

MINUTES
Town of Lexington
Executive Sessions and
Council Work Session

February 20, 2018

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Town Council held an Executive Session followed by a Work Session on February 20, 2018 at 6:30 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 Ted Stambolitis, Todd Carnes, and Ron Williams. Councilmember Steve Baker was absent.

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, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately five (5) 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.”*

INVOCATION, PLEDGE OF ALLEGIANCE and CALL TO ORDER

Councilmember Stambolitis gave the invocation. Councilmember Maness led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:41 p.m.

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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 Maness and seconded by Councilmember Williams to go into *Executive Session*. The motion was unanimously carried by all those present (5). (Councilmember Stambolitis was absent for the vote.) Council adjourned from *Executive Session* at 6:36 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Williams. 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 legal item regarding pending litigation; four contractual matters regarding an economic development matter, issues related to Utilities contracts, proposed sale of Town owned property; and proposed purchase of property by the Town; and one personnel matter regarding a Boards and Commissions appointment. No vote was taken. A motion was made by Councilmember Williams and seconded by Councilmember Maness 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 Maness and seconded by Councilmember Stambolitis to approve the minutes for Council's Regular meeting held on February 5, 2018 as submitted. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Mr. Tom Ledbetter, Associate Vice President for the Center for Entrepreneurial Success and Community Engagement, Midlands Technical College, FastTrac Entrepreneurial/Small Business Training:** Mr. Ledbetter stated that this was the second program offered in the Town and this time it would include new entrepreneurs. In 2011 the program was only offered to existing business owners. He added that the Kauffman FastTrac course provides tips and tools to help business owners. He asked if the Town could again provide support both financially and by providing meeting space for three hours a night, one night a week, for 10 weeks.

Councilmember Carnes asked how much the program cost per participant. Mr. Ledbetter stated that previously there was a partial statewide scholarship and Town Council sponsored the program and they invited the participants. He added that the cost this time is \$5,000 for 20 participants. Councilmember Carnes stated that the cost is on the low side of similar training programs. He asked if other sources or municipalities participated. Mr. Ledbetter stated that they have partnered with the City of Columbia for 11 years and they collect \$150 from each participant.

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Councilmember Stambolitis stated that he would like to support the program.

Councilmember Maness confirmed that the cost was \$250 per person.

Mr. Ledbetter stated that they would need a decision within two to three weeks in order to advertise a July start date. Town Administrator Poole stated that Council could discuss the proposal at their next Work Session in March. (Copy of flyer attached.)

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

1. **Consideration of a Mobile Food Vendor Ordinance – Municipal Attorney Brad Cunningham:** Town Council was asked to consider passing an ordinance to allow Mobile Food Vendors to operate within the Town limits. Attached is a draft of an ordinance which indicates potential rules and regulations for licensing and operations of such vehicles. The regulations are drafted after a study of six such ordinances in other South Carolina municipalities. If the Town is to establish and collect permit fees as indicated in the ordinance, the amount of the fee would need to either be included in this ordinance or established by Town Council pursuant to a separate ordinance since such fees would constitute new fees under the Town Code. The Town would collect business license fees and hospitality taxes under the terms of an ordinance, as well as permit fees.

Councilmember Stambolitis thanked Municipal Attorney Cunningham and Planning, Building and Technology Director Hanson for doing a great job on the draft ordinance which included the restroom situation. He asked how the Town would track food trucks including how they pay Hospitality Tax and permits. Town Administrator Poole stated that it would be self-reporting, which is currently done with Hospitality Tax. He added that permit stickers would be issued for one year, much like mobile landscape companies.

Councilmember Williams asked how they would comply with being 200 feet from a brick and mortar restaurant especially when there is an event at the amphitheater. Mr. Poole stated that Special Event Permits would still exist. Mayor Pro-Tem Livingston confirmed that Special Events do not limit the number of food trucks. Mr. Poole clarified that a Town event is not permitted and therefore is not limited to the number of food trucks. He added that a church event is permitted and they are limited to the number of food trucks allowed. Mr. Hanson confirmed that one church has requested more food trucks at their events. He added that neighborhood block parties are considered Special Events. Mr. Hanson stated that if a food truck is coming into the Town to do a Special Event, they also need to have a Business License. He stated that the proposed ordinance is for food trucks that want to set up at regular locations, such as Lexington Medical Center.

