

MINUTES
Town of Lexington
Executive Session and
Council Work Session

May 21, 2018

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Town Council held an Executive Session followed by a Work Session on May 21, 2018 at 5:30 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 Kathy Maness, Todd Carnes, Ron Williams, and Steve Baker.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Assistant Police Chief Matt Davis, Planning, Building and Technology Director John Hanson, Economic Development Johnny Jeffcoat, 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 no 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 AND CALL TO ORDER

Councilmember Carnes gave the invocation. Councilmember Baker led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:24 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 Carnes and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:20 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Carnes. 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: three legal items regarding pending litigation and legal advice regarding a Town Ordinance; three contractual matters regarding economic development, a Utilities contract and a Town event; and two personnel matters regarding a Boards and Commissions appointment and an update on a personnel issue. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Baker to ratify the Mayor's report. The motion was unanimously carried.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Carnes to approve the minutes for Council's regular meeting held on May 7, 2018 as submitted. The motion was unanimously carried.

PRESENTATIONS: None.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's June 11, 2018 Regular Council Meeting.)

1. **Reappointments to Boards and Commissions – Municipal Clerk Becky Hildebrand:** The terms for the following Boards and Commissions members will expire June 30, 2018. Reappointments must be approved by Council.

Advisory Committee: Madison Rogers, James D. Dawson, Terry C. Samuels
Board of Zoning Appeals: Mary Watts, Reve' Richardson, Troy Fite
Building Code Board of Appeals: William Lafferty, Gene Smith
Planning Commission: Keith Frost, James Fite, Jeannie Michaels

Current Board Vacancies:

Board of Zoning Appeals:	3
Building Code Board of Appeals:	2
Historic Preservation:	2
Traffic Committee	2 resident vacancies

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A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item on Council’s June 11, 2018 agenda for consideration. Councilmember Maness confirmed that the Municipal Clerk contacts the citizens prior to the June 11th meeting to see if they are interested in serving again. The motion was unanimously carried.

2. **Boards and Commissions Application – Municipal Clerk Becky Hildebrand:** The Town received an application from Mr. Justin Brown who expressed an interest in serving on the Board of Zoning Appeals or the Planning Commission. The Board of Zoning Appeals has three vacancies. The Planning Commission does not have a vacancy at this time. Mr. Brown is a Town resident. (Copy of application attached.)

A motion was made by Councilmember Baker and seconded by Councilmember Maness to place the item Council’s June 11, 2018 agenda for consideration to appoint Mr. Brown to the Board of Zoning Appeals. The motion was unanimously carried.

3. **Accommodations Tax – Special Projects Manager Wesley Crosby:** The Accommodations Tax Advisory Committee met on May 9, 2018 to review Accommodations Tax projects requesting funds from the Fiscal Year 2017 65% fund allocation. A spreadsheet listed the requests and the Accommodations Tax Committee’s award recommendations for Council’s review and approval. Award amounts equal this year’s available funds of \$111,000. Additionally, a budget provided by the Greater Lexington Chamber and Visitors Center regarding the designation of FY 2017 30% Advertising and Promotion Special Fund was given to Council for review. The FY 2017 Chamber designated 30% amount is \$50,524.43. (Copies attached.)

	<u>Requested</u>	<u>Committee Recommended</u>
Capital City Lake Murray Country	\$ 15,000	\$5,000.00
Columbia Metro Convention & Visitors Bureau	\$ 15,000	\$ 6,000.00
Columbia Regional Sports Council	\$ 3,000	\$ 3,000.00
Crossover Athletics/Run Hard	\$ 15,000	\$ 10,000.00
Lexington Chamber & Visitor Center	\$ 15,000	\$15,000.00
Law Enforcement Chaplaincy for SC	\$ 18,129	0
Lexington County Museum	\$ 8,000	\$ 8,000.00
Lex County Recreation & Aging Comm.	\$ 20,000	\$18,000.00
The River Alliance/Tartan Day	\$ 8,000	\$ 8,000.00
Town of Lexington/Amphitheater	\$ 35,000	\$35,000.00
Town of Lexington/Snowball Festival	<u>\$ 5,000</u>	<u>\$ 3,000.00</u>
	\$157,129	\$111,000.00

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A motion was made by Councilmember Carnes and seconded by Councilmember Baker to place the item on Council's June 11, 2018 agenda for consideration. The motion was unanimously carried.

