

MINUTES
Town of Lexington
Executive Sessions and
Council Work Session

March 19, 2018

1

Town Council held an Executive Session followed by a Work Session on March 19, 2018 at 6:00 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, 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, Economic Development Johnny Jeffcoat, 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, Downtown Venue Promoter Walker Brewer, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately six (6) 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 Carnes gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:31 p.m. and apologized for the late start.

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 Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to go into *Executive Session*. The motion was unanimously carried by all those present (4). (Councilmember Williams was absent for the vote.) Council adjourned from *Executive Session* at 6:26 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Carnes. The motion was unanimously carried by all those present (5). 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 related to pending litigation and legal advice regarding a Town ordinance; three contractual issues regarding an economic development matter, a Utilities contract and a Virginia Hylton Park landscape contract; and, one personnel matter regarding Boards and Commissions appointments. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Carnes to ratify the Mayor's report. The motion was unanimously carried by all those present (5).

DELETIONS/ADDITIONS ON AGENDA: There being no objection from Council, Mayor MacDougall requested to add item #8 – Town Property Acquisition.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the minutes for Council's Work Session held on February 20, 2018 and Council's regular meeting held on March 5, 2018 as submitted. The motion was unanimously carried by all those present.

PRESENTATIONS: None.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's April 2, 2018 Regular Council Meeting – later rescheduled to April 3, 2018.)

1. **Consideration of a Mobile Food Vendor Ordinance – Municipal Attorney Brad Cunningham:** Town Council had discussed the passage of a Mobile Food Vendor Ordinance to allow Mobile Food Vendors to operate within the Town limits. A draft of the proposed Ordinance was provided to Council which indicated potential rules and regulations for licensing and operations of such vehicles. (Copy attached.) The regulations were drafted after a study of seven such Ordinances in other South Carolina municipalities. A permit fee is already established for the Zoning Permit required to operate pursuant to the Ordinance. The Ordinance was given First Reading Approval at the March Council Meeting, but the Town Council referred it back to the Work Session for further discussions and possible revisions. Among items to be considered are the distance a mobile food vendor must remain from the door of another lawful eating establishment, the

MINUTES
COUNCIL WORK SESSION
March 19, 2018

definition and scope of lawful eating establishment, whether to allow alcohol to be sold from mobile food vendors, whether to allow “sandwich board advertising”, and the allowed hours of operation. The Town would collect Business License Fees and Hospitality Taxes under the terms of the Ordinance, as well as Zoning Permit Fees.

Mr. Poole stated that he would show Council several proposed locations received from Mr. D. J. Stone, The Blended Bakery, indicating the *distance to the closest restaurant*. The distance was measured from the property line of where the food truck would be located to the door of the closest restaurant. (1) If parked at Rhoten’s Store the food truck would be 10 to 15 feet from the right of way and 196 feet from the front door of Creekside Restaurant. (2) If parked at Rustic Chic the food truck would be 288 feet from the hot dog restaurant and 196 feet to the front door of Libby’s Restaurant. (3) If parked at the new restaurant on Church Street the food truck would be 226 feet from Keg Cowboy. (4) If the food truck parked at the Lexington Medical Center in Lexington it would be 310 feet from Roy’s Grill. Mr. Poole suggested that Council may want to consider making an exception for the Lexington Medical Center locations in that they have requested to have food trucks on their property due to the work schedules of employees. (5) If the food truck is parked at Lazy Creek on Innkeeper Road it would be 220 feet from Starbucks. Mr. Brewer stated that he had discussed the issue with several restaurant owners on Main Street and they preferred a food truck to be at least 200 feet from their restaurant in order to protect Main Street restaurants. Mr. Brewer stated that the restaurant owners did not want food trucks parked on Main Street 365 days a year. He added that Radius Church would like the distance to be further away. Councilmember Carnes confirmed that Mr. Walker had talked to Old Mill Brew Pub, Key Cowboy, Alodia’s and the owner of the new restaurant.