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He added that they also have to let the Town know where they are going to be located. Mr. Hanson stated that they would also need a Zoning Permit which cost \$28.50 annually. He confirmed that it cannot currently be done on-line. Mr. Poole stated that a food truck license fee has not yet been established, but it would probably set by gross sales.

Mayor Pro-Tem Livingston asked what The Blended Bakery would do if they wanted to change locations for one day, for example go to Rustic Chic. Mr. Hanson stated that they would have to update their application. He added that Myrtle Beach only allows a certain number of food trucks and they are selected through a lottery. He would like to add some of their wording to the Town's ordinance such as setbacks.

Councilmember Williams made a motion to bring the item back to Council's March Work Session to allow Mr. Hanson time to review Myrtle Beach's new food truck ordinance. Mayor MacDougall asked if there were additional questions.

Councilmember Carnes asked about the ordinance regarding no tables at the food trucks. He added that it seemed very stringent. Mr. Hanson stated that it is standard with other cities. Councilmember Carnes asked if a food truck from Columbia applied to come to Lexington, would he estimate his sales only from Lexington. Mr. Hanson responded, yes. Councilmember Carnes asked what would happen if the food truck was non-compliance with Hospitality Tax. Mr. Hanson stated that it would be up to the Judge and the fine could be \$1,092.50. He added that businesses can now file Hospitality Tax monthly, quarterly or annually, but for food trucks they recommend it be filed monthly to help monitor the food trucks.

Mr. D.J. Stone, The Blended Bakery, was present and stated that they have their own system to keep up with the various methods of reporting Hospitality Tax. Mr. Poole stated that the Town randomly checks businesses for proper reporting of Hospitality Tax. Councilmember Carnes confirmed that if a business reports something that does not appear to be accurate, the Town has the authority to check their tax returns. Finance Director Roberts stated that typically they only need to see gross revenues.

Councilmember Williams asked about noise from a food truck. He stated that they may have a nice truck, but it could have a noisy muffler or generator. Mr. Poole responded that it would be no different from someone with a loud muffler on their car. Chief Green stated that if someone complained, they would check it out. Ms. Stone stated that at Soda City they had to invest in a Zombie Box to take the noise level down from the generator. She added that they had also used it when they did an event for the Lexington Museum.

(7:10 p.m. - Councilmember Maness was excused due to illness.)

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Mayor Pro-Tem Livingston stated that Council needed to start somewhere with the ordinance and not prohibit the Stones from doing business since they are ready to start now. Councilmember Williams stated that Council was charged with approving an ordinance for all those concerned and one that would hold up. Mayor Pro-Tem Livingston stated that the Town changes ordinances every day because if something is not working, they change it. She added that they may have to revisit the food truck ordinance several times and she did not want to hold up the Stones, who are ready to do business. Councilmember Williams stated that he did not have a problem with the ordinance as submitted, but he wanted to allow Mr. Hanson additional time to review Myrtle Beach's ordinance since he was the Staff member that would have to deal with it. He added that Council had dealt with this very short term compared to other issues. Councilmember Carnes stated that they could have First Reading, modify it at the March Work Session, followed by a Final Reading in April.

A motion was made by Councilmember Williams and seconded by Mayor Pro-Tem Livingston to place the food truck ordinance on Council's March 5, 2018 agenda for First Reading, followed by any amendments during Council's March Work Session with Final Reading in April. Mr. Poole stated that Staff had also asked for direction regarding multiple food trucks in Town and if they wanted to limit permits in one location. Mr. Hanson stated that Myrtle Beach limits the number of trucks on a parcel based on the parcel size. Mrs. Stone stated that she agreed with limiting trucks because they would not show up if there were a lot of trucks on a small space because there would not be enough parking and it would not be profitable for them. She asked for a copy of the proposed ordinance. Mr. Hanson stated that the draft ordinance does not address parking. He added that he does not want to hold it up, but he did not want it come to Council with outstanding questions. Councilmember Williams stated that businesses have to have a certain number of parking spaces. Councilmember Stambolitis stated that it could be added to the ordinance. Mayor MacDougall stated that the ordinance will be fluid in the beginning. He would like to allow the Stones to apply and go ahead and start working. Mr. Poole stated that if Council gave First Reading and directed him to do so, he could issue a permit on the pending ordinance.

