

MINUTES
Town of Lexington
Executive Session and
Council Work Session

October 18, 2021

Town Council held an Executive Session prior to the Council Work Session starting at 5:00 p.m. on October 18, 2021 at Town Hall in the Conference Center 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. Councilmember Todd Lyle was absent.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Economic Development Johnny Jeffcoat and Municipal Clerk Becky Hildebrand.

There was one (1) citizen present and no members of the news media 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:

Councilmember Carnes gave the invocation. Mayor MacDougall led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 5:41p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported the *Executive Session* was called to order at 5:03 p.m. after a motion was made by Mayor Pro-Tem Livingston 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 5:38 p.m. after a motion was made by Councilmember Williams 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: one personnel matter; two legal items regarding pending litigation and advice regarding an agenda item; and one contractual item regarding an economic development contract issue. No vote was taken. A motion was made by Councilmember Williams 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 Baker to approve the minutes as submitted for the Council Work Session held on September 20, 2021. The motion was unanimously carried by all those present.

BUSINESS ITEMS: (For discussion and recommendation for Council's November 1, 2021 Regular Council Meeting.)

1. **Pickle Ball Courts – Town Administrator Britt Poole:** Mr. Poole stated that Council had requested to have a discussion about pickle ball following the Pickle Ball Presentation made during their September Work Session. He stated that he had contacted Mr. Randy Gibson, Executive Director of the Lexington County Recreation and Aging Commission, to determine if the Commission had any plans for pickle ball. Mr. Gibson advised Mr. Poole that the Commission currently has 10 outdoor courts and 10 temporary indoor courts. He added that if the Commission Board approves, he plans to add 10 more permanent outdoor courts at the Lexington Tennis Complex and 6 more pickle ball courts at the Cayce Tennis Complex, bringing the total number of courts to 36 (outlined below). Mr. Gibson is currently pricing the projects. He also stated that they have the ability to add more indoor courts at other complexes if necessary. Mr. Gibson indicated that they also run league and beginner programs at the Barr Road Complex. He also stated that noise is an issue at pickle ball courts and they do their best to physically separate pickle ball courts from tennis courts due to the complaints.

**Summary of Lexington County Recreation and Aging Commission
 Current and Future Pickle Ball Courts**

LOCATION	OUTDOOR	TEMPORARY INDOOR	FUTURE ADDITIONS
Lexington Tennis Complex	4		10
Cayce Tennis Complex	4		6
Gibson Road	2		
Barr Road		6	
Tri-City		4	

Councilmember Maness asked how long it would take to install the future additions. Mr. Poole responded that he was not given an exact date, but it would probably be a year or so. Councilmember Maness asked if the Town Council could send a letter to the Board in support of pickle ball. Mr. Poole responded, yes, Council could send a letter. Mayor MacDougall stated that he would be in favor of a letter of support.

Councilmember Carnes called on Mr. Edwin Gerace for any comments he may have as one of the presenters from September. Mr. Gerace requested that Mr. Poole repeat the number of courts because that was not the same information he was given. Mr. Jeffcoat stated that the numbers presented were the same numbers he received from Mr. Gibson. Mr. Poole read the numbers again and Mr. Gerace was given a copy of the information presented to Council. Councilmember Carnes asked if the pickle ball supporters had been in communication with Mr. Gibson. Mr. Gerace responded that it had been a one-way communication with Mr. Gibson for the past six months. He added that Mr. Gibson had also told him two months ago that the item was going to be on their 2022-2023 budget, then he was told last week that they were looking at turning the two tennis courts at Lexington into six to eight pickle ball courts. He added that there are a lot of limits to the indoor courts. Mr. Gerace stated that the courts at Barr Road are nice but use is very limited, such as 9:00 a.m. to 11:00 a.m. because they have a lot of basketball games there. He added that the four courts at Cayce are not used because the fencing is so close it is almost a safety issue. Mr. Gerace stated that it is good that Mr. Gibson is stating that they are going to add courts. Mayor MacDougall stated that it is now on the public record.

Mayor MacDougall asked Mr. Gerace if they had received any pushback from the folks that play tennis for taking their courts. Mr. Gerace responded that Gibson Road is run on its own and they share a court because there is only one tennis player there a lot and he gets aggravated at others on the court. Mr. Gerace added that they got some pushback several months ago at the Tennis Center but their leadership has now changed. Mr. Poole added that Mr. Gibson also said there is a balance between the pickle ball players and the tennis players because they both want more courts.