Mayor MacDougall stated that the proposed ordinance was written with a 200 foot setback from the closest restaurant. He opened the floor for Council’s input. Mayor Pro-Tem Livingston recommended to leave it at 200 feet since the Main Street restaurants were good with it. She added that some businesses bring in food trucks to promote their business especially like Rustic Chic or Lazy Creek which are located behind another business. Mr. Stone stated that he goes to Rustic Chic on Saturdays from 10:00 to 4:00. Councilmember Maness stated that item #1 on page 3 was missing part of the sentence. Councilmember Carnes stated that he was not good with the 200 foot distance. Mr. Hanson stated that other cities used distances from 100 to 500 and Chicago used 200 feet. Councilmember Williams confirmed that a food truck could not locate at a strip mall if a restaurant is in the strip mall unless permission was obtained from the restaurant. He gave the example of Libby’s which is located in a small strip mall.

Councilmember Carnes stated that he would like to be more conservative and make the setback 250 feet. He added that they could try 200 feet because

MINUTES
COUNCIL WORK SESSION
March 19, 2018

they could always revisit the topic in four to six months if they found that it did not work. He stated that at this point they do not know the consequences. Mayor Pro-Tem Livingston stated that the other businesses are trying to have an opportunity also. She asked Mr. Brewer for comments from the restaurants. Mr. Brewer stated that the restaurants he talked to were okay with 200 feet and they were okay with special events because they were for one day only.

Mayor MacDougall stated that someone going to Rustic Chic is just going there. Mr. Hanson stated that Rustic Chic could get a special event permit but it is limited to two events per quarter.

Mayor Pro-Tem Livingston asked if any food vendors had inquired about serving alcohol. Mr. Brewer responded no. Mayor MacDougall stated that it was not very profitable to serve alcohol at a food truck. Mayor Pro-Tem Livingston and Councilmember Maness were against serving alcohol at the food trucks.

Mr. Poole stated that the next topic was regarding *sandwich boards* to post menus. He added that at the last meeting Council had recommended to allow sandwich boards but they could only be five feet from the food truck. Councilmember Carnes confirmed that all tables were eliminated but he was okay with a condiment table. Mr. Hanson stated that during the Staff review, they were okay with a condiment table but not tables set up for dining. Councilmember Carnes recommended that a condiment table be allowed.

Mr. Poole stated that there was also a question about the set-up time. Mr. Stone stated that he would need to set-up earlier than 9:00 a.m. for some events. He asked if operating hours included getting to the site for prep time. Councilmember Maness stated that some breakfast events may start before 9:00 a.m. Councilmember Williams stated that there may be some concern about noise if they set-up too early. He stated that Council is trying to write an ordinance for all food vendors, not just one. Mr. Stone stated that he hoped to use his \$1,500 Zombie Box that surrounds his generator to cut down on noise which was also required in Columbia. Mr. Hanson stated that the proposed ordinance does not include the requirement for a Zombie Box but the Town's noise ordinances would still apply. Councilmember Maness recommended that set-up be no earlier than 7:00 a.m. with the hours of operation starting at 8:00 a.m.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the food truck ordinance with the recommended changes on Council's April 2, 2018 agenda for First Reading.. The motion was unanimously carried by all those present (5).

MINUTES
COUNCIL WORK SESSION
March 19, 2018

2. **Midlands Technical College –FastTrac Program – Events and Media Coordinator Jennifer Dowden:** Tom Ledbetter, Associate Vice President, Center for Entrepreneurial Services at Midlands Technical College presented the FastTrac program to Council at the February 20, 2018 Work Session. The FastTrac program allows 20 local business owners to participate in the course, which will take place each Tuesday evening for 10 weeks from August to October 2018 in the Eli Mack Room. Mr. Ledbetter requested the use of the Eli Mack Room for free along with a Town contribution of \$5,000 which will pay for the course for 20 participants; or the Town could pay a portion and require the difference to come from the participants. The value of the Eli Mack Room rental, would be: \$75 per meeting, plus a one-time \$100 refundable deposit (\$850), plus \$12.50 for the Tech Package, all of which can be waived for a non-profit.

