES
COUNCIL WORK SESSION

February 19, 2019

Councilmember Maness stated that if the dumpsters back up to a neighborhood pickup time should remain at 7:00 a.m.

Mayor MacDougall stated that during their last discussion they heard that the landfill closes at 3:00 p.m. so why do they allow pickup through 7:00 p.m. Mr. Walker stated that the hauler couldn't pick up just from 7:00 a.m. to 3:00 p.m. because they have to have a 10 hour day to make their routes so they pick up after 3:00 p.m. even though the landfill is closed.

Councilmember Carnes stated that if the Chamber is receiving all the complaints from the businesses, what type of complaints are coming in from residents. Mr. Poole stated that one ticket has been issued, for a noise complaint off Highway 378, since the Town changed the pickup to 7:00 a.m. to 7:00 p.m.

Councilmember Williams stated that he can see moving the time to 6:00 a.m. to 7:00 p.m. from Monday through Friday, but it should remain 7:00 a.m. to 7:00 p.m. on Saturdays. He added that he hears the truck dumping the dumpster at his office all the time and it is hard to enforce. Mr. Poole stated enforcement has always been an issue even when they were trying to work with the complainer because you almost have to be there when it happens. He added that the Town has placed an officer at a location for excessive complaints.

Councilmember Maness stated that she could see making the pickup time 6:00 a.m. in the downtown area, but leave it at 7:00 a.m. near neighborhoods. Councilmember Williams stated that even downtown was close to some neighborhoods. Mayor MacDougall stated that we could try it and if it did not work they could change it. Councilmember Lyle stated that he agreed. Mayor Pro-Tem Livingston confirmed that meant to try everything from 6:00 a.m. to 7:00 p.m.

A motion was made by Councilmember Williams and seconded by Councilmember Lyle to place the item on Council's March 4, 2019 agenda for an amendment to the Town's Retail and Commercial Garbage Collection Hours Ordinance for pickups to be from 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 7:00 p.m. on Saturdays. The motion carried with a vote of six (6) in favor of the motion and one (1) opposed (Maness).

4. **Mutual Aid Agreement – Chief of Police Terrence Green:** The Lexington Police Department is entering into a Mutual Aid Agreement with the Kershaw County Sheriff's Office. The proposed agreement was presented to Council for consideration. (Copy attached.)

MINUTES
COUNCIL WORK SESSION
February 19, 2019

A motion was made by Councilmember Baker and seconded by Councilmember Maness to place the request on Council's March 4, 2019 agenda for consideration. The motion was unanimously carried.

5. **Discussion of a Development Impact Fee Ordinance – Director of Planning, Building and Technology John Hanson:** Council requested to place an item on the agenda to begin discussing implementation of a Development Impact Fee for the Town. If Town Council wants to move forward with adopting an impact fee, the first step is to adopt a Resolution directing the Planning Commission to make a recommendation of an Ordinance and an associated Capital Improvement Plan. (Proposed Resolution attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Lyle to place the request on Council's March 4, 2019 agenda for consideration. Mr. Poole wished to clarify that this would be a Resolution that Council would adopt at the next Council meeting to direct the Planning Commission to discuss a recommendation of an Ordinance and an associated Capital Improvement Plan at their next meeting with 180 days to complete the recommendation. Councilmember Maness confirmed that the Town Administrator can hire a consultant to assist with the recommendation. Mr. Poole stated that a consultant would be hired because this would involve some heavy lifting. Councilmember Williams asked what would be done if the Planning Commission needed more than 180 days. Mr. Poole responded that the time could be extended, but State law mandates that a time limit is stated. Councilmember Carnes asked if this would be research into a comprehensive impact fee to look at the real impact on all infrastructure such as roads, water, schools, etc. similar to Fort Mill's. Mr. Poole responded that it would be from the Town's perspective, not including schools, unless Council wanted him to reach out to the school district and see if they wanted to be included. He added that water and sewer is already covered with CCF's so it would be Parks, Police, traffic, etc. or anything that could fall as an impact fee from a developer on Town services. He added that a study would help define how the funds could be spent. Mr. Poole stated that the recommendation could be to not do it, but Council could enact it at whatever level they choose. He added that these type studies usually come back with a higher recommendation than is usually approved. The motion was unanimously carried.

Mayor MacDougall directed the Municipal Clerk to move Business Items #6 through #9 to Council's March 18, 2019 Work Session due limited time tonight and a prior Council engagement. Items include: #6 Discussion of Green Space requirements for Residential Developments, #7 Icehouse Amphitheater Policy Discussion, #8 Social Media Position, #9 Old Cherokee Road Widening.

MINUTES
COUNCIL WORK SESSION
February 19, 2019

PUBLIC COMMENTS: None.

COUNCIL/STAFF COMMENTS

Mayor MacDougall thanked Rebecca Best, Governmental Affairs Director for Building Industry Association of Central SC, for attending the meeting.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 5:50 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC

APPROVED BY:

Steve MacDougall
Mayor