

NOVEMBER 3, 2014

The regular Council meeting was held at the M.S. Bailey Municipal Center at 6:00 PM with Mayor Bob McLean presiding with Councilmembers Dowdle, Cook, McGee, Jenkins, and Scarborough. Local news media present were Larry Franklin from the Clinton Chronicle, Randy Stephens from WLBG, and Judith Brown from the Laurens Advertiser. Notice was mailed and emailed to all local news media on October 28, 2014.

INVOCATION The invocation was given by Reverend Leland Nelson from Calvary Baptist Church.

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

MINUTES Mayor McLean asked Council to approve the minutes from October 6. Motion was made by Councilmember Cook to approve the October 6, 2014 minutes and seconded by Councilmember Jenkins. The vote was unanimous.

**CITIZENS
ADDRESS
COUNCIL
SUSAN
GALLOWAY
TREE
ORDINANCE** Mayor McLean recognized Ms. Susan Galloway. Ms. Galloway stated that she lived at 106 East Maple Street and she wanted to speak in favor of the proposed Tree Ordinance. Ms. Galloway stated that she represented Clinton Canopy, a volunteer group that came out of the 2013 Focus Strategic Plan. Ms. Galloway stated that during the 2013 Strategic Plan it was recommended Clinton seek certification as a Tree City USA. Ms. Galloway stated that Tree City USA is a way to publically recognize what Clinton has and to ensure tree preservation. Ms. Galloway stated that this certification is a way to let economic developers, grant makers, and perspective residents know Clinton is serious about maintaining and improving the quality of life in Clinton. Ms. Galloway stated that the TD Greenstreet Grant Program offers grant funds to cities for local forestry projects in low to moderate income neighborhoods but cities must have the Tree City USA certification in order to receive the grant funds. Ms. Galloway stated that to be Tree City USA certified the City must have a Tree Ordinance that regulates the care of trees within the City of Clinton. Ms. Galloway stated that she encourages Council to approve the Tree Ordinance as the first step in becoming Tree City USA certified.

**JOHN THOMAS
OAKLAND
TRAILOR PARK** Mayor McLean recognized Mr. John Thomas. Mr. Thomas stated that he lives at 106 Oakland Street and he was before Council about the Oakland Trailer Park. Mr. Thomas stated that this is his third trip to Council about this matter. Mr. Thomas stated that it has been three months since he brought this matter before Council and he has not heard any response from Council or City staff. Mr. Thomas stated that he would keep coming before Council until this matter is resolved. Councilmember McGee stated that the City has inspected all of the units at the trailer park and discovered fourteen violations. Councilmember

McGee stated that the owner has thirty days to comply and correct the violations or he would pay a fine. Councilmember McGee stated that he understands Mr. Thomas has issues with the police calls but that happens in many neighborhoods in Clinton. Councilmember McGee stated that the City cannot just go inside a residence without probable cause and the City is doing what it legally can.

DENNIS SWAYNGHAM OAKLAND TRAILER PARK Mayor McLean recognized Mr. Dennis Swaynham. Mr. Swaynham stated that he lives at 413 North Broad and he was before Council concerning the Oakland Street Trailer Park. Mr. Swaynham stated that he also deals with residents living in the trailer park throwing trash in his yard. Mr. Swaynham stated that the residents from the trailer park walk through his yard and he cannot sit on his front porch because of the fighting going on at the trailer park.

JAY WILSON HOSPICE Mayor McLean recognized Mr. Jay Wilson from Laurens County Hospice. Mr. Wilson stated that November is National Hospice Month. Mr. Wilson stated that the Laurens County Hospice serves six counties and Hospice appreciates the support Clinton gives to them. Mr. Wilson stated that the Flight of the Dove is one of Hospice's fund raisers and Hospice appreciates Clinton support. Mr. Wilson stated that Hospice tries to help patients and their families physically, mentally, and spiritually. Mayor McLean thanked Hospice for their work in the community. Councilmember Jenkins also thanked Mr. Wilson for their work in the community.

PROCLAMATIONS ALZHEIMER DIABETES HOSPICE ARBOR DAY Mayor McLean recognized Mr. Stovall, City Manager. Mr. Stovall stated that the first item on the agenda is the approval of Proclamations proclaiming November as Alzheimer's disease Awareness Month, November as Diabetes Awareness Month, November as Hospice of Laurens County Month, November as Lung Cancer Awareness Month, November as Pancreatic Cancer Awareness Month, November 21 as Arbor Day, and November 29 as Small business Saturday. Motion was made by Councilmember Dowdle to approve the Proclamations and seconded by Councilmember Jenkins. The vote was unanimous.