The motion was unanimously carried by all those present (5).

2. **Trees in Subdivisions – Director of Parks and Sanitation Dan Walker:** Developers are planting trees in the narrow grass strips between the curb and sidewalk. As the trees mature their root system lifts the sidewalk producing trip hazards.

Following is a suggested Amendment to the Landscape and Tree Ordinance, Subdivision Development, §156.11.02 – GENERAL:

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(C) All “Street Trees” planted in the right-of-way shall meet at least one of the following criteria:

- (1) Be planted no closer than five (5) feet to a public sidewalk, or
- (2) Be an approved understory tree, or
- (3) Be planted with an approved and inspected root control system in place.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item Council’s March 5, 2018 agenda for consideration. Councilmember Carnes stated that he talked to someone in Barr Lake who told him that the root control system is \$500 for a piece of plastic. He asked if the distance between the sidewalk and the back of the curb was regulated because it seems very narrow in his new neighborhood compared to his old neighborhood. Mr. Walker referred to an attached photograph of a tree planted ten feet from the curb and the trees have still matured out over the road. Mr. Poole stated that there is not a rule about where the sidewalk has to be, but it happens because of the right-of-way and the required width of the road. He added that the issue is not resolved with Lexington County for new subdivisions. Mr. Walker described understory trees as Crepe Myrtles or Dogwoods. He stated that he had talked to several developers and their response was that the Town needs to keep their nose out of it and if they have to push the trees back further they will not be street trees. Mr. Walker stated that the developers did not mind the root control system and the cost would be passed on to the buyer. He understood at Barr Lake, the individual is responsible for planting the tree. Councilmember Carnes stated that the developer had placed the responsibility on the Home Owners Association and they would probably place it on the individual. He added that at least it would take 15 to 20 years to become a problem. He stated that in his old neighborhood the school bus drivers complained because they could not see around the trees. Mr. Walker responded that he was aware of that situation and the Town would trim the trees out of the right-of-way. He added that one developer told him that the Town planted trees on Main Street. Mr. Walker agreed and told him that they were replaced with a root control system and the Town would not have that problem again. He added that his department used plastic barriers and it did not cost \$500. Assistant Parks and Sanitation Director Dillard stated that the plastic is stronger than regular plastic but it does not cost \$500 a sheet. Mr. Poole stated that he just did a quite price check on Amazon and you could get one for \$48.99.

The motion was unanimously carried by all those present.

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3. **Amendment to Façade Grant Eligibility Requirements – Special Projects**
Manager Wesley Crosby: Staff was asked to propose amending the Façade Grant Program eligible expenditures by adding new construction facades (maximum \$10,000) to the Downtown TIF District.

Councilmember Williams wanted to confirm that new construction would get \$10,000. Mr. Poole responded that it would be up to Council. He added that Mayor MacDougall had requested Council's consideration for the downtown area. Mayor MacDougall stated that he hoped it would spark some new construction downtown.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to place the item on Council's March 5, 2018 agenda for consideration. The motion carried with a vote of three (3) in favor (Livingston, MacDougall, Stambolitis) and two (2) opposed (Carnes, Williams).

4. **Wayfinding Signage – Transportation Direction Randy Edwards:** Mr. Edwards presented Council with three wayfinding sign designs as discussed during Council's Vision Plan Retreat. (Copy of presentation attached.) The National Sign Plazas developed three color options after concurring with Staff on a basic design layout. The presentation included Photoshop images of the examples placed at various locations around Town. The options included an indigo blue and grey combination; a solid indigo blue with teal trim combination; and a brown and beige combination with green trim, all of which had the Town's official seal and the word "Lexington" on the back panel with three area photographs.

