

MINUTES
Town of Lexington

Council Work Session

June 11, 2018

1

Town Council held the Regular Council Meeting preceded by an Executive Session and followed by a Council Work Session (*summer schedule*) on June 11, 2018 starting at 6:00 p.m. in the Council Chambers located at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Todd Carnes, Ron Williams, Steve Baker and Todd Lyle.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, 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, Special Projects Manager Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Digital Media Coordinator Darrell Pritchard, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately fifteen (15) citizens present for the Council Work Session 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.”*

CALL TO ORDER: The invocation, Pledge of Allegiance, and Executive Session Report were held during Council’s earlier Council meeting. Mayor MacDougall called the Council Work Session to order at 7:20 p.m.

MINUTES
COUNCIL WORK SESSION
June 11, 2018

DELETIONS: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Baker to approve the minutes for Council's Work Session held on May 21, 2018 as submitted. The motion was unanimously carried.

PRESENTATIONS

1. **Lexington Community Fun Day – Vice President Glenda Hiller:** Ms. Hiller stated that her sister came up with the Fun Day idea 25 years ago as a way to give the kids something to do in the summer and to give them some school supplies before going back to school. She added that they started out with 15 to 20 kids and now they give out 500 book bags each year. She gave the Mayor and Councilmembers handouts regarding Lexington Community Fun Day including their Mission Statement, Vision Statement and non-profit letter. (Copies attached.) This year their annual Back to School Bash will be held on August 4, 2018 at 3:00 p.m. at 131 Duffie Drive. More information could be found on their Facebook page and/or web site www.lexcommunityfunday.com. Ms. Hiller thanked the Mayor and Council for their consideration.

Mayor MacDougall thanked Ms. Hiller and added that he had the privilege of seeing the photo book from last year and it was fantastic. He added that they are reaching more kids every year. He commented that Ms. Hiller's father is retired from the Town of Lexington. Mayor MacDougall stated that the Town would like to help with Lexington Fun Day. Ms. Hiller stated that she did not have a particular amount in mind, but had given Council a list of items they need with a total budget of \$49,620. She added that the Lexington Police Department donated \$500 last year and the water bill was lifted for a few hours so they could run the water slide from her sister and brother's house. Mayor MacDougall asked Ms. Hiller to let the Town know if they needed the water bill lifted again this year.

Mayor Pro-Tem Livingston asked if businesses were interested in donating, should they send money or could they send supplies from her list. Ms. Hiller stated that they could send supplies or money and that they are a non-profit. She could be reached at 803/238-2821 for questions. She added that they would greatly appreciate whatever a company wanted to do.

Councilmember Maness thanked Ms. Hiller for everything she does and for all the great information she provided. She asked Mr. Poole if the Town has pop-up tents as listed on Ms. Hiller's budget that could be used. Ms. Hiller stated that Lexington County puts up several tents, a 30 x 50 and two 20 x 20, to help shade the area. Mr. Poole stated that the Town has 10 x 10 pop up tents, but they would be used on a Saturday for the Farmers Market.

**MINUTES
COUNCIL WORK SESSION**

June 11, 2018

Councilmember Maness stated that Fun Day does not start until 3:00 p.m. Mr. Poole stated that he did not have a total count of the pop-up tents, but there should be 20 or 30 and it could be worked out if that was what Council agreed to do. Councilmember Maness asked Ms. Hiller if that would help in order to take one thing off her list. Ms. Hiller responded that it would be a great help because they have a lot of businesses that attend and are asked to bring a table and tent, but some do not have one.

Councilmember Lyle stated that helping with the tents was a great idea. He added that their budget shows \$1,700 for 20 folding tables and asked if the Town could help with tables if it is a durable good just collecting dust. Mr. Poole stated that the Town has a good number of folding tables. Ms. Hiller stated that it would help to cut cost because they usually rent the tables. Councilmember Lyle asked about several large dollar items listed including the two 13" MacPros and 500 Jansport backpacks. He asked if anyone had called Jansport to see if they would make them a good deal on 500 backpacks. Ms. Hiller stated that they had not called Jansport yet because they usually buy them when they are on sale at WalMart. She added that Farm Bureau has helped the last several years by giving them 300 drawstring type book bags which works out well.

Councilmember Williams stated that he and his wife would make another donation this year.

Mayor MacDougall thanked Ms. Hiller for coming to the Council Work Session.

Councilmember Maness later made a motion to place Lexington Fun Day on Council's next agenda for funding. Councilmember Lyle seconded the motion. Mr. Poole asked if Council would like to instruct Chief Green to hold off on the Police Department's \$500 donation from their discretionary donation funds. Mayor MacDougall confirmed with Chief Green that it was his intention to make a \$500 donation to Lexington Fun Day again this year. Councilmember Maness confirmed that the item to come before Council would include the tents and tables. Mr. Poole stated that he did not have the cost of the tents and tables but he could get the values for Council. Councilmember Maness stated that Ms. Hiller provided some numbers and cost on her budget sheet. Mayor MacDougall agreed that they should use Ms. Hiller's numbers because that is what they rent tents and tables for each year. He added that the Town includes the rental of tables when you rent one of the Town's facilities. Councilmember Williams later called for a vote on the motion. The motion was unanimously carried.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's July 16, 2018 Regular Council Meeting.)

MINUTES
COUNCIL WORK SESSION
June 11, 2018

1. **Discussion Regarding Outdoor Display Regulations – Director of Planning, Building and Technology John Hanson:** Mr. Hanson was asked to place an item on the agenda to discuss possible ways to regulate outdoor displays of sale items. Other communities address outdoor displays in four different ways:
 - do nothing;
 - completely ban outdoor displays;
 - create some regulations that limit the time, place, duration or size of outdoor displays;
 - limit outdoor displays to only certain commodities.

