

MINUTES
Town of Lexington
Executive Session and
Council Work Session

April 15, 2019

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Town Council held an Executive Session followed by a Council Work Session on April 15, 2019 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 Todd Carnes, Steve Baker and Todd Lyle. Councilmembers Kathy Maness and Ron Williams were absent.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, 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, Assistant Zoning Administrator Jessica Lybrand, Events and Media Coordinator Jennifer Dowden and Municipal Clerk Becky Hildebrand.

There were nine (9) students present, three (3) citizens, and no members of the news media were present.

OPENING STATEMENT

Mayor MacDougall welcomed everyone to the Council Work Session and apologized for the late start. 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.”*

INVOCATION, PLEDGE AND CALL TO ORDER

Councilmember Carnes gave the invocation. Councilmember Lyle led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:31 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Carnes and seconded by Councilmember Baker to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:26 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Carnes. 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 issues regarding pending litigation and advice regarding agenda items and three contractual items regarding a downtown economic development issue and two issues regarding sewer contracts. No vote was taken. A motion was made by Mayor Pro-Tem Livingston 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: Councilmember Lyle requested to change his statement on page 8, paragraph 3 to read "Councilmember Lyle stated building should look to the long term and he felt building something up that is that high of a density is what is propping up the market". Councilmember Baker requested that item #10 (Old Cherokee Road Widening) include the statement "no action was taken" on page 17. A motion was made by Councilmember Baker and seconded by Councilmember Carnes to approve the minutes from Council's March 4, 2019 meeting as submitted and approve Council's March 18, 2019 Work Session with the two requested changes. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Ms. Mary Brack, Director, Lexington County Registration and Elections:** Ms. Brack stated that she is the new Director following Dean Crepes retirement. Mr. Crepes was present and now serves on the Lexington County Election Commission. Ms. Brack wished to talk to Council regarding moving the Town's election from the General Election, held in November of the even years, to the odd years. She recommended the move for several reasons: (1) It would stop the confusion on Election Day for the voters, the poll workers and the staff at the Election Commission. (2) Voters would know that during the odd year the only thing on the ballot would be the local election. Currently local elections are at the end of the ballot and the voters are not aware of it. Those that vote straight party go to the end of the ballot and miss the local election. (3) Temporary staff is hired and even though the Council election is on the same ballot as the General Election, they have to treat it as two separate elections. (4) Poll workers have to direct the voter to two separate sign in

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sheets and both have to be logged on their laptop in order to give the voter credit for voting, separated by precincts. (5) If the Council election was on the odd year, the number of precincts would probably be reduced which would reduce the election cost for the Town. Ms. Brack stated that in order for the Council election to be moved, Council would have to vote by Ordinance to move to the odd year which would extend Councilmember terms by one year.

Councilmember Lyle reminded Ms. Brack that Council had also voted to change to a fee based election instead of signature petitions. He asked for a clarification of “one ballot, two elections”. Ms. Brack responded that even though on Election Day voters come to one machine to vote, the Town of Lexington’s election is separate in their system.

Councilmember Baker stated that the Municipal Association of South Carolina also supports moving municipal elections to the odd year. He added that with the County Election Commission also supporting it, it makes sense for the Town to move to the odd years. Ms. Brack added that Lexington and the City of Cayce are the only municipalities in Lexington County that still vote on the even years along with the General Election.

Mayor MacDougall stated that MASC is pushing for all municipalities across the state to vote on the odd years to help avoid the confusion because sometimes neighbors vote on two different dates. He thanked Ms. Brack for her presentation and for all she does for Lexington County elections.

BUSINESS ITEMS: (For Discussion and Recommendation for Council’s May 6, 2019 Regular Council Meeting.)

1. **Town Election Timing – Municipal Clerk Becky Hildebrand:** During Council’s April 4, 2019 Executive Session, Council requested to proceed with State requirements to move the Town elections to the “odd years”. Town elections are currently held on the “even years” along with the Presidential and Mid-Term elections. Lexington County Registrations and Elections have always recommended that municipalities move their elections to the odd years to avoid confusion at the polls during the busier Presidential elections; to help better address any issues; and to make it a smoother process for the citizens. Council moved to the odd years in 2009 and voted to return to even year elections in 2014. Council also voted to change from signature petitions to filing fees in 2018.

A motion was made by Councilmember Baker and seconded by Councilmember Carnes to place the item on Council’s May 6, 2019 agenda for consideration. The motion was unanimously carried by all those present.

