

MINUTES
Town of Lexington
Executive Session and
Council Work Session

January 18, 2023

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Town Council held an Executive Session at 5:30 p.m. followed by the Council Work Session on January 18, 2023 at 6:00 p.m. in the Municipal Complex Conference Center located at 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston and Councilmembers Kathy Maness, Todd Carnes, and Todd Lyle. Councilmembers Steve Baker and Ron Williams were absent.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Assistant to the Town Administrator Wesley Crosby, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Utilities Director Allen Lutz, Utilities Supervisor Billy Gunter, Finance Director Kathy Pharr, Economic Developer Jack Stuart, Parks and Sanitation Director Dan Walker, Communications Manager Laurin Barnes, Digital Media Coordinator Michael Tolbert, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were six (6) citizens present and no news media members were present.

OPENING STATEMENT

Mayor MacDougall welcomed everyone to the Council Work Session and introduced the Councilmembers. 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 comments 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:

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Councilmember Carnes gave the invocation. Councilmember Lyle led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:14 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Carnes and seconded by Councilmember Lyle to go into *Executive Session*. The motion was unanimously carried by all those present. (Mayor MacDougall was not present for the vote.) Council adjourned from *Executive Session* at 6:08 p.m. after a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston. The motion was unanimously carried by all those present. Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: one routine personnel matter; three legal items regarding pending litigation, an annexation and advice regarding agenda items and one contractual item regarding a sports tourism contract. No vote was taken. A motion was made by Councilmember Lyle and seconded by Councilmember Maness to ratify the Mayor's report. The motion was unanimously carried by all those present.

DELETIONS ON AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Lyle to approve the Minutes as submitted for the December 5, 2022 Regular Council meeting. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Town of Lexington's Digital Campaign Results – Presented by Ryan Willingham and Tyler Hutten, Post and Courier and McClelland Schilling, Experience Columbia:** Ms. Schilling distributed a report (copy attached) from Experience Columbia and the Town of Lexington's Co-Op Advertising Report FY 21-22. She explained that the report shows how they used Lexington's A-Tax funding to promote Lexington through Digital Billboards with 393,148 weekly impressions, E-Blasts from January 2022 through June 2022 with 54,369 Total Opens, and eNews/Custom Emails for the same time period with 15,087 Total Opens.

Mr. Willingham presented a Power Point describing the geofencing campaign through the Post and Courier for the Town of Lexington. (Copy attached.) He explained the Targeted Display Overview stating that 1.4 million were served with 1,800 clicks to the Town's web site and 422 visits. They did two different types of advertising using geofencing around a targeted area and captured citizens' devices which served them advertising on the content that they were reading throughout the period of

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their campaign. He stated with digital advertising they capture a lot of data around who they are serving it to and can track when they actually enter a pre-determined location.

Town Administrator Poole wished to point out on the Targeted Display Overview in May during the Wine Walk, if you took out the Lexington zip code the next highest zip code that visited the area was from Charlotte, N.C. which indicated that more people from Charlotte attended the Wine Walk than people from Columbia.

Councilmember Maness asked if the people were from Charlotte or was their phone originally from Charlotte. Town Administrator Poole responded that it tracks your home location and does not care about the phone number so they could have an area code 803 number and it is speculated that a lot of the data could be recent college graduates that are working professionally in the Charlotte area but have friends and family here. He added that maybe we are helping to remind them that there is something worth coming home for to attend the Wine Walk. Town Administrator Poole stated that the tracking has your work address and your home address and does not use the phone number for tracking. Mr. Hutten further explained that geofencing uses high traffic areas and if a person has their cell phone in their pocket and walk into the geo perimeter they will be served for the Town of Lexington for 30 days. Mr. Willingham added that they also track other devices in the home through their cell phone so ads can be served to their desk tops or iPads.

Mr. Willingham directed Council to the Geofencing page which breaks down the 35 to 40 locations where they captured people in the Town of Lexington. Mr. Willingham stated that the highest number of people visiting Lexington were from the Uptown Charlotte one-mile radius location. He added that they were happy to see this performance. He stated that the second tactic they used was Search Retargeting which retargets people who searched for key words related to the Town of Lexington. He added that they could not track foot traffic into Lexington but they did see approximately 1,000 clicks to the Town of Lexington's web site with a CTR of .14%. Mr. Willingham stated that with this tactic again Charlotte had the strongest numbers of engagements.

Mr. Willingham stated that the last component was Creative Performance. He added that they all performed very similar with mobile engagements having the most. He asked if there were any questions.