Councilmember Carnes asked if there were other funds available to help offset the \$5,000 cost. Mr. Ledbetter responded that \$5,000 covers all the costs for 10 sessions for 20 participants. He added that there are no copying costs this year because the course is accessed on-line. Mr. Ledbetter confirmed that this is an initiative from Midlands Tech and he would be the facilitator. Councilmember Carnes stated that if someone is starting a business they should pay and the Town should not carry that burden. He added that the Town should provide the space. Mr. Ledbetter stated that some cities cost share. As an example, he stated that the City of Columbia charges \$150 up front. He added that the Town would be responsible to collect the money since it is done for the businesses in Town. Councilmember Carnes asked what would happen if only 10 participants showed up, would it cost \$5,000 or \$2,500. Mr. Ledbetter stated that it would cost \$5,000 because it would be up to the Town to get 20 participants. Mr. Poole asked if that was negotiable. Mr. Ledbetter agreed it could be negotiated but for no less than \$3,000 and if there were not enough participants it could also be called off right up to the day before the class since books do not have to be ordered.

Councilmember Maness confirmed that Midlands Tech markets the class to Town business owners. Mr. Ledbetter clarified that each Councilmember would provide a list of five to six names, and Midlands Tech would send an invitation to that list which would be narrowed down as needed. Councilmember Maness confirmed that the Town could find the funds if they decided to support the class, but currently there is not a line item for it.

Mayor MacDougall stated that it would be a huge benefit for those business owners that could take the class. He wished he could have taken the class when he owned his restaurant because you can always learn new and better ways to do things. He did not want to commit to the class and only have five people show up so he hoped Council would get involved. Mayor MacDougall stated that it is the right time to do the class and if ten people

MINUTES
COUNCIL WORK SESSION
March 19, 2018

show up, the Town is responsible for \$2,500 and if 20 show up the amount is \$5,000.

Mr. Ledbetter stated that he would need a written statement from the Town indicating the agreement to support the class and it would include a clause to pull the plug if necessary. Councilmember Carnes asked if this was for the Town to pay the entire amount or to cost share it with the participants. Mayor MacDougall stated that he thought the class was a great thing and a good investment in the Town, especially for the businesses on Main Street and the surrounding area to help them become more successful.

Councilmember Williams confirmed that the previous class had a statewide cost share scholarship and that does not exist this year. Councilmember Carnes stated that he would like for the participants to pay something toward the cost of the class because the class is worth more than \$250 each. He added that people are more likely to show up to all ten classes if they have some money in it. He added that they do not know the business appetite for such a class. Mr. Ledbetter confirmed that the street value of the class is \$600. Councilmember Carnes stated that he would like to see it approved contingent upon a minimum number of participants, such as if 17 signed up the class is a go, but if 15 show up the class would be cancelled.

A motion was made by Councilmember Williams and seconded by Councilmember Maness to place the item Council's April 2, 2018 agenda for consideration. The motion was unanimously carried by all those present.

- 3. Icehouse Amphitheater Rental Policy Change – Downtown Venue Promoter Walker Brewer:** Council was provided a copy of the proposed Icehouse Amphitheater Rental Policy change. It was pointed out that the primary change was the rental cost associated with a four hour event as opposed to an all-day rental.

Mr. Poole confirmed that in his discussion with Mr. Brewer it was necessary to change the rental to a four hour event at \$475 and each additional hour would be \$100. He added that currently the amphitheater is a daily rental and sometimes the event continues for too many hours and Town Staff is required to attend. As a result if Staff has to be there from 8:00 a.m. to 4:00 p.m. the costs can result in the rental fee being less than Staff costs. Mr. Poole stated that the amphitheater was never meant to make money, but it also was not meant to lose money. He agreed with Mr. Brewer that long extended events are not as well attended as events that have a shorter time frame.

