

MINUTES
Town of Lexington

COUNCIL WORK SESSION

June 13, 2011

Town Council held an Executive Session and a Regular Council meeting followed by a Council Work Session on June 13, 2011 in the Eli Mack Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier, and Councilmember Todd Shevchik. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Interim Planning, Building and Technology Director John Hanson, Events and Media Coordinator Jennifer Dowden, and Municipal Clerk Becky Hildebrand.

There were approximately five (5) citizens and students present and two (2) reporters from the news media.

EXECUTIVE SESSION REPORT

Executive Session was reported during the Regular Council meeting. (See separate minutes for Regular Council Meeting held on June 13, 2011.)

CALL TO ORDER: A motion was made by Mayor Halfacre and seconded by Mayor Pro-Tem Tyndall to call the Work Session to order at 7:45 p.m. The motion was unanimously carried.

PRESENTATIONS

1. **Mr. Madhu Shrivastava – LED Price Signs for Convenience Stores/Gas Stations:** Mr. Shrivastava requested that Council change the Sign Ordinance to allow LED pricing signs. Mr. Shrivastava recently opened a convenience store on Highway 1 in Lexington. He stated that he does not have a problem with the ordinance but he would just like to have the moving message portion reevaluated. He presented several photographs for Council's review showing the existing sign and manually changed number and what the sign could look like with LED numbers that could be changed from inside the store. (Copies attached.) Mr. Shrivastava presented a copy of Richland County and City of Columbia Ordinances which excludes his type of sign. He stated that he had already submitted a variance application to the Board of Zoning Appeals but they had to enforce the ordinance as set by Council.

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Town Administrator Poole confirmed that the Town's Sign Ordinance was enacted in 1998 and some modifications were made in 2002 and 2007, all of which forbid any LED signs. Council requested that the ordinance be reviewed by staff. Town Administrator Poole stated that he would review the ordinance and added that the Town had always taken a defensible position on the sign ordinance, but he would also have the Municipal Attorney review the ordinance. Mayor Pro-Tem Tyndall stated that she opposed changing the Sign Ordinance, but she did not mind staff reviewing it to determine that if it was changed, could it be defended in court. Mayor Halfacre stated that he was willing to review the ordinance but he did not want to open a can of worms. He stated that if the ordinance could be brought into the 21st century it may help some of the businesses with signs like Mr. Shrivastava's. Town Administrator Poole stated that he would do the research.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on July 18, 2011.)

1. **Sunday Beer and Wine Sales – Councilmember Kathy Maness:** Town Council was asked to consider placing a referendum on the ballot for the next general election asking the voters whether they would approve Sunday sales of beer and wine. A copy of the code section which would allow such a referendum was presented to Council. (Copy attached.) If the referendum is initiated by Town Council, it requires the passage of an ordinance.

Councilmember Maness stated that she does not drink beer or wine but she does shop at Bi-Lo and the Manager, Greg Cupstid, asked that the request be brought to Council. She added that others had also approached her about the topic in order for Lexington to not lose on Sunday sales. Planning, Building and Technology Director Hanson stated that when he worked for the Town of Irmo, they had a similar request. One store told him that they lost approximately \$8,000 just on Super Bowl Sunday. Mr. Hanson did not think that Council would get much push back from the referendum. He added that he received very few calls from citizens and it passed with a 65% vote.

Mayor Pro-Tem Tyndall stated that there was probably little push back because the citizens got to decide. Councilmember Frazier agreed and added that business people are missing out without Sunday beer and wine sales. Councilmember Shevchik asked about a special license. Municipal Attorney Cunningham stated that the Town would stay in accordance with the licensing ordinance, but the State of South Carolina would issue the beer and wine permit.

Mayor Halfacre asked Mr. Shrivastava for his opinion. Mr. Shrivastava stated that one of the Columbia convenience stores made \$35,000 during Sunday sales, while a store not in Columbia only made \$15,000 to \$17,000.

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Town Administrator Poole stated that it wasn't just the Sunday sale of beer and wine. He stated that the Manager at Kroger in Irmo may sell a six pack of beer for \$8.00 but it was the other \$120 in groceries that helped his sales.

