

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
June 12, 2023

Town Council held an Executive Session followed by a Council Work Session in the Municipal Complex Conference Center, followed by the June Regular Council meeting (*separate minutes*) in the Council Chambers on June 12, 2023 at 111 Maiden Lane, Lexington, South Carolina (*summer schedule*). The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Councilmembers Todd Carnes, Ron Williams and Todd Lyle. Councilmembers Kathy Maness and Gavin Smith 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, Assistant Parks and Sanitation Director Johnny Dillard, Digital Media Coordinator Michael Tolbert, Marketing Assistant Kaylee Cuthbertson, Assistant Municipal Clerk Karen Hanner and Municipal Clerk Becky Hildebrand.

There were approximately ten (10) citizens present and two (2) 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.”*

CALL TO ORDER: Mayor MacDougall called the meeting to order at 6:02 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 Lyle to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 5:58 p.m. after a motion was made by Councilmember Lyle and seconded by Councilmember Williams. 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: routine personnel matters; two legal items regarding pending litigation and advice regarding an agenda item; and one contractual item regarding a downtown development issue. No vote was taken. A motion was made by Councilmember Lyle 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: A motion was made by Councilmember Williams and seconded by Councilmember Lyle to approve the Minutes as submitted from Council's Regular Meeting held on May 1, 2023 and Council's Special Work Session held on June 1, 2023. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Eau Claire Cooperative Health Center – Mr. Lee Tant, Public Affairs Manager:** Mr. Tant stated that Cooperative Health, founded in 1981, now has 31 sites in South Carolina with seven sites in Lexington County. They provide a wide range of services to the uninsured including pediatrics, adult and family practice, dental podiatry and pharmacy services. Mr. Tant gave a brief report of their activities in Lexington County.

Mayor MacDougall thanked Mr. Tant for his report.

BUSINESS ITEMS: (Discussion and recommendation for the July 10, 2023 Council Meeting.)

1. **Facility Rental Deposits – Assistant to the Town Administrator Wesley Crosby:** Town facility rental deposits have remained low over the course of the Town's rental history. In the last few years however, rental damage has increased. Most recently, damages to the Conference Center, Palmetto Collegiate Institute and Eli Mack Room have far exceeded the deposit rate. Since January, twelve deposits have been held and of those, seven had damage costing more than the deposit. Staff proposed a deposit increase to help cover potential damages for future facility rental contracts. Current deposit rates for both the Conference Center and PCI are \$284 and the Eli Mack Room is \$120. A selection of options were proposed for Council to consider:

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- (1) The deposit rates be raised to a \$1,000 deposit on the Conference Center and PCI and \$500 for the Eli Mack Room.
- (2) The deposit rate be raised to \$500 for in town residents and \$1,000 for out of town residents for each facility listed.

Additionally, Council discussed changing the payment method for reserving a room. It was proposed that the renter pay ½ of the rental fee at the time of reservation and the remaining fee plus the deposit to be paid no later than 30 days prior to the event date. All deposits made at least 30 days prior to the rental will be returned within 5 to 7 business days after the facility is inspected and no damages are assessed.

Councilmember Carnes confirmed that the rates for rentals are as follows and are increased each fiscal year incrementally based on CPI:

Conference Center	\$697 in town	\$1,177 out of town	\$284 Deposit
PCI	\$652 in town	\$1,275 out of town	\$284 Deposit
Eli Mack Room	\$178 in town	\$ 250 out of town	\$120 Deposit

Town Administrator Poole referred to the Municipal Attorney for the higher damage claim filed to an insurance company. Municipal Attorney Cunningham responded that the higher damage claim was \$1,000. Parks and Sanitation Director Walker stated that two weeks ago the lawn was damaged at PCI and it cost his department \$3,000 to repair it. Mr. Crosby confirmed that the Town is allowed by contract to seek payment for damages by holding the deposit and billing for any remaining damage. He added that is difficult to do unless the renter has insurance on their event which is only required if they are going to serve alcohol. Mr. Poole stated that it is our practice to bill for additional damages if they have insurance and even then it takes a long time and a lot of time and effort on the part of the Municipal Attorney. He added that if they do not have insurance we do not bill for remaining damages, but they are placed on a “do not rent to” list. Municipal Attorney Cunningham added that it does take a lot of Staff time to collect on the insurance policies

Councilmember Lyle stated that he did not want the Town in the business of collections, but we need either charge an accurate deposit that reflects the risk over a period of time or we require an insurance policy because we should not be wasting taxpayers’ money on uninsured damages. He was in favor of requiring an insurance policy with or without alcohol. Councilmember Carnes asked for an estimate cost of an insurance policy. Town Administrator Poole did not know the cost without alcohol, but the cost with alcohol is approximately \$100 for a policy depending on risk ratio. Mayor Pro-Tem Livingston wanted to keep the rates low enough for Town citizens to be able to rent it. She was in favor of the deposit at \$1,000 for out of town citizens and \$500 for in town citizens, both with an insurance policy. Mr. Poole wished to point out that most of the damages are done by people using the in town rate.

Mayor Pro-Tem Livingston asked if the Town requires an insurance policy and/or raises the deposit amount, should the rates stay the same. Mayor MacDougall stated that with the Town's low rates, people do not value the facilities and he thought if the rates were higher people would value it more.