Councilmember Maness confirmed that the current rental fee is \$475 but it is for all day. Mayor Pro-Tem Livingston confirmed that the sound system fee of \$150 is also new. Mr. Brewer stated that at first they were not sure if the

MINUTES
COUNCIL WORK SESSION
March 19, 2018

sound system would be usable for some groups, but it is used at almost every event. He added that the fee would help cover maintenance costs for the equipment. Mr. Poole stated that there is not a similar venue in the area as inexpensive as the Town's amphitheater. Councilmember Williams confirmed that the fees do not apply to the Lexington One School District and due to the TIF District they are treated as a co-owner, unless Town has already booked it.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item on Council's April 2, 2018 agenda for consideration. The motion was unanimously carried by all those present.

4. **Boards and Commissions Applications – Municipal Clerk Becky Hildebrand:** Two applications were received requesting appointments to Town of Lexington Boards and Commissions. (1) Julia Bartels indicated an interest in serving on the Traffic Committee or the Virginia Hylton Park Committee. Ms. Bartels is a Town resident. (2) Ms. Jeanette Lowicz with Wingate by Wyndham was transferred to another city and Ms. Jana Medlin with Wingate indicated an interest to fill the vacancy on the Accommodations Tax Advisory Committee. Ms. Medlin is a Town resident and qualified to serve as a hospitality industry representative. (Copies attached.)

Mayor Pro-Tem Livingston requested to place Ms. Bartels on the Traffic Committee and the Virginia Hylton Park Committee. Councilmember Maness agreed with the recommendation for Ms. Bartels. She disagreed with placing Ms. Medlin on the Accommodations Tax Advisory Committee in that Ms. Medlin states she is a Board Member of the Lexington Chamber and Visitors Center. Councilmember Maness stated that the Town gives money to the Chamber from the Accommodations Tax and Ms. Medlin would have to recuse herself from the vote. She added that she does not know Ms. Medlin and her point has nothing to do with the person, but she would like to find another hotel representative. Mr. Poole stated that Marvin Robinson also serves on the Accommodations Tax Board and he is also on the Chamber's Board of Directors and recuses himself from any discussion or vote regarding the Chamber. Councilmember Williams confirmed that the committee would still have a quorum. Mr. Crosby stated that there are seven voting committee members and Councilmember Carnes is the liaison. He added that the law is different with the Accommodations Tax Committee in that they only make a recommendation to Council anyway. He added that the committee does take a vote on the recommendations and Mr. Robinson has always recused himself when needed and Ms. Medlin would have to do the same thing. Councilmember Maness stated that Mr. Robinson still lobbies Council for money for the Chamber. Councilmember Williams stated that last year the Chamber told them they would not come back and ask for money this year. Mr. Poole stated that the Chamber would not ask

MINUTES
COUNCIL WORK SESSION
March 19, 2018

for operating money, but they would ask for funds to be spent at Council's direction such as advertising expenses or partner with Town events. Mayor MacDougall stated that they kicked him off the Chamber Board.

Councilmember Maness stated that she wanted to bring this to everyone's attention but if no one else had a problem with it, they should move on. Councilmember Carnes stated that there was not a heated discussion last year because they are just now generating enough quality projects to utilize the funds. He added that last year if it was a good project, it got funded, and the Chamber got what was left, but this year it might get tighter. Councilmember Carnes stated that he understood Councilmember Maness' concern, but it would be a drastic step to pull people out from one of four hotels in Town. Mr. Poole added that at least three hotels are owned by one group. He stated that the Town would have significantly more money this year from Accommodations Tax and it would probably reach over \$200,000. Councilmember Carnes stated that the Chamber gets 30% off the top of that figure so that could be a game changer. He added that the Chamber got approximately \$35,000 last year and this year it could be \$60,000. He asked if the percentage is a set number and if the Council has any role in how that money is spent. Mr. Poole stated that Council's role is to name a visitors center and that visitor center gets a percentage off the top based on state law and they have to spend it within the requirements of state law which can include operations and it is different than the requirements of the other award recipients.

Mr. Crosby stated that he had talked to Ms. Medlin and she did not have a problem recusing herself from the discussion and vote regarding the Chamber requests. He added that the Wingate representative opinions are valuable in that they are close to the Interstate get a lot of guests from events held across the Midlands. Mr. Crosby stated that the Wingate may have a bigger view of events and how it affects the area than the hotels close to downtown Lexington.