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to place the request for a Sunday Beer and Wine Sales reference on Council's July 18, 2011 agenda for consideration. The motion was unanimously carried.

2. **Restricted Parking – Municipal Attorney Brad Cunningham:** Town Council is being asked to consider placing parking restrictions in front of businesses on Main Street. There is authority in the Town Code of Ordinances for such an action:

§ 75.06 – Limited or Restricted Parking: In addition to the other provisions of this chapter relative to parking, the Council may designate areas or spaces on streets where the parking of vehicles is prohibited or limited to a specific time or otherwise restricted. Wherever such designation is made, appropriate signs or markings shall be erected clearly indicating the prohibition, limitation, or restriction and it shall be unlawful for such signs or any person to park any vehicle in violation of such signs or markings.

If this action is desired, Council should specify a designated area for restricted parking in as clear a manner as possible. (Example: 100 block of Main Street from South Church Street to North Lake Drive.) Appropriate signs would need to be displayed indicating the parking restrictions.

Chief Green stated that the Town used to have restricted parking back when he was a rookie cop because he had to "chalk" the tires to determine how long a car had been parked. He was glad when the practice was discontinued. Mayor Halfacre asked Mr. Jeffcoat if they could stop all the lawyers from parking on Main Street and if it would help to have a two hour limit. Mr. Jeffcoat responded that a number of the attorneys had discussed the issue with him, but the attorneys and their staff tend to park near their offices and stay there for the day. Councilmember Frazier stated that would not cure the problem; that the Town needed to build something for people to park in. Mayor Pro-Tem Tyndall stated that handicap parking would also be required. Town Administrator Poole stated that he would look into a two hour limit in order to have some rotation of parking on Main Street.

3. **Boards and Commissions – Municipal Clerk Becky Hildebrand:** Ms. Jeannie Michaels and Ms. Jan Westmoreland submitted Talent Bank applications. Ms. Michaels indicated an interest in serving on the Advisory Committee and two other Boards. Ms. Westmoreland indicated an interest in serving on the Historic Preservation Review Board. Both Boards currently have openings. Council was asked to place the item on their July 18, 2011 agenda for reappointment approval

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for Ms. Michaels to serve on the Advisory Board and for Ms. Westmoreland to serve on the Historic Preservation Review Board. (Copies of Talent Bank applications attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to place the approval of reappointments on Council's July 18, 2011 agenda as stated. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **DCS Energy Solar Lease Contract – Town Administrator Britt Poole:** In January the Town of Lexington started working with a Connecticut based company called DataComm Services LLC & DCS Energy regarding the possibility of installing free solar panels on Town Hall. Grants Administrator Wesley Crosby worked out the details with DCS Energy on obtaining the free solar panels and Building Official Charly Thomas worked out the logistics of where the panels would be installed.

The results of the meetings landed the Town of Lexington an agreement with DCS Energy to install two (2) Direct Current Solar PV systems on the roof of Town Hall. Each system is valued at \$117,000 and will produce an average of 1800 kWh, of clean energy each month. The total value of the installed equipment equals \$234,000 and the energy savings from the two systems for one year will average \$4,752. The Town will enter into a no cost Lease Contract with DCS Energy for five (5) years, where upon DCS Energy will retain rights to the renewable energy credits generated from the solar PV for the life of the system. After five years, the system will be donated to the Town from DCS Energy or may choose to have the systems removed at no cost. A copy of the Solar Lease Five (5) Year Contract for system "A" was given to Council as reference. (Copy attached.)

Councilmember Frazier asked what the company received. Town Administrator Poole responded that the company received Federal grants to help install the systems as related to clean energy. Councilmember Frazier stated that any overages could be sold back to SCE&G but it is not at the price that they charge consumers.

Mayor Halfacre stated that he had seen the presentation from the DCS Energy Company at a recent COG meeting and he agreed that the Town should participate.

STAFF COMMENTS: None.

COUNCIL COMMENTS: None.

PUBLIC COMMENTS: None.

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QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Tyndall to adjourn the Council's Work Session at 8:16 p.m. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
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.