Mayor Pro-Tem Livingston stated that she liked the first one best (blue with grey), but she thought the brown and beige colors matched the "Front Porch" colors best. She did not like the green trim and thought indigo blue may work better as the trim and it also represented water. Mr. Edwards compared it to Park Service brown. Mayor Pro-Tem Livingston stated that the brown and beige signs were more ageless than the others and would not go out of style.

Councilmember Williams asked if the other highway signs could be cleaned up during this process. Mr. Poole responded that they had made record of all the SCDOT signage and they would ask to have some of it cleaned up.

Town Administrator Poole recommended that Mr. Edwards get the company to make the suggested changes and then he could send out a PDF to Council for their final review.

Councilmember Carnes did not think people would clearly see the photos on the back panel. He thought one uniform photo would work better for people to see as they pass in traffic. Mr. Poole responded that the signs also serve a

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purpose for walking traffic. Mayor Pro-Tem Livingston stated that the photos represent the community and the history. She explained that when she and Mrs. Jeffcoat designed Lexington Square and other areas around Town, it was important that some aspect always stay the same. Councilmember Williams suggested that different photos go on signs in different areas such as the old clock photo on a downtown sign. Mayor MacDougall stated that the photos tie them all together and make them more uniform. Mr. Edwards confirmed that they could ribbon six to eight photos on the back. Councilmember Stambolitis confirmed that the seal was a lighter blue. Mayor Pro-Tem Livingston suggested that Mr. Edwards asked the company which color would work best for the seal with their new suggestions.

It was the consensus of Council to have Mr. Edwards get the company to make the suggested changes and then he would send out a PDF to Council for their review before moving to Stage II.

5. **“It’s All About Herbs Festival” Sponsor Request– Municipal Clerk Becky Hildebrand:** Beverly Kleckley with “The Herb Bunch”, a nonprofit club affiliated with the Clemson Extension Service, contacted the Town regarding their 7th annual “It’s All About Herbs Festival”. The festival will be held Saturday, April 7, 2018 on the grounds of the Lexington County Museum. In 2017 the club raised \$1,500 for a scholarship presented to Mariah Swygert of Batesburg-Leesville to continue her studies in Agriculture Education at Clemson University. This year they hope to increase the amount of the scholarship to \$2,000. They asked for the Town’s support in one of their levels of contributions: Gold \$350, Silver \$250 or Bronze \$150. In 2016 Council recommended a contribution of \$200 to the “It’s All About Herbs Festival”. (Copy of request letter attached.)

A motion was made by Mayor Pro-Tem Livingston to place the item on Council’s March 5, 2018 agenda for consideration of \$250. Mayor MacDougall reminded Council that the levels are \$350, \$250, and \$150 and last year Council did not support the event. Mayor Pro-Tem Livingston stated that the Herb Bunch helps maintain the garden at the museum. She amended her motion to place the item on Council’s March 5, 2018 agenda for consideration of \$150 Bronze Level. Councilmember Stambolitis seconded the motion. Councilmember Williams stated that it was okay with him to not support the event this year. Mayor MacDougall stated that the money last year was given to a Batesburg-Leesville student. The motion was unanimously carried by all those present (5).

6. **Boards and Commissions Application – Municipal Clerk Becky Hildebrand:** Ms. Jennifer Morgan submitted a Boards and Commissions Application and indicated an interest in serving on the Traffic Committee or

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Board of Zoning Appeals. Ms. Morgan is a Town Resident. The Board of Zoning Appeals requires members to be Town residents and have building experience. The Traffic Committee has four resident vacancies following the resignation of Jerry Teal. (Copy of application attached.)

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council's March 5, 2018 agenda for consideration to appoint Ms. Morgan to the Traffic Committee. The motion carried with a vote of four (4) in favor and one (1) opposed (Williams).

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions and without objection from Council, Mayor MacDougall adjourned the Work Session at 7:50 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC

APPROVED BY:

Steve MacDougall
Mayor

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.