

FEBRUARY 2, 2015

The regular Council meeting was held at the M.S. Bailey Municipal Center at 6:00 PM with Mayor Bob McLean presiding with Councilmembers Cook, Dowdle, Byrd, McGee, Jenkins, and Scarborough. The City Attorney and the City Manager were present. News media present were Randy Stephens from WLBG, Larry Franklin from the Clinton Chronicle, and Judith Brown from GoClinton.com. Notice was sent emailed and mailed to all local news media on January 28, 2015.

INVOCATION The invocation was given by Reverend Jim Roberts from Westminster Presbyterian Church.

PLEDGE ALLEGIANCE Mayor McLean asked Council and the audience to stand and recite the Pledge of Allegiance.

MINUTES Mayor McLean asked Council to approve the minutes from January 5. Motion was made by Councilmember Dowdle to approve the January 5, 2015 minutes and seconded by Councilmember Jenkins. The vote was unanimous.

AMEND AGENDA Motion was made by Councilmember Jenkins to amend the agenda to include a discussion regarding the December Council minutes and a Resolution and seconded by Councilmember Scarborough. The vote was unanimous.

AMEND DECEMBER 1, 2014 MINUTES Mayor McLean stated that the next item before Council is to amend the December 1, 2014 minutes which were approved at the January 5, 2015 Council meeting. Mayor McLean stated that he spoke with the Municipal Association regarding this matter and the Municipal Association stated that to amend the approved agenda is highly unusual and they did not recommend the City doing this. Councilmember Jenkins stated that the City Manager and City staff reviewed the recorded minutes and that particular part of the recording was left out of the December minutes. Mayor McLean stated that the minutes are not an exact replica of the recorded minutes. Mayor Mclean stated that going back and amending approved minutes sets a bad precedent in which the City may go back two to five years and change approved minutes. Mayor McLean stated that everyone voted on the minutes and had an opportunity to look the minutes over. Councilmember McGee stated that Council did not vote on the part left out. Councilmember Dowdle asked Mr. Wham, City Attorney, to address the matter. Mr. Wham stated that Council could amend the minutes since the request has come before Council as a motion and would be voted on. Mr. Wham stated that he does not know if it has been done before or whether it is common protocol. Councilmember Dowdle stated that Council is discussing the matter in open session. Motion was made by Councilmember Cook to approve the December 1, 2014 amended Council minutes and seconded by Councilmember Byrd. The vote was six to one with Mayor McLean voting no.

CITZENS ADDESS COUNCIL Mayor McLean recognized Mr. Herb Codington. Mr. Codington stated that he services a church in the Lydia Mill Community and he has been acquainted with the community since 1970. Mr. Codington stated that before the Lydia Mill Community was annexed into the City limits there was very little services for these citizens. Mr. Codington stated that since annexation, services have been provided and improvements on the infrastructure have been done.

HERB CODINGTON LYDIA MILL

Mr. Codington stated that if the City becomes more engaged with the Lydia Mill Community and develops the property, it would serve the citizens. Mr. Codington stated that a survey was taken in the Lydia Mill Community and the number one wish is a safe place for their children to play. Mr. Codington stated that any help from the City would greatly be appreciated by the Lydia Mill Community.

**MIRIAM JACKSON
ROAD CONDITION**

Mayor McLean recognized Ms. Miriam Jackson from 413 Dillon Drive. Ms. Jackson stated that she was before Council last year about work being done to her road. Ms. Jackson stated that no one will travel down her road because of the road's condition. Ms. Jackson stated that the garbage truck or EMS will not drive down the road. Ms. Jackson asked Council for help. Councilmember McGee stated that Council asked City staff to find out who owned the road and Ms. Jackson stated Mr. Rod Holmes owns the road. Councilmember McGee asked the City Manager if the City has an easement into the property and Mr. Stovall stated no. Mr. Stovall, City Manager, stated that the road is private and there is no right of way easement into the road. Councilmember McGee stated that this is a civil matter, but could the City help her. Mr. Stovall stated that in the past the City has notified property owners and the City would suspend services until the problem is fixed. Mr. Stovall stated that normally the issue would be resolved but the City does not own this road. Ms. Jackson asked what she could do about the situation and Mayor McLean stated that her road is impassable. Mayor McLean asked if City staff could come up with a solution and Mr. Stovall stated that the City would meet with Ms. Jackson and the landlord. Councilmember Byrd stated that the other residents in that area could get together and meet with the landlord as a group. Mayor McLean asked if the City could scrap the road and Mr. Stovall stated that would be using public funds to clear private property. Ms. Jackson stated that three individuals have owned the property and she has lived there since 2003 and none of the three landlords tried to fix the road. Mr. Stovall stated that all of the roads in the sub-division are privately owned. Councilmember Jenkins asked if the residents could go to the County Council for a solution and Mr. Stovall stated that it is not a County issue. Councilmember Jenkins stated that it is hard to help resolve this issue since the road is privately owned and that prevents City Council from moving forward with the matter. Councilmember Cook asked if Ms. Jackson could appeal to EMS for help since that would be a safety matter. Mr. Stovall stated that the City of Clinton is the fire and safety provider for that area. Mr. Stovall stated that the City would meet with the property owner and come up with some options for Ms. Jackson.