Councilmember Carnes asked if the clicks or visits had been converted into dollars. Mr. Willingham stated that by doing the math quickly it would convert to approximately \$24 per visit for this campaign.

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Mayor MacDougall asked if they did this marketing again next year would they change anything. Mr. Willingham stated that they would continue to focus on the Charlotte market but he would also ask Council if they wanted to focus on any other markets. Town Administrator Poole clarified that Staff has been meeting with Experience Columbia to better target the next campaign and they have an application that will be part of the next A-Tax. He added that is why they were asked to come and show Council the results of this campaign which are pretty impressive. Town Administrator Poole stated Experience Columbia has been very responsive and have listened to changes and they are getting positive results to show what they are doing with the money. Councilmember Maness complimented them because we have other people who receive A-Tax funds and Council does not see this type of reporting.

Mayor MacDougall thanked the Experience Columbia staff for their report.

BUSINESS ITEMS: (For discussion and recommendation for Council's February 6, 2023 Meeting.)

1. **Proposed Changes to the Self-Storage Zoning Classification – Economic Developer Jack Stuart:** To date there are nine self-storage businesses in the Town of Lexington, making up 433,000 square feet of storage space across 31.79 acres of General Commercial land. There are two additional self-storage businesses in development that will add 180,000 square feet of storage space, as well as a newly proposed 88,000 square foot space that would take the place of what was a retail location. Within five miles of Town limits there are 21 self-storage businesses that accommodate 882,000 square feet of storage space. In an effort to curb the number of self-storage businesses from taking what Staff believes to be prime commercial real estate, Council may wish to limit new self-storage uses to Industrial Zoned properties. This zoning change would better prioritize and offer more visibility for economic drivers like retail shopping centers that offer more commerce and employment opportunities for the community.

Mayor MacDougall called for a motion to further ask Staff to put something on the next agenda. A motion was made by Councilmember Lyle and seconded by Mayor Pro-Tem Livingston to place the item on a future Council agenda for consideration. The motion carried with a vote of four (4) in favor and one (1) abstained (Carnes).

Councilmember Carnes asked if you change the zoning would every existing business be grandfathered until a change in use. Town Administrator Poole responded yes, they are but sometimes we get concerns from particular industries that are impacted. He

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was not sure who was on Council when the zoning was created for High Density Residential (HDR) which stated that all apartments had to be located in HDR. Town Administrator Poole stated that some apartments were not located in HDR and the Town was hard pressed afterwards to add a clause in the Zoning Ordinance that would allow those to be rebuilt if they burned down. He added that it was being driven by the insurance companies for those apartments because otherwise, if they had burned down, those complexes would have to find new property to build on theoretically. He advised that it may be wise to include some language about grandfathering so when you write the insurance letters, which we do every day, it can say that this is a conforming property even if you say you don't want any more of these, the language would make those that are there conforming.

Mayor Pro-Tem Livingston agreed that the language should be included. Town Administrator Poole clarified that it would only be for those existing businesses and it would not be like you were giving permission to build anything additional.

Town Administrator Poole asked Councilmember Carnes if that covered his question. Councilmember Carnes responded yes, and asked if the Town had ever relocated an industry like that. Town Administrator Poole responded yes, the Town has relocated some apartments, title loan companies, wrecker services, sexually oriented business and smoke shops. He added that those were moved out of generally acceptable commercial zoning and there are particular situations where you can put these. He stated that there are several particular industries that have been identified and located to other zoning areas. He gave the example of a title company where they are allowed in that zoning category but they have to meet other standards such as in a shopping center and can't be within 1,000 feet of another similar business. He added that there all types of nuances in play. Town Administrator Poole stated that what they are asking to do here is to place all of these in industrial zoning like Glassmaster, but it is up to Council. He added otherwise they will keep popping up on Highway 378 next to Target where there are already multiple self-storage facilities. He commented that a friend of his owns a self-storage business and there are zero employees, he is the only employee on a site that takes up four to five acres.

Councilmember Lyle stated that this is a great idea, but they could ask to be rezoned. Town Administrator Poole stated they could ask that but it would be difficult for Council to place an industrial zoning along their arterial roads because there is a law against spot zoning and the property would have to be a minimum of five acres

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for anyone to allow it which is rarely done. He clarified that for the business to request a variance to rezone they would have to be above the minimum size because spot zoning means you cannot have one thing in the middle surrounding by completely different things all the way around it.

Councilmember Maness asked if the same thing could be done for mattress stores. Town Administrator Poole responded maybe but he had not looked into it.