SECOND READING SUSPEND BLUE LAWS Mr. Stovall stated that the next item on the agenda is the second reading of an Ordinance to temporarily suspend the application of Sunday sales prohibitions within the corporate limits of the City of Clinton. Mr. Stovall stated that this Ordinance allows Businesses within the corporate limits to operate on Sunday. Motion was made by Councilmember McGee to approve the second reading of the Ordinance to suspend the Blue Laws and seconded by Councilmember Scarborough. The vote was unanimous.

SECOND READING ELECTRIC RATE Mr. Stovall stated that the next item on the agenda is the second reading of an Ordinance to amend the Electric Retail Rate Schedules contained in the Official Record of Utility Rates for the City of Clinton. Mr. Stovall stated that the amend-

ADJUSTMENT ment would add an adjustment purchase power cost to the rates which would go into effect in January 2015. Mr. Stovall stated that the adjustment would address cash flow issues and make sure the electric rates respond to the prevailing market. Mr. Stovall stated that the adjustment ensures the City collects the appropriate amount of revenue to cover the purchased power cost. Mr. Stovall stated the adjustment supports financial stability, protects the City's investments and the system integrity. Mr. Stovall stated that the City purchases power by a fluctuating rate but charges the citizens a flat rate. Mr. Stovall stated that the long range impact of the adjustment is it improves the City's bond rating, guarantees the City collects enough to cover the cost of purchasing the power, and returns any over-payment back to the customer. Councilmember McGee asked how far along is the City in changing to the new remote read meters. Mr. Stovall stated the City is about 85% finished with the water meters and about 15% of the electric meters have been changed out. Councilmember McGee stated the City would probably find some water and electric meters that did not work properly and the customer was not paying enough and Mr. Stovall agreed. Councilmember McGee asked if the City sees a large windfall from the new meters then the City would do a rate adjustment and Mr. Stovall stated yes. Councilmember Scarborough made a motion to approve the second reading of the electric rate adjustment and seconded by Councilmember Jenkins. The vote was unanimous.

FIRST READING INTERGOVERN AGREEMENT Mr. Stovall stated that the next item on the agenda is the first 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, Greenville County, authorizing execution and delivery of an intergovernmental agreement between the City of Clinton and Laurens County. Mr. Stovall stated that this Ordinance is about an industry wanting to locate within the City of Clinton. Mr. Stovall stated that the Ordinance establishes a Multi-County Park to be established by Laurens County, reaffirms the existing intergovernmental agreement as it applies to the Project Picket Fence, and executes the distribution of the City's portion of the Fee in Lieu of Taxes Agreement with the project. Mr. Stovall stated that the FILOT funds are divided by 25% goes to Laurens County, 25% to the School District, 25% to the City of Clinton, and 25% to an Economic Development account. Mr. Stovall stated that the agreement also grants a special source credit of 45% of the FILOT payment to the company not to exceed ten years. Mr. Stovall stated that Laurens County must conduct three readings of the Ordinance and the City conducts two readings. Mr. Stovall stated that Laurens County has passed two of the readings and once both entities have approved the final readings then the City would move forward with the agreement. Councilmember Scarborough asked how many new jobs would the industry provide and Mr. Stovall stated 125 jobs. Mayor McLean stated that this is the first new business within Clinton in ten years. Councilmember Cook made a motion to approve the first reading of an

Ordinance establishing a joint corporate park and intergovernmental agreement with Laurens County and seconded by Councilmember McGee. The vote was unanimous.