- 4. Sidewalk Maintenance Agreement with Lexington County – Municipal Attorney Brad Cunningham:** The Town's Road Maintenance Agreement with the County is silent as to the inspection, approval and maintenance of sidewalks. The Town requires sidewalks in all new subdivisions, but the County does not require sidewalks. The County requested that the agreement be amended so as to clarify the responsibility of the sidewalks. A copy of the proposed amendment was provided to Council for review. (Copy attached.) One current subdivision is on hold until this change can be accomplished. Budget and Finance: The Town would save on personnel and equipment costs. It was requested that Council authorize the Mayor to sign the amended agreement to meet the County's deadline until such time that Council could ratify the vote at Council's June 11, 2018 meeting.

Town Administrator Poole clarified that the Town does not take sidewalks either, they are turned over to the HOA. He added that the County was concerned about their liability but over the years the Town has not received any claims regarding sidewalks. Councilmember Carnes asked when the Town got out of sidewalks. Mr. Poole responded that it had been one to two years which was when the County stopped taking sidewalks. Councilmember Carnes stated that Mr. Edwards was working on some issues with sidewalks and once they are cleaned up could the Town consider moving the sidewalks to the HOA. Mr. Poole stated that the Town could ask the HOA's but they probably would not take them back after the fact. He added that you could be hardnosed about it and tell them to either take the sidewalks back or the Town would remove them and replace it with sod. He would not recommend that because the way most HOA's collect dues, they would not be able to afford the unexpected expense.

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston to authorize Mayor MacDougall to sign the Amendment to the Sidewalk Maintenance Agreement with Lexington County until such time the vote could be ratified at Council's June 11, 2018 meeting. The motion was unanimously carried.

FOR YOUR INFORMATION

- 1. Update to Icehouse Amphitheater Operations – Town Administrator Britt Poole:** Council requested additional financial details for the Icehouse Amphitheater. Mr. Poole explained that Mr. Walker Brewer was unable to attend tonight due to a hospital tour for expecting parents. He added that Mr. Brewer would be happy to come back to a later meeting if Council has additional questions. Mr. Poole gave a brief overview of the

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income/expenses/attendance from each event at the amphitheater. (Copies attached.) He added that some events were funded from last year's budget and some were from next year's budget. He stated that the Town receives 20% of alcohol sales on non-ticketed events and 25% on ticketed events. He added that normally that does not equal a lot of money, but lately there have been bigger turnouts for events which makes the Town's percentage over \$1,000.

Councilmember Maness stated that she and Mayor Pro-Tem Livingston and Councilmember Williams were at the last event and the lines for beer and wine were extremely long. She asked why there is only one vendor for beer and wine. Mr. Poole explained that Mr. Brewer would be glad to ask the one vendor for an evening to open multiple alcohol lines, but the vendors are not okay to have multiple vendors serving at one event due to insurance policies because if something happened it would be hard to identify which vendor had liability for the problem.

Mayor Pro-Tem Livingston stated that she understood the reason to not have two vendors at one event but there was no reason for the line to be so backed up for 30 minutes. She added that her husband served beer at the Wine Walk with beer going out left and right with no line. She requested that Mr. Brewer step it up with Keg Cowboy and Old Mill Brew Pub which have been used at the Town events. She added that the Town has other restaurants that may want to participate and she wanted to make sure they had all been invited. Mr. Poole stated that Staff had already tried to get O'Hara's, Libby's and Casual Pint to participate, but they have all said no at this time. Mayor Pro-Tem Livingston stated that Casual Pint has an interest. Mayor MacDougall stated that he had already asked the owner of Casual Pint. He added that from an insider's opinion, the lines were long because the vendor was about to run out of beer and they were waiting on the backup supply.

Councilmember Williams stated that he attended a non-Town event on Saturday and the beer tent was near the restrooms and the line was backed up to the walk-in gate. He stated that it would be better to have the line outside the main gate and have multiple tents. Mr. Poole responded that they have set the vendors up at the main gate before and he would get Mr. Brewer to talk to the vendors about adding people. Councilmember Williams stated that the vendor could have two tents and it would give them an opportunity to make more money. Mr. Poole responded that he had asked about the beer vendor's take home. He stated that if the Town receives \$1,000 for one night, the vendor is estimated at 20% to 30%, so the profit is almost split with the rest of the money going to product and employees. Councilmember Carnes suggested that the Town make it a condition of the agreement to have two lines. He added that it is not as big a problem at events like Wine Walk that are pre-sold tickets. Mayor MacDougall stated that he did not have a problem with slow drinkers because he did not want them to get sloppy drunk at any event.