Mayor MacDougall asked if something had happened to bring this up. Mayor Pro-Tem Livingston stated that she did not ask for it to be on the agenda but her neighbors have been complaining about the Dollar General placing sale items all over the front of their store when it is located right at the entrance of Woodcreek and the entrance to the Town. Mr. Poole responded that the Town has generally dealt with Lowe's, Home Depot and Walmart about outdoor sales but it is usually for outdoor items such as grills and swing sets, but Dollar General has a little bit of everything out front. He added that the Town does have some restrictions on outdoor items. Mr. Hanson stated that the Architectural Review Board requires vending area screening. Councilmember Maness stated that she sees this issue at other Dollar General stores too, but it does not appear that one of the four options would work to make them stop. Mr. Poole responded that one of the options would limit outdoor displays to items that would normally be outdoors. Councilmember Williams stated that the clothing store next door will sometimes roll out a rack of kids clothes. Mr. Poole stated that they see that on Main Street too. He added that when you start talking about what is esthetically acceptable then how do you enforce it. He stated that it could result in hurting some businesses that do it right and does not offend anyone, but it may not be outdoor items. Mr. Poole added that you could limit the total size of an outdoor display such as two feet by four feet and allow an exception for the big box stores. Mr. Hanson stated that he has seen an ordinance that would allow such items as toilet paper with a permit, but items defined as outdoor items such as grills. Mr. Poole asked Council if they wanted Staff to put a proposed ordinance together or not to address it. Mayor MacDougall recommended speaking to that particular store owner first to let them know that there have been complaints and if it is not kept neat and to a minimum an ordinance may be enacted to limit outdoor sales. Mayor Pro-Tem Livingston stated that the Store Manager has said that is the way their corporate office does it. She added that a District Manager lives in Lexington. Mr. Hanson stated that they recently dealt with the corporate office when they sent a Red Box to be installed. He added that they were advised that the Town does not allow them. Mayor MacDougall stated that the Town takes a lot of pride in the community and Dollar General also

**MINUTES
COUNCIL WORK SESSION**

June 11, 2018

changed the color of their sign to comply with our appearance standards so we should give them the opportunity to change how they display items. Mr. Poole responded that it means more coming from Council to show that the Town will do something if they do not comply.

Councilmember Williams asked if Dollar General could also be asked to come into compliance with the Landscape Ordinance because some of their plants died and were not replaced. Mr. Walker responded that they had come into compliance. Councilmember Williams asked if outside displays could be limited to two by three feet for the non-historic district in order leave Main Street alone or for stores within 100 feet of the road. Mr. Poole responded that all those options could be placed in the ordinance as long as it can be explained and can be enforced. Mayor MacDougall stated that it could be based on a percent of their interior store space which would give big box stores plenty of space out front. He added that the big box stores asked for more space but they keep it neat and clean. Mr. Poole added that it could also be by category. Mr. Poole stated that there have been two problems with big box stores recently. He added that Home Depot wants to use more outdoor space than their minimum parking and Walmart wants temporary outdoor storage with big shipping containers.

Councilmember Carnes concurred with Mayor MacDougall and stated that it is bad policy to legislate something for a single outlier because it would be a big regulatory burden not only to police it but to explain it. He added they needed to have a conversation with them because this is one instance where if they don't comply there might be some economic pressure on them since the neighborhood next to them might bring them into compliance without the Town over regulating or drafting a tedious law. Councilmember Carnes stated that there should be 10 small store out of compliance before the Town legislates something. He thought the one store would be responsive to a conversation, if it comes from the Mayor and Council, to clean up the toilet paper.

Mayor MacDougall stated that since there is no motion on the item, Council would wait for Staff to bring it back following a conversation with Dollar General. Mr. Poole responded that he would bring it back to Council if there was a problem.

2. **Gibson Pond Restoration Project Reimbursement Resolution – Assistant Town Administrator Stuart Ford:** The Gibson Pond Restoration Project is anticipated to be ready for bid in late 2018. FEMA will fund 75% of allowable costs on a reimbursement basis. In order to have maximum flexibility in financing initial construction costs, IRS regulations allow issuers to adopt a Reimbursement Resolution in order to recoup costs for capital expenditures incurred prior to the issuance of Bonds or BANs. Accordingly, the Town should have a Resolution in place for the Gibson Pond project. The Town's Bond Counsel will draft the appropriate Resolution as a first step in

**MINUTES
COUNCIL WORK SESSION**

June 11, 2018

the overall financing plans for the Gibson Pond Restoration Project. Council was asked to place an item on the July 16, 2018 Council agenda for approval of a Reimbursement Resolution for the Gibson Pond Restoration Project. The current project estimate is approximately \$5 Million with FEMA reimbursing 75% of eligible costs resulting in a net cost to the Town of approximately \$1.375 Million.

A motion was made by Councilmember Baker and seconded by Councilmember Williams to place the item Council's July 16, 2018 agenda as stated. The motion was unanimously carried.

COUNCIL/STAFF COMMENTS

Town Administrator Poole advised the Mayor and Council that he and Mr. Ford recently met with the owner of the Old Mill who will be going to DHEC in the next two months for their repairs at the Old Mill which goes along with the Town's dam repair at Gibson Pond.

Mayor MacDougall stated the Staff is doing a wonderful job placing items on the Town's website and Facebook page. He asked that they keep it up because there are a lot of things happening that people are asking about and the more information Town puts out there, the better it is for everyone in order to keep the public informed.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 7:49 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.