Councilmember Carnes asked if anyone had talked to the Chamber to let them know that their 30% may be doubled this year. Mr. Crosby stated that he had talked to Mr. Rawl at the Chamber several months ago prior to them completing their Accommodations Tax application. Councilmember Carnes stated that no one had yet told him the amount so he wanted to know if the Chamber knew.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place both requests on Council's April 2, 2018 agenda for consideration. The motion was unanimously carried by all those present.

- 5. Issuance of Water and Sewer Revenue Bonds of 2018 – Assistant Town Administrator Stuart Ford:** The Town's current Waterworks and Sewer

MINUTES
COUNCIL WORK SESSION
March 19, 2018

System Capital Improvements Plan for the next five years includes approximately \$28 Million in projects. The overall financing plan includes a mix of capital contribution fee income, retained earnings, and revenue bond issuances. During the fiscal year 2018, the financing plan includes the issuance of Revenue Bonds to refund the \$10 Million Waterworks and Sewer System BANs maturing on June 1, 2018. A series of BANs provided interim financing for the related projects and these Bonds are the permanent financing. The bonds are preliminarily anticipated to have a par value of approximately \$10.6 Million with a thirty (3) year maturity schedule.

A motion was made by Councilmember Maness and seconded by Councilmember Carnes to place the item on Council's April 2, 2018 agenda for First Reading of an ordinance to issue combined Waterworks and Sewer System Revenue Bonds of 2018. The motion was unanimously carried by all those present.

- 6. Midlands Rivers Coalition – Utilities Director Allen Lutz:** Last year the Town became a member of the Saluda River Coalition which was made up of river related businesses, environmental groups, local and state government, property owners, industry and other river users. The goal of the Coalition is to ensure the safety of the natural waters for recreational use by doing more frequent monitoring to supply data to the river users so they can make informed decisions on when they can recreate on the river. The Coalition has now enhanced the monitoring program to include additional sampling locations on the Saluda and Broad River. Sampling will start this year in May and go through September. The Coalition has changed its name to The Midlands Rivers Coalition in order to include the Broad River. Their funding will still be collected and administered by the COG. DHEC will hold a public hearing on April 3, 2018 at 6:30 p.m. at DHEC in Peoples Auditorium at 2600 Bull Street, Columbia, SC, to include the public on the Coalition, the summer monitoring program, the 208 Plan and issues with the evaluation of NPDES permit renewals. The Town pledged \$2,000 last year towards monitoring for the Coalition and is being asked to pledge \$2,000 again this year to assist in the continued monitoring of the rivers. Funds from the current budget would be used.

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston to place the item on Council's April 2, 2018 agenda for consideration. The motion was unanimously carried by all those present.

- 7. Amendment to Façade Grant Eligibility Requirements – Special Projects Manager Wesley Crosby:** Council referred this item back to a Work Session for further discussion to amend the Façade Grant Program eligibility by including new construction facades (maximum \$10,000) to the downtown TIF District.

MINUTES
COUNCIL WORK SESSION
March 19, 2018

Councilmember Carnes stated that he read this item at the last meeting but he was not in favor of awarding government funds to new construction. He added that it would be hard to explain to those doing new construction on Highway 378 and Highway 6. Councilmember Williams stated that the program was already amended to include tearing down a structure. He agreed with Councilmember Carnes that he could not see giving \$10,000 for new construction when it was just explained by Mr. Poole the other night about how many discounts a business already gets in that district. Mr. Poole stated that the Town has a Business License Abatement Ordinance for that area which encourages encourages certain businesses, if they meet the standards, to get their first year Business License abated which could equal a savings of \$1,000 to \$5,000. He added that the second year is a 2/3's discount and the third year is a 1/3 discount and the fourth year the full Business License fee is paid. Mr. Poole stated that a special formula is followed if you come in half way through the year.

Mayor Pro-Tem Livingston asked about the reason to bring this item back for further discussion. Councilmember Carnes stated that the question is if they want to give \$10,000 to new construction in the TIF District. Councilmember Williams stated that we already extend water lines at a cost of \$40,000 to \$50,000 and other items outside the normal process. Mayor MacDougall stated that those things would be done weather that business came or not and the Town is not giving both. He added that Council has very few tools in their tool box to attract businesses to come downtown as it gets redeveloped and this is one of the few things they are allowed to do.

Councilmember Maness stated that she requested to bring this item back to a Work Session because there were some questions not answered at the last meeting. She added if everyone has had their questions answered, she would make a motion to place it on Council's next agenda. She agreed that Council needs to do something about downtown.

Councilmember Carnes asked how they would explain that to other businesses doing new construction just outside the TIF District or the buildings could even be next to each other. Mayor Pro-Tem Livingston stated that she had not thought about that aspect. Councilmember Carnes stated that would be an inequity of government when the original purpose was to revitalize downtown and that has been done because there are not many businesses that have not benefited from it. He was concerned if that word got on the street that the Town was handing out \$10,000 to some new construction, there would be some angry business owners when they had to use their own money. He thought you could justify cleaning things up but it would be hard for him to explain it for new construction.

MINUTES
COUNCIL WORK SESSION
March 19, 2018

Councilmember Williams stated the grant uses General Fund money therefore Council would be giving away money to stimulate business when the people that elected them do not want more traffic.

Councilmember Maness asked if a grant could be made to any one of the Town's TIF District because the Town has several. Mr. Poole responded that the Façade Grant Program has a limited area which extends to the Interstate with the new expansion to downtown. He added that it is at Council's discretion to designate the area. He added that the TIF District was named because it too has a limited downtown area but does not include the entire Façade Grant area. Mr. Poole confirmed that the original source of funding for the Façade Grant Program came from SCANA. He stated that there was \$100,000 left over from a specific fund from SCANA to help rebuild downtown after the tornado of 1994. Mr. Poole stated that the Town approached SCANA two years ago to see if the funds could be redesignated for use in a downtown program since it was just sitting on the books and the tornado repairs had been completed some years ago. He stated that the original Vision Plan also called for a Façade Program and some funds could be designated every year from the General Fund. Finance Director Roberts stated that they try to keep the balance around \$100,000 and it depends on the balance as to how many awards are given. She added that they have not had to put much into the account during the past few years. Mr. Poole stated that when the program was first introduced, a lot of people applied and since then the Town does not receive many applications per year. He added that the grant requests are reviewed by the Architectural Review Board which gives the Town a second level of approval.

Councilmember Carnes stated that he would rather see the money used for refurbishing old buildings in an expanded area of Town which would help with some of the eye sores in the area. Mr. Poole stated that he understood Councilmember Carnes position but he would state that there is another view point which is, there is not a problem with businesses wanting to build on Highway 378 and no recruitment is needed. He added that recruitment is needed downtown even though there are good things going on downtown such as the amphitheater, but some bad things include not as much parking, the build cost will be more with an old building, which requires some encouragement such as the discounts that were previously mentioned. He stated he offered this as legitimate justification because the market and the growth is not the same downtown as it is on Highway 378. Mr. Poole added that the Town is not an island when it comes to Façade Grants in that any town that has redevelopment downtown has probably offered something similar for the past 50 years because you spend money where you want money spent.

Councilmember Williams asked if the two small houses on Main Street had applied. Mr. Poole did not think they had applied and that O'Hara's was the only one that applied this year. Mr. Crosby stated that the ones before that

MINUTES
COUNCIL WORK SESSION
March 19, 2018

were Shirey's and Rustic Chic. He added that three or four people had come in during the past few months and asked questions about it for Main Street properties. Mr. Poole stated that the business has to spend \$25,000 project cost to qualify for the grant, therefore, there may be some smaller projects going on that do not qualify. Councilmember Williams stated that the Architectural Review Board would not be aware of any discounts that Council may have awarded at the time of their review for a Façade Grant. Mr. Poole responded that the Town offers discounts so seldom that there probably wasn't even an example of a business that received both. Mr. Hanson stated that the award is granted on merit.

Councilmember Maness asked if Mr. Jeffcoat could call the businesses on Main Street to see if they know about the program if they did not apply. Mr. Jeffcoat stated that he speaks with businesses when they buy the building. Mr. Poole stated that the Town periodically send notices out to property owners in the area about the program and he thought all the projects for \$50,000 to \$60,000 had received the grant. He added that if you were spending \$200,000 on a project, \$10,000 would not make that decision for you. Mr. Hanson stated that when a person comes into the business center they let them know about the Façade Program if they think they would qualify based on location and proposed project costs. He added that he had talked to two people this week but an application has not yet been received.

Mayor MacDougall asked Mr. Jeffcoat if this tool would help him attract businesses to downtown because most people coming downtown want to know what the Town can do for them. Mr. Jeffcoat responded that he has talked to businesses about it and some of them have received the grant. He added that businesses do expect help from the Town. Mayor MacDougall stated that this is a tool that could be used to help the business make a decision and if they really want the business to move downtown.

Mayor MacDougall seconded the motion made by Councilmember Maness to place this item on Council's April 2, 2018 agenda for consideration.

Mayor Pro-Tem Livingston stated she would like to get more specific information, but she did agree it was for a specific area and she did not want some to receive all kinds of free money when others are not receiving it. She would like to see the map area for Façade Grants and a list of other discounts that a business can receive. Mayor MacDougall stated that she could discuss that with Staff during the week prior to the next Council meeting.

Councilmember Williams stated that he would be fine to give \$10,000 to demo the old Hardee's building on Highway 6. Mr. Poole stated that the Façade Grant Program was recently expanded to include that area and to include demos. Councilmember Maness

MINUTES
COUNCIL WORK SESSION
March 19, 2018

asked if the wording could be changed so it did not have to be downtown. Councilmember Carnes stated that the question is if they want to give \$10,000 to new construction. He added that there are not many flat parcels where something does not have to be torn down and if they do have to tear something down, they already qualify. He stated that there is a narrow scope of parcels that are flat and ready to build on. Councilmember Carnes stated that the question is does Council want to give those people \$10,000 when they may be building a \$500,000 structure.

Councilmember Maness stated that she has been on Council for 13 years and they have been trying to redevelop downtown all that time. She added that they finally have some things moving downtown with one big parcel left. She stated that they need to do something and this might be the answer.

Mayor MacDougall called for the vote. The motion to place the amendment to the Facade Grant Eligibility Requirements on Council's April 2, 2018 agenda carried with a vote of three (3) in favor (Livingston, Maness, MacDougall) and two (2) opposed (Carnes, Williams).

1. (Added) **Property Acquisition – Assistant Town Administrator Stuart Ford:** The property owner at Porshe Drive wants to redevelop the property. In order to get to the Town's sewer system he would need a significant investment in pump stations, therefore he requested to be released from the Town's service area in order to connect with the Joint Water and Sewer Commission. The Town is not in the business to give up customers, but the Town has been working with the owner to find a solution for both parties. The proposed agreement is for the owner to give the Town a parcel of land large enough to construct a new water tower in the future, which may soon be required, at which time the Town would release the property owner to get sewer service from the Commission. The Town would go through the proper due diligence if Council approves the acceptance of the property.

A motion was made by Councilmember Maness and seconded by Councilmember Williams to place an item on Council's April 2, 2018 agenda for First Reading of an ordinance to acquire property as stated. The motion was unanimously carried by all those present.

COUNCIL/STAFF COMMENTS: None.

MINUTES
COUNCIL WORK SESSION
March 19, 2018

PUBLIC COMMENTS

Mr. Bennett Casto, 106 Palm Court, introduced himself as a candidate running for Town Council in the May Special Election. He stated that he has lived in Lexington for 10 years and is a Public Defender for Lexington County.

ADJOURNMENT: Mayor MacDougall called for a motion to adjourn. A motion was made by Councilmember Maness and seconded by Councilmember Williams to adjourn Council's Work Session at 8:05 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.