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Mayor Pro-Tem Livingston requested that a better mix of music be provided to include some gospel music and church groups. She added that one event had a gospel group and it was a big hit. She asked why it was not okay for the Town to get involved with it. Mr. Poole responded that it's not that it is not okay, it's that the Town cannot pick which religious group is okay to host and another group is not okay, therefore it is better for government to stay out of it and let the churches set it up because it is very easy to set it up for them. Mayor Pro-Tem Livingston stated that with that being said, is there a way the Town can give churches a break on the cost. Mr. Poole responded yes as long as it is across the board. He added that the Town's rate is already really cheap at \$475 for a 900 seat venue.

Mayor Pro-Tem Livingston requested that a local band series be held to include Going Commando and other local groups in order to showcase people from this area. She recommended that it could be on a Saturday night. Mr. Poole responded that he would check with Mr. Brewer about putting something together and to determine how many bands are actually local. He added that Mr. Brewer has already made a huge effort to use local music including local schools. He suggested that three bands perform on one night and split the time up.

Councilmember Maness asked how much food vendors pay a percentage to the Town when they participate at Town events at the amphitheater. Mr. Poole responded that the food vendors pay a flat fee of \$50.00. Councilmember Williams stated that Jack's Dogs shows \$150 at one event and Fatz at \$100. Mayor MacDougall stated that some of that additional cost may be for catering for the Green Room. Mr. Poole responded if the amount reflects more than \$50, in increments of \$50, it is because they participated in more than one event. He added that the cost associated with the Green Room is food required by contract for the bands and that would be reflected separately as catering.

Mayor Pro-Tem Livingston stated that it is awesome watching all the activity at the amphitheater and Mr. Walker and the Park Staff are doing a great job, but they should not have to ask for the expense reporting, they should just receive periodically. She added that it is Council's responsibility to ask questions and think of new ideas so the amphitheater continues to be great.

Mr. Poole stated that Staff wants outside ideas. He explained that all the ideas may not be possible, but if they can be done, Staff will make it happen. He added that he had Finance Director Pharr take a hard look at the budget for the amphitheater to see how much needed to be added back in to make it whole again in order to bring it back to the \$100,000 operating budget. He reported that the amount was \$20,000. He explained that for \$20,000 out of this year's budget, the Town got everything that happened at the amphitheater last year which is amazing with as many events that were held,

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plus it brought thousands of people to the downtown area. Mr. Poole stated that Mr. Brewer is doing a bang-up job with it. Councilmember Williams confirmed that the \$20,000 was from the Town's General Fund.

Mr. Poole pointed out that A-Tax expenditures are broken down by qualified A-Tax money and money that is spent that does not qualify for A-Tax funding. Mr. Poole stated that this year's budget is \$47,000 spent that qualifies for A-Tax funding. Councilmember Maness asked if the Town gets A-Tax funding from the County. Mr. Crosby stated that the Town had not previously applied for County A-Tax. Mr. Poole stated that was a good question and the Town should apply to the County for A-Tax.

Mayor Pro-Tem Livingston asked when the Town would start asking for sponsorships for amphitheater events. Mr. Poole explained that it is an on-going process in that as soon as one series wraps up, Mr. Brewer starts asking for the next upcoming series and for individual events. He gave the example that in October and November Mr. Brewer started asking for sponsors for the July 4th show which would be more this year with increased fireworks. He added that Mr. Brewer looked for a sponsor that would fully fund the event. Mr. Poole stated that Nephron agreed to sponsor the event and the Army Band is a donor group that does not cost the Town. Councilmember Williams stated that he was asked participate in the sponsorship, but he has not heard back from Mr. Brewer. Mr. Poole responded that was probably due to Mr. Brewer already receiving a commitment for full funding of the event. He recommended that Councilmember Williams see if there is another event he would like to sponsor.