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- 2. Boards and Commissions Application – Municipal Clerk Becky Hildebrand:** The Town received an application from Mr. Michael Blackwell who expressed an interest in serving on the Town of Lexington’s Historic Preservation Review Board which currently has two vacancies.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Lyle to place the item on Council’s May 6, 2019 agenda for consideration. The motion was unanimously carried by all those present.

- 3. Consultant to Perform a Growth Study – Director of Planning, Building and Technology John Hanson:** Councilmember Lyle requested an item on the agenda to discuss hiring an outside company to perform a growth study for the Town and surrounding areas.

Councilmember Lyle stated that he wants to make sure that the Town’s plans, rules, zoning, setbacks and density requirements are in line with encouraging growth in places that will have the least negative impact on roads. He added that the roads that need improvements should also be identified and even though this is two independent items, they should work together. He thought the Town should have someone smart and looked at cities that have grown at the pace the Town has and layout the specific areas for growth. Councilmember Lyle stated that all the studies show how much the Town will grow so it would be nice to push the growth into areas that have the least negative impact.

There being no further questions from Council, Mayor MacDougall called for a motion or Staff direction.

Councilmember Lyle directed Staff to come back to Council with some examples of companies that have done growth studies including associated costs with an eye toward including the cost in the next fiscal budget. Mr. Poole responded that he understood the direction requested.

- 4. Proposed Changes to the Sign Ordinance – Director of Planning, Building and Technology John Hanson:** In September the Town received a list of requested amendments to the Sign Ordinance from the Lexington Chamber of Commerce. Their proposals were discussed during the March Work Session and Staff was asked to provide some recommendations. Staff’s recommendations were presented to Council. (Copy attached.) If Council agrees with Staff’s recommendations, they would then need to be forwarded to the Planning Commission for a recommendation prior to being placed on Council’s agenda for consideration.

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Mr. Hanson presented the recommendations as follows and added that they are a scaled down version of what Council reviewed from the Chamber in March.

- (1) Change the definition of a Commercial Center in the Sign Ordinance to match the language in the Zoning Ordinance.
- (2) Change Temporary Signs Section 159.05.01 which addresses “contractor signs” and refer to them as “project signs” and change the wording to “*Project Signs – One temporary sign is allowed upon the premise of any work under construction or any work of major repair or improvement without a sign permit once a building permit has been issued for the project. The display area of such signs shall not exceed sixteen (16) square feet in the Protected Residential and Restricted Development Districts and fifty (50) square feet in the Intense Development District. Such signs shall be removed prior to completion of the work.*”
- (3) Change Commercial Center Sign Section 159.07.03 to “*Tenants in commercial centers where the rear of the building faces a public street and the customer entrance is located on the opposite side of the building qualify for additional wall signage on the public street side of the building. Such signs shall not exceed 5% of the area of the wall of the first story of the building or business to which it is attached.*”
- (4) Change Sign Ordinance to allow for Umbrella signs and add the following language: “*Umbrella signs are allowed when used in conjunction with outdoor dining and outdoor vending: (a) Umbrella signs are permitted in Limited Commercial (LC) and General Commercial (GC) zoning districts. (b) The umbrella itself shall be no larger than eight (8) feet in diameter and may contain a logo or message on the exterior umbrella face, advertising the business, products, services, or events associated with the business. This logo or message cannot be greater than 20 percent of the total exterior surface of the umbrella. (c) Maximum height of umbrella shall be nine (9) feet tall. (d) Shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall it prevent free ingress or egress from any door, window, or fire escape. (e) More than one (1) umbrella sign shall be allowed, with no maximum. (f) Umbrella signs may be displayed year round. (g) Umbrella signs are subject to Architectural and Appearance review. (h) Umbrella signs must be constructed of color-fast, flame retardant fabric.*”
- (5) Amend Advertising Signs (or billboards) Chapter to prohibit any additional Advertising Signs in Town. Existing Advertising Signs shall be allowed to continue as nonconforming signs. The nonconforming signs shall not be allowed to be enlarged or extended. Change of copy and regular/ordinary maintenance shall be allowed.

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Mr. Poole added that you have to allow those advertising signs that are on property that has been annexed to be nonconforming signs. Councilmember Carnes asked if any billboards were within the Town limits or were they all in donut holes. Mr. Hanson responded that there is one in-town and located at North Lake Drive and Sunset Boulevard.