**CITY MANAGER'S
REPORT
RESOLUTIONS
HEART ASSOCIATION
BLACK HISTORY
CHILDREN DENTAL**

Mayor McLean recognized Mr. Stovall. Mr. Stovall stated that the first item on the agenda is Resolutions proclaiming February as American Heart Association Month, February as Black History Month, February as Children's Dental Health Month, and February as Cities Mean Business Month. Motion was made by Councilmember Dowdle to approve the Resolutions and seconded by Councilmember Jenkins. The vote was unanimous.

**PRESENTATION
MASC ASSOCIATION**

Mr. Stovall stated that the next item on the agenda is a presentation from the Municipal Association of South Carolina regarding the requirements for executive session in Municipal Council meetings. Mr. Stover recognized Mr. Jeff Shackler. Mr. Shackler stated that he was before Council to discuss executive session and how it relates to the Freedom of Information Act. Mr. Shackler stated that the Freedom of Information Act defines a meeting as convening of a quorum of public advisers.

Mr. Shackler stated that the Freedom of Information Act defines five types of meetings which are regular Council meetings, Special Council meetings, Emergency Council meetings, Public Hearing, and an executive session. Mr. Shackler stated that the purpose of the Freedom of Information Act is to provide public access and press access to Council meetings. Mr. Shackler stated that Council may discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee in executive session. Mr. Shackler stated that Council may discuss contractual matters during executive session. Mr. Shackler stated that Council may discuss the negotiations incident to proposed contractual arrangements and proposed sale or purchase of property. Mr. Shackler stated that when the contract is executed then the contract is subject to disclosure. Mr. Shackler stated that legal advice, security matters, and investigation matters could be discussed in executive session. Mr. Shackler stated that the discussion of matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body could be discussed in executive session. Mr. Shackler stated that votes and specific purposes are the two key words for Council when entering into executive session. Mr. Shackler stated that Council must take a vote in open session to go into executive session and the only vote Council can take in executive session is to return to open session or adjourn. Mr. Shackler stated that Council also must give specific purposes of going into executive session. Mr. Shackler stated that the public may record the open session but not the executive session and Council may also invite individuals into the executive session. Mr. Shackler stated that Council does not have to take minutes or record the executive session. Mr. Shackler stated that minutes, recordings, and notes for executive session are public under the Freedom of Information Act. Mr. Shackler stated that executive session is a vehicle for Council to have private discussions but the law does not regulate Councilmembers releasing information discussed in executive session. Mr. Shackler stated that while a Councilmember may discuss an executive session matter it is not wise to do so, especially a personnel matter. Mr. Shackler stated that the Municipal Association recommends any subject discussed in executive session be treated as confidential information. Councilmember McGee asked if Council takes their iPads, purchased by the City, into executive session, is the iPad subject to the Freedom of Information Act and Mr. Shackler stated yes. Mr. Shackler stated whether the City purchased the device or you did, if you use the device to discuss City business then the device is subject to public knowledge. Councilmember Cook stated that a Councilmember could discuss an executive session matter in public and Mr. Shackler stated yes.

**FIRST READING
ORDINANCE
DESIGN REVIEW
BOARD**

Mr. Stovall stated that the next item on the agenda is the first reading of an Ordinance to amend the Design Review Ordinance to reduce the size of the Design Review Board. Mr. Stovall stated that the Design Review Board is responsible for the implementation of the City's Design Review Ordinance and the non-residential design guidelines and standards. Mr. Stovall stated that the purpose of the board is to protect the architectural integrity of the City. Mr. Stovall stated that the authority to create a Board of Architectural Review or a Design Review Board is provided to local governments by the Local Government Comprehensive Planning Enabling Act of 1994. Mr. Stovall stated that the Design Review Board receives its local authority from the City of Clinton Design Review Ordinance, which was enacted in 2005 and amended in 2010.