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Councilmember Maness asked if anyone had checked on the *Chicken N Pickle* restaurant and pickle ball court franchise. Mr. Jeffcoat stated that he had talked to three different people and the man who started it is Dave Johnson who has 9 locations with a restaurant and complex with pickle ball courts. Mr. Jeffcoat added that it is not a franchise. He stated that he did not push real hard on the particulars until Council decided if they had an interest in it. Mr. Jeffcoat stated that he had also talked to Mr. Gibson who told him the same numbers that were reported by Mr. Poole. Councilmember Maness stated that the *Chicken N Pickle* that she attended was very nice and it was packed with people. She added that it was closed just so the Oklahoma Municipal League could hold an event there and all 14 courts were packed. She would like to pursue them to see if they would come to the Town of Lexington because she thought it would be something good for the Town. She did not think it would cost the Town anything. Mr. Jeffcoat stated that he did not know if it would cost the Town anything, but they may want some incentives to come here, but he could check into it. Councilmember Maness stated that she recently met someone who is a friend of the owner and encouraged them to tell him that they needed to come to Lexington. Mayor MacDougall encouraged NLC President Maness to also make a phone call to ask them to come to Lexington because it appears that we have a lot of interest.

Mr. Poole stated that he would soon be attending the ICSC Conference which is a recruiting conference for facilities and he could check to see if they are there or other similar businesses and have a discussion with them. He added this could be done in addition to Mr. Jeffcoat's research.

Mr. Gerace asked if there was any way to do a public/private partnership with *Chicken N Pickle* such as the Town may have two acres of land to add to the deal in a location where they wanted restaurant.

Mr. Jeffcoat stated that he had also thought about a public/private partnership and had discussed the idea with Mr. Adam Huneau, owner of Alodia's Italian Restaurant. He added that another upscale restaurant may be an option if *Chicken N Pickle* is too expensive.

2. **Rental Utility Adjustment – Town Administrator Britt Poole:** Members of Town Council requested to discuss adding language to the Town's rental agreements allowing for adjusting the price due to fluctuations of utility costs. Since 2018 most Town fees (including rental fees) were adjusted by the 12-month CPI-U as directed by Town Council as part of the budget process as shown in the following chart:

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YEAR	INCREASE IN RENTAL FEES
FY 2019	2.1%
FY 2020	1.9%
FY 2021	NA (COVID)
FY 2022	1.4%

If Council wishes to update the agreement, the following language was suggested as prepared by the Municipal Attorney Cunningham:

The Town of Lexington reserves the right to adjust the total price accordingly in the case of unforeseen additional expenses incurred in providing rental facilities or services under this contract. These may include, but are not limited to, increased utilities and wireless internet costs that were not in place at the time the contract was executed.

Mr. Poole suggested that the modification of CPI of the rental prices shift for the most part deal with utility cost over time because there was a concern about asking people to enter into a contract of which they did not know the price. He added that the Town knows we are not going to jack up the price but people might have concerns about that.

Councilmember Williams stated that his concern was if he rented the Pavilion and was not going to use the heaters, why should he have to pay for it when someone else may be burning them all day. Mr. Poole responded that was a separate issue and added what they did was take the four hour cost and assumed two four hour burnings a month and divided that in half and stated that the cost is paying half of a four hour burn and Council adopted the pricing last month. He stated that they knew some people would use it and some would not depending on the time of year, but if it was not charged up front and suddenly they need the heat and had not paid for it they would expect for it to be turned on. Mr. Poole stated that is why it is just included in the price. Councilmember Williams stated that he would go along with Mr. Cunningham’s recommendation on the wording.

Councilmember Carnes confirmed that a policy change would require a reading. He wished to reserve the right to pull it back because it is not that much money. He added that you can’t push utility bills so fast, like gasoline, because people will revolt. Mr. Poole stated that since the Town has been renting these facilities it has not been an issue. He added that the utility costs were new utility costs and it was not brought to Council when the heaters were first purchased because Staff had not even tested as to how much it would cost. Councilmember Carnes recommended to hold off on it until there was a problem.

Mayor Pro-Tem Livingston recommended we do it.

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Mayor MacDougall stated that it should be explained up front and to advise people that it is not here to scare you but to protect the Town.

Mayor MacDougall called for a motion. There being no motion made, the item failed.

COUNCIL/STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

NEWS MEDIA COMMENTS: None.

ADJOURNMENT: Mayor MacDougall thanked everyone for attending the meeting. There being no objection from Council, Mayor MacDougall adjourned the Council Work Session at 6:04 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.