Councilmember Williams made a motion to place the item on Council's July 10, 2023 agenda for consideration of option #2 and to require an insurance policy on all rentals. Councilmember Lyle seconded the motion. Mayor Pro-Tem Livingston requested that the Eli Mack Room not be as high since it is pretty basic. Mr. Crosby responded that it could be modified any way that Council requested, but Staff's opinion is to make it as high as possible to protect the Town's assets. He added that just since last month there have already been three more incidents of damage. Councilmember Carnes would like more specific numbers on the damages because if you are going to rent a facility for \$1,000 and probably spend another \$3,000 on the event then you should be able to come up with another \$1,000 for the deposit. He agreed to put it on the agenda, but he would like to receive more data in between time. Mayor Pro-Tem Livingston would like a list of number of times each facility had damage and at what amount. She asked if the Eli Mack Room had experienced any damage. Marketing Assistant Cuthbertson responded yes, but it was primarily cleaning issues, but it required the Maintenance Staff to come in on Monday and spend several hours cleaning. Mr. Crosby stated that the extra effort of an insurance policy would help, plus if the Town required ½ of the rental up front followed by the remaining ½ and the deposit to be paid 30 days prior to the event. Town Administrator Poole verified that the insurance requirement would not be for the small board rooms that are rented for \$25 in Town Hall.

Mayor Pro-Tem Livingston recommended that Staff bring this back to Council's next Work Session with more facts in order to discuss the details further. Councilmember Williams agreed to withdraw his motion and he seconded Mayor Pro-Tem Livingston's motion. The motion was unanimously carried by all those present.

2. **Reappointments to Boards and Commissions – Municipal Clerk Becky Hildebrand:** The terms for the following nine Boards and Commissions members will expire June 30, 2023. Reappointments require approval by Council. During Council's May 15, 2023 meeting, Council deferred the item back to Work Session for further discussion and asked for additional information regarding appointment dates and attendance records (provided below). The Board members have not yet been contacted by Staff. Attached is a full list of all Boards and Commissions and the number of vacancies open on each.

Advisory Committee

(Met once in 2 years – Staff Liaison Laurin Barnes)

Ginny Kurtz, appointed in 2006, present
Robert Suggs, appointed in 2007, present

Building Codes

(Met twice in 2 years – Staff Liaison Brent Hawkins)
Keith Benton, appointed in 2021, present/2

Historic Preservation

(Met once in 2 years – Staff Liaison Wesley Crosby)
Chuck Corley, appointed in 1999, present
Jan Westmoreland, appointed in 2011, present
Michael Blackwell, appointed in 2019, present

Traffic Committee

(Met 4 times in 2 years – Staff Liaison Randy Edwards)
Susan Ruinen, appointed in 2004, present/4
Bob Ferrell, appointed in 2004, absent/4
Rosemary Wilson, appointed in 2005, present/4

A motion was made by Councilmember Lyle and seconded by Councilmember Williams to place the item on Council’s July 10, 2023 agenda for consideration. Mayor Pro-Tem Livingston confirmed that new applicants could also be presented by the next meeting. The motion was unanimously carried by all those present.

3. **Abandoned Building Tax Credits – Municipal Attorney Brad Cunningham:** Mr. Kevin Connelly is repairing the former Dispatch Building at 136 East Main Street. As part of the process, tax credits under the SC Abandoned Buildings Revitalization Act are being sought. Part of the approval process for these credits is the passage of an Ordinance by Town Council certifying that the property is an eligible building site as defined by §12-67-120 which defines an abandoned building as one for which at least sixty-five percent (65%) of the building space has been closed continuously to business or otherwise non-operational for income producing purposes for a period of at least five (5) years preceding the date on which the taxpayer files a “Notice of Intent to Rehabilitate”. The building clearly meets this definition as it has not been occupied for more than 20 years. (Draft ordinance and site plan attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Carnes to place this item on Council’s July 10, 2023 agenda for First Reading. Mayor Pro-Tem Livingston confirmed that this had been done before and Mr. Connelly had agreed to improve the walkway alley. The motion was unanimously carried by all those present.

4. **Traffic Study – Assistant Town Administrator Stuart Ford:** During the May 30, 2023 Council Work Session, Town Council requested that an additional Traffic Study be conducted related to the proposed Smallwood Cove Project. The specific scope requirements need to be established including additional

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potential intersections to be include. Streets and Infrastructure funds anticipated to be utilized for the study.

A motion was made by Councilmember Carnes and seconded by Mayor Pro-Tem Livingston to place the item on Council's July 10, 2023 agenda for approval. Councilmember Lyle stated that a company in Charleston (Bowman Consulting) will be happy to meet with Council to discuss the study. The motion was unanimously carried by all those present.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

Ms. Debbie Heim, 200 Shady Creek Road, Lexington, SC 29072, stated that a lot of time was spent on damages of rental facilities and there seemed to be some confusion on Council. She pointed out the traffic study stated a 2027 build out of the Smallwood Cove project and it also takes zero into consideration for the 50,000 square foot conference center which is being substantially funded with State taxpayer dollars.

ADJOURNMENT

Mayor MacDougall thanked the Councilmembers and citizens for attending the Council Work Session. He stated that without objection from Council, he declared the meeting adjourned and requested that Council proceed to the Regular Council Meeting in the Council Chambers. The Council Work Session was adjourned at 6:30 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

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.