Mr. Stovall stated that in 2009 the Design Review Board expanded their members to nine and the proposed Ordinance returns the members to five. Mr. Stovall stated that the term of office for the Design Review Board is two years and it is hard to find members to serve on the board. Councilmember Scarborough made a motion to approve the first reading of an Ordinance reducing the number of members on the Design Review Board from seven to five and seconded by Councilmember McGee. The vote was unanimous.

**RESOLUTION
LCWSC
LYDIA MILL**

Mr. Stovall stated that the next item on the agenda is a Resolution supporting the Laurens County Water and Sewer Commission application for Community Development Block Grant funds to perform sewer rehabilitation and improvements in the Lydia Mill neighborhood. Mr. Stovall stated that the City competes for the Community Block Grant funds and there is a limitation on the number of open grants a Community may have. Mr. Stovall stated that the City has used Community Development Block Grants in the past to rehab sewer lines and water lines in Clinton Mill and Lydia Mill, Streetscape project, and the Pharmacy School parking lot. Mr. Stovall stated that the City has received \$3 million in grants to complete the projects which cost \$3.7 million. Mr. Stovall stated that the LCWSC is applying for CDBG funds to upgrade the sewer system in Lydia Mill. Mr. Stovall stated that the City already has an open project and the City is not in a financial position to decide which water or sewer project to pursue. Mr. Stovall stated that the roads and sidewalks belong to the SCDOT, the City of Clinton services the Water and Electric Systems, and LCWSC services the Sewer System in Lydia Mill. Mr. Stovall stated that the LCWSC would apply for funds to upgrade 1/3 of the Sewer System in Lydia Mill. Mr. Stovall stated this grant is a way to improve Lydia Mill at no cost to the City. Councilmember Cook made a motion to approve the Resolution supporting LCWSC grant application to rehab the sewer lines in Lydia Mill and seconded by Councilmember Jenkins. The vote was unanimous.

**RESOLUTION
CJIS SYSTEM**

Mr. Stovall stated that the next item on the agenda is a Resolution authorizing the City Manager to sign an intergovernmental agreement regarding compliance with the new Federal and State regulations regarding the management of Criminal Justice Information System (CJIS) related data. Mr. Stovall stated that he would use the Public Safety Director as the City Manager's designee to sign the agreement regarding criminal justice data. Mr. Stovall stated that CJIS is a Federal Agency that makes regulations on how Law Enforcement agencies manage data that contains criminal justice information. Mr. Stovall stated that there is a new law that requires the Public Safety Department to store CJIS information in a Law Enforcement agency in an encrypted state and the data has to travel in an encrypted format and be subject to a CJIS audit. Mr. Stovall stated that the City is not currently keeping this information in the required format and the City would have to invest in technology that would support the new law. Mr. Stovall stated that if the City sent the CJIS information to PMPA in the new format this would clog up PMPA's system. Mr. Stovall stated that PMPA has asked all agencies to separate the CJIS information out, PMPA would still offer support, but PMPA would not host the CJIS information. Mr. Stovall stated that the City met with Union, Abbeville, Laurens, and Westminster to discuss how to manage the CJIS information. Mr. Stovall stated that the cities would share in the cost of storing the CJIS information and the City of Laurens would be the host. Mr. Stovall stated that the City's cost for storage and equipment would be \$2,000.

Mr. Stovall stated that the City would sign a document stating that the CJIS data from Clinton is the City's responsibility regardless where the information is stored. Councilmember Dowdle asked if PMPA was in agreement with the arrangement and Mr. Stovall stated yes. Motion was made by Councilmember McGee to authorize the City Manager or his designee to sign an agreement with PMPA for the management of CJIS information and seconded by Councilmember Scarborough. The vote was unanimous.