Planning, Building and Technology Director Hanson reminded Council that a change in the Zoning Ordinance would also have to go to the Planning Commission. Town Administrator Poole added that Staff would take it to the Planning Commission only if Council was interested in it so as not to waste their time. Mayor MacDougall stated that everyone is interested in it.

Mayor MacDougall called on Downtown Venue Promoter Walker Brewer for the next item and congratulated him on being named a 20 Under 40 Professional for 2023 by the Lexington County Chronicle.

2. **Market at Icehouse Policy Update – Downtown Venue Promoter Walker Brewer:** Council was provided a copy of the proposed update to the Market at Icehouse Policy. (Copy attached.) The proposed changes include a five-dollar vendor fee, limitations on the number of Markets allowed for vendor registration and a limitation on the number of vendors having similar products on the same Market date.

Councilmember Maness asked why start charging now. Downtown Venue Promoter Brewer responded that he had now built the base of vendors up to 50 to 60 each week so the Town could now start recouping some of the costs.

Town Administrator Poole wished to explain the big picture. He stated that these vendors are the only ones allowed to not have a business license in Town. He added that the \$5.00 fee would equate to what their business license would be over a year to what most of their business licenses would be, therefore if the Town could implement this fee for a year or two then switch them to regular business licenses and discontinue the fee. He stated that Mr. Brewer had discovered that there are some advantages to having a little bit of skin in the game even if it is only \$5.00 because he has vendors who swear they are coming and then do not show up. Mr. Brewer added that Soda City charges \$100 the last time he checked. Mr. Poole stated that our fee is very small comparatively but maybe it would help make people show up and then Staff can plan accordingly.

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Councilmember Lyle asked if the vendor could pay the fee if they did not have a business license. Town Administrator Poole responded that we could do that. Municipal Attorney Cunningham did not see an issue with doing it that way. Mr. Brewer stated that only three of the vendors have a brick and mortar business and would already pay a business license. He added that those three show up when they say they are going to attend an event. Mayor MacDougall agreed that if the vendor is already paying a business license the fee should be waived for them.

Councilmember Maness recommended not having so many of the same type of vendors. Mr. Brewer responded that the categories for the most vendors is for soap, wood working and bakeries but with the fee they could better monitor the numbers. He explained that home bakeries fall under the S.C. Cottage Food Law falls with every other week and the restaurant and food preparedness is inspected under S.C. DHEC. Councilmember Maness stated that she would also like to see more local vegetable farmers. Mr. Brewer responded that he has struggled with this because local farmers use farm to table and would rather get 75 cents on the dollar where the restaurant will buy everything than risk coming to the market for an unknown amount which is not consistent. He added that farmers who have grown their own product have told him it is difficult to give up time in the field to come to the market on Saturday morning. Mr. Brewer stated that last year he had one farmer and one retail farmer and he hopes to bring in an egg farmer and an herb farmer this year. He added that there had also been some personality conflicts that he hoped to work out. Councilmember Maness stated that she had heard about the conflicts. Councilmember Carnes added that eggs would be very popular this year.

Mayor MacDougall called for a motion if there were no further questions. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place this item on Council's February 6, 2023 agenda for consideration. The motion was unanimously carried by all those present.

3. **Pilgrim Point Streetlights – Finance Director Kathy Pharr:** Historically the Town has paid a portion of the streetlight bill for Pilgrim Point residents. In accordance with the Town's Residential Streetlight Ordinance, the Pilgrim Point Homeowner's Association requested that the Town again pay a pro rata share of their streetlight bill. A copy of the HOA letter was provided to Council. (Copy attached.) There are 48 lots in Pilgrim Point and the Town Ordinance states that the Town would be responsible for one (1) streetlight per six (6) lots, which equals eight (8) lights. The total requested amount is \$2,146.56 (22.36 x 8 x 12). Funds would come from Transportation budget, account #100-5-665-520.

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Mayor MacDougall called on Town Administrator Poole to explain the reason behind this policy. Mr. Poole explained that Pilgrim Point was built by a private developer on a private road as a private gated community. The Town provides streetlights for neighborhoods in Town which are all on public roads and they all meet the required number of streetlights or number of lights per house. Mr. Poole stated that because this is a private neighborhood the Town is not able to budget for their lights and pay for them. He stated that they have to request the payment for their lights each year at which time Council is asked to approve the request.

Mayor MacDougall called for a motion if there were no further questions. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place this item on Council's February 6, 2023 agenda for consideration. The motion was unanimously carried by all those present.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

NEWS MEDIA COMMENTS: None.

ADJOURNMENT: Mayor MacDougall thanked everyone for attending the meeting tonight. There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 6:48 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.