FIRST READING Mr. Stovall stated that the next item on the agenda is the first reading of an
RENTAL Ordinance to amend Chapter 28 of the City Code to add a new section 28-2
ORDINANCE Rental Housing Registration and to create a fee structure. Mr. Stovall stated that up to 50% of homes in Clinton may be a rental residence. Mr. Stovall stated that over the past five years there have been several instances where rental property has posed a challenge to the management and operation of the City. Mr. Stovall stated that some of the challenges the City faces are poorly maintained property resulting in declining property values, complaints from citizens, and citizens expressing fear about retaliation from landlords for reporting property maintenance issues. Mr. Stovall stated that two strategies the City would use to address these issues through this Ordinance are rental registration and providing some judicial process for the management of rental property through City Council. Mr. Stovall stated that the proposed Ordinance would require all rental property to be registered because the City does not know if the property is owner occupied or is a rental property. Mr. Stovall stated that the proposed Ordinance would require the landlord to obtain a Rental Permit in order for the City to track the property and know the property is up to code. Mr. Stovall stated that the property should list a local agent responsible to maintain the property. Mr. Stovall stated that the proposed Ordinance requires a Code Enforcement Officer to inspect all rental property annually. Mr. Stovall stated that the proposed Ordinance addresses the inadequacies of the current code enforcement system. Mr. Stovall stated that many code violations cannot be identified from the street and inspecting a facility requires a complaint, court warrant, or permission from owner. Mr. Stovall stated that dangerous code violations often go unreported. Mr. Stovall stated that the City's current code enforcement is reactive and the proposed Ordinance creates a proactive Code Enforcement Program. Mr. Stovall stated that tenants often lack the expertise to identify code violations. Mr. Stovall stated that when tenants do complain it is on violations that can be seen but the most dangerous violations such as electrical, fire, and sanitary problems could not be seen. Mr. Stovall stated that tenants have a fear of retaliation from the landlord and do not report many violations. Mr. Stovall stated that the proposed Ordinance allows the City to identify code violations before they become a hazard to the public and allows the landlord to repair the problem before it becomes too costly. Mr. Stovall stated that the registration makes the property safer, deters code violations, and provides emergency contact information. Mr. Stovall stated that the Rental Permit is an annual \$10 fee that the landlord pays. Mr. Stovall stated that the fee helps offset the cost of additional time the Code Enforcement Officer would spend on keeping track of the rental property. Mr. Stovall stated that the permit would provide a process where Council could

revoke a Rental Permit because of violations. Mr. Stovall stated that City staff would begin the process of revoking the Rental Permit and Council would hold a hearing to determine what action to take against the landlord. Mr. Stovall stated that the proposed Ordinance sets violation limits beyond the current minimum code. Mr. Stovall stated that the proposed Ordinance is similar to what other cities are using like Clemson and Aiken. Mr. Stovall stated that the proposed Ordinance would help tenants have better living conditions, make the landlords accountable for their property, and also keep property values in neighborhoods stable. Mr. Stovall stated that if the Ordinance is approved the first Rental Permit would be required in July 2015. Councilmember Jenkins asked if a Rental Permit is approved for property would a sign be placed on the property letting citizens know the property has passed inspections and Mr. Stovall stated the City would not put a sign on the property. Mr. Stovall stated that City staff would use technology to track the Rental Permit process. Councilmember McGee asked if the City could implement the Rental Permit before July 2015 and Mr. Stovall stated that would depend on how Council would want to implement the Ordinance. Mr. Stovall stated that City staff thought the landlords should be given plenty of notice of the Rental Ordinance. Mr. Stovall stated that the proposed Ordinance also includes a fee landlords would pay if a third inspection trip is required to make sure code violations have been completed. Mr. Stovall stated that the proposed Ordinance also requires rental property to have electricity. Councilmember McGee asked if City staff would know who lives in the rental property. Mr. Stovall stated that the landlord would have to register the property and City staff hopes the landlord would put the utilities in the tenant's name. Councilmember Dowdle asked if the owner of the Hays Hospital Apartments lived in another state and Mr. Stovall stated the owner lives in Maryland. Mr. Stovall stated that the Rental Permit would require the owner to register a local contact for the apartments and require him to address the code violations or have his Rental Permit revoked. Mayor McLean asked if the City had enough staff to inspect the rental property. Mr. Stovall stated that the City may use the Fire Department's Fire Marshall to help with the inspections and the City could contract with a licensed Code Enforcement Officer to inspect the property. Councilmember Jenkins asked how City staff would handle a landlord who does not register and Mr. Stovall stated the owner would be fined and City staff would revoke the Certificate of Occupancy Permit. Councilmember Cook stated that City staff would revoke the Rental Permit which would result in eviction of the tenants. Mr. Stovall stated that the proposed Ordinance allows City staff to time revoking the Rental Permit with the tenant's lease. Mr. Stovall stated that the City would try and protect the tenant during the process. Councilmember Cook asked who would evict the tenant and Mr. Stovall stated the landlord because he no longer has a permit to operate the facility. Councilmember McGee made a motion to approve the first reading of the Rental Ordinance and seconded by Councilmember Jenkins. The vote was unanimous.

FIRST READING TREE ORDINANCE Mr. Stovall stated that the next item on the agenda is a first reading of an Ordinance to amend the code to create Chapter 83-Trees, to provide for the creation of a Tree Commission, and to provide for the maintenance and care of public trees, and provide for the protection of the public safety through the abatement of nuisance trees. Mr. Stovall stated that the City has a need to address the care and maintenance of public trees which are in the City's right-of-way. Mr. Stovall stated that the City