COUNCIL/STAFF COMMENTS

Transportation Director Edwards requested to update Council on the One Way Pair Road Project. He stated that they would soon advise the public of the start dates for the One Way Pair which include: June 10th – start of nighttime paving and close the 100 block of Main Street during the paving for two weeks dependent upon the weather; June 16th – tentative date, at 4:00 a.m. on Saturday morning to make the switch to the one way pair for six to eight hours to reset the signals and make sure everything works properly; and June 30th – 100% complete switch.

Councilmember Carnes asked if there would be any metrics or data once the switch is made, because there will be a lot of confusion. He wanted hard data after the fact to tell citizens what is happening since the switch. Mr. Edwards responded that he has data from the past, and he did not recommend using any of the data from the past three or four months because people may have avoided the area due to construction, plus several new restaurants have opened which increased traffic. He suggested to wait until school is back in session when things settle down and then compare the data from when Insync Signalization was implemented to determine the difference. Councilmember Carnes asked if there was budget to do the comparison. Mr. Edwards stated that the Insync system

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actually counts vehicles and even though it is raw data you can drill down to what you want to review. Mr. Poole stated that SCDOT requires that all Insync systems include the studies and that is how they know it is an 18% improvement. He added that Ms. Dowden, Mr. Pritchard and Mr. Edwards are working with the same video company that produced the original One Way Pair commercial to do a walk-through video of the changes as an educational piece for citizens. Mr. Poole stated that Mr. Edwards would do a presentation at the next Council meeting and include the video. He added that the video would also be placed on the Town's web page and Facebook page. Mr. Poole stated that the educational piece would help because there would be 30 to 45 days when people are figuring out the One Way Pair. He added that you could put up all the signs in the world but when people have been driving an area for 65 years and you change it, there will be confusion. Councilmember Carnes stated that he knows people are skeptical and resistant to change, but he doesn't want it feed. He thought the Town would be best served to give the citizens the new data just as soon as possible, maybe within days. He suggested to measure the small things also including "x" percent more green light time on Main Street than we used to have, so when citizens are frustrated, the Town can drive the narrative of all the positive points. Councilmember Carnes asked Mr. Edwards to come up with all the positive points, and not wait until Fall, because he wanted the information to get out to the citizens early. Mr. Poole agreed to get some information out early, but as Mr. Edwards pointed out, you may not want to see the first few weeks' numbers because it will not look good until you let traffic settle down to get to the numbers that really matter.

Mr. Edwards stated that the Town would take a few hits in that there will be congestion that moves. He added that it is not a secret that the backup in front of the elementary school will get worse with two lanes headed in that direction instead of one, so the traffic will get there faster. He stated that it would not improve until the second project at Dreher Street is done which should roll out at the end of the year or first part of next year. Mr. Edwards added that there is a plan, but the One Way Pair is just step one.

Councilmember Carnes if there was any model that had the traffic backing up at the middle school back to Main Street and causing an issue at that intersection. Mr. Poole responded yes. Mr. Edwards stated that it happened this past summer from traffic at Mineral Springs Road. He added that it is possible, but with normal operations it should not happen and they are adaptive at Dreher Street. Councilmember Carnes asked if that became a regular occurrence, is there a plan B to fix it. Mr. Edwards responded that once the One Way Pair has settled down he can tweak the numbers to give the light more time. He added that it would be easier to do this summer. Mr. Edwards stated that Facebook may light up, but there will be increases in fender benders at first because during the first 30 days people will make mistakes. Councilmember Carnes stated that from a public policy point, it would be nice to be very aggressive with green light time going past the middle school and hold up Highway 6 at N. Lake and let it stack up instead of letting it stack up back to Main Street. He added that there will be

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massive uproar of ignorance and anger and it will make a lot of the things we want to do moving forward much harder because it will give the nay-sayers something. Councilmember Carnes stated that if the Town is aggressive in opening up that intersection to the traffic all the way down Highway 378 and push our problems to the middle school and N. Lake would be better, however that is policy, not engineering. Mr. Edwards stated that they can try to walk that tight rope.

Parks and Sanitation Director Walker announced that the Town received the Tree City USA Award for the 30th year. He requested to bring the trophy to the next Council meeting. Mayor MacDougall congratulated Mr. Walker and agreed for him to bring it to the next Council meeting.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 7:02 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC

APPROVED BY:

Steve MacDougall
Mayor

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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.