**BIDS
FIRE TRUCK**

Mr. Stovall stated that the next item on the agenda is for Council to consider bids for the financing of the purchase of a 2105 Pierce Fire Engine for the Department of Public Safety. Mr. Stovall stated that the fire truck cost \$365,000 and upon approval the City would make a down payment of \$50,000 and would budget \$55,789 over the next six fiscal years. Mr. Stovall stated that the City would finance \$315,157 with the first payment on September 1, 2015 and the last payment on February 16, 2021. Mr. Stovall stated that the City solicited bids for several financing options. Mr. Stovall stated that City staff recommends the BB&T proposal to finance \$315,157 for a six-year term with an interest rate of 1.75%. Motion was made by Councilmember Dowdle to approve the bid from BB&T to finance a fire truck for \$315,157 over a six-year term with an interest rate of 1.75% and an annual payment of \$55,789 and seconded by Councilmember Byrd. The vote was unanimous.

**SECOND
READING
ORDINANCE
INDUSTRIAL
PARK
INCENTIVES**

Mr. Stovall stated that the last item on the agenda is a second reading of an Ordinance consenting to the inclusion of certain land located in the City within a joint County industrial and business park to be established by Laurens County and Greenville County authorizing the execution and delivery of an intergovernmental agreement between the City of Clinton and Laurens County. Mr. Stovall stated that Project Picket Fence was a joint action between the City and Laurens County. Mr. Stovall stated that Project Picket Fence was an expansion of an existing facility outside the City limits and construction of a new facility inside Clinton Corporate Park III. Mr. Stovall stated that the new construction would have been on forty acres inside Clinton Corporate Park III. Mr. Stovall stated that the Ordinance would have taken the forty acres put them in a Multi-County Industrial Park and put the incentive package in place. Mr. Stovall stated that the project inside the City limits is not moving forward but the company has stated that if their situation improves then the company would like to expand. Mr. Stovall stated that the Ordinance would allow the City to act quickly if the company decides to expand and receive the economic development incentives over the next five years. Mr. Stovall stated that if the company does not invest in expansion in the next five years then the company does not receive the economic incentives. Mr. Stovall stated that the Ordinance does have a sunset at the end of the five years. Mr. Stovall stated that the Ordinance does send a message that the City is pro economic development and pro-business. Motion was made by Councilmember Cook to approve the second reading of an Ordinance regarding economic incentives and seconded by Councilmember McGee. The vote was unanimous.

**EXECUTIVE
SESSION**

Motion was made by Councilmember Dowdle to go into executive session to discuss a personnel matter relating to the Department of Public Safety, a personnel matter relating to the appointing of individuals to serve on Boards and Commissions, and one contractual matter relating to the acquisition of property in the Lydia Mill neighborhood and return to open session on the call of the chair and seconded by Councilmember Jenkins. The vote was unanimous.

- OPEN SESSION** Mayor McLean declared Council back in open session. Mayor McLean stated that two personnel matters and one contractual matter were discussed and no action was taken.
- APPOINTMENT** Motion was made by Councilmember Scarborough to appoint the
DESIGN REVIEW following members to the Design Review Board: Tim Stoddard, Susan
BOARD Raynal, and Anita Williams to a two-year term effective immediately and
2 YEAR TERM ending 12/31/16 and seconded by Councilmember Jenkins. The vote was unanimous.
- APPOINTMENT** Motion was made by Councilmember Scarborough to appoint the
DESIGN REVIEW following members to the Design Review Board: Blake Harwell and
BOARD Genevra Kelly to a one-year term effective immediately and ending
1 YEAR TERM 12/31/15 and seconded by Councilmember Byrd. The vote was unanimous.
- RESOLUTION** Councilmember Scarborough made a motion to approve a Resolution
PURCHASE purchasing property on Peachtree Street for a cost not to exceed \$45,000
PROPERTY and to authorize the City Manager to enter into an agreement with
PEACHTREE ST another entity to offset the purchase cost of the property with that partner agreeing to pay the City \$40,000 of the purchase cost within six months of the date the City of Clinton closes on the property furthermore the property must be subject to an environmental review prior to acquisition and seconded by Councilmember Cook. The vote was unanimous.
- COUNCILMEMBER** Councilmember Jenkins thanked Mr. Stovall for keeping Council informed
REPORT about situations in Clinton.
- MAYOR'S REPORT** Mayor McLean stated that Wednesday, February 4, 2015 is the MASC Legislative Action Day from 8:00 AM to 7:00 PM in Columbia. Mayor McLean stated that Wednesday, February 18, 2015 the City would host a blood drive from 10:00 AM to 2:00 PM. Mayor McLean stated that the March Council meeting will be Monday, March 2, 2015 at 6:00 PM.
- ADJOURN** With there being no further business before Council, Mayor McLean adjourned the meeting.

CITY CLERK

MAYOR