Councilmember Carnes asked for clarification regarding umbrella signs and allowing 20% of the total exterior surface for their logo or message. Mr. Poole responded that it does not have to be their logo, it could be a product logo such as a beer logo. Councilmember Carnes said in other words your restaurant could receive a free Bud Light umbrella and you could add your logo. Mayor MacDougall stated that you cannot manage content if you allow a sign. Councilmember Carnes asked why the 20% is not 40% and if most people were defining a percentage. Mr. Hanson responded that you could not do it as a square footage because it would depend on the size of the umbrella. He added that Staff had reviewed several other city ordinances. Ms. Lybrand stated that the wording was primarily from Pendleton but they also looked at Chapin and Simpsonville. Mr. Poole stated that the way these things actually work out is someone complains or something is so obviously a problem that driving by you see that you can't have a 100 foot tall umbrella that is nothing but a sign. He added that you have to have some type of definition to determine what is allowed because currently the Town does not allow signage on umbrellas. Mr. Hanson added that it is added toward total signage for the business. He stated that the Chamber's position was if you don't put it in the code then they don't know they can do it.

Mayor MacDougall stated that the Town should either let them do or do not allow it at all. He added that people don't walk in the restaurant because you have your name on an umbrella, but they'll sit at the table because it has an umbrella.

Councilmember Carnes asked why the Town didn't set it at 40% instead of 20%. Mr. Hanson responded that it could be set at any number Council requested. Mayor Pro-Tem Livingston stated that Staff was trying to keep the sign from being so big and just making it another sign which would not be fair to other businesses. She added that they also did not want the blight that could be associated with it and preferred to keep Main Street clean and nice and not tacky up Main Street with a bunch of big umbrellas. She stated that 20% was a good size logo. Mayor MacDougall stated that some people will take advantage of it. Councilmember Carnes asked Mayor MacDougall if he had his logo on an umbrella when he ran a restaurant and if so, how big was the logo. Mayor MacDougall responded yes he had his oval shaped logo on six foot umbrellas on every other panel and the logo was one-half the size of the Bud Light logo. Mr. Poole stated that business signs can be 10% of the store front size which can get large based on the size of the store. Councilmember Carnes stated that he guessed this was a starting place.

Mr. Hanson reminded Council that if they were in agreement on the changes, it still had to go to the Planning Commission for recommendations.

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Councilmember Carnes asked about stores that back up to a road and are allowed 5% signs and their store frontage sign is not very useful to them. He asked if that was a fairness doctrine to hold them to 5% or was it an aesthetic reason. He added that some businesses are struggling when they are situated at a disadvantage but they chose to go there. Mr. Hanson responded that the 5% was what Board of Zoning allowed for at businesses such as Firenza Pizza and similar businesses, but they were also very visible from Sunset Boulevard. He added that those businesses already have signage on the front of their business, one on the back of the building and one on the end if they are on an end cap, plus they have a panel on the monument sign for the shopping center. Mr. Hanson stated that both shopping centers on Sunset Boulevard have monument signs that are significantly smaller than allowed by the Town under the current code. He suggested if the tenants are having a problem with visibility, they should talk to their landlord because the landlord did not make the monument sign large enough. He gave Hobby Lobby as an example in that they have a small panel on the monument sign, but a commercial center's monument sign can be a total of 150 square feet and Hobby Lobby had one half that size. Mr. Hanson stated that 5% was giving the tenants part of what they wanted without getting over burdensome on signs. Mr. Poole stated the tenants could have chosen to place a 10% sign on the back without getting a variance but they requested an additional sign. Councilmember Carnes asked if the new ordinance would allow for a 10% sign on the back and a 5% sign on the front. Mr. Hanson responded yes. Mr. Poole stated that it is about total signage so it could be divided up.

There being no further questions, Mayor MacDougall called for a motion. A motion was made by Councilmember Baker and seconded by Mayor Pro-Tem Livingston send the suggested Sign Ordinance changes to the Planning Commission for recommendations to Council. The motion was unanimously carried by all those present.

5. **Budget Adjustment – Finance Director Kathy Pharr:** The Parks Department needs to purchase a Skid Steer Cement Mixer at a cost of \$7,700 in order to complete the rubber walking trail. Also, an additional \$400 is needed above the current available capital balance to replace a broken tool box. Money is available to be transferred in the Parks Equipment Rental and Automotive Repair accounts. The following budget adjustment is requested for the Parks Department:

Reduce:	Equipment Rental	\$ (4,000)
	Automotive Repair	<u>(4,100)</u>
		\$ (8,100)
Add to Parks Capital Outlay		
	Skid Steer Cement Mixer	\$ 7,700
	Tool Box	<u>\$ 400</u>
Net Change to Appropriations		\$ -0-

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A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to place the item on Council's May 6, 2019 agenda for consideration. The motion was unanimously carried by all those present.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: Mayor MacDougall welcomed several students from USC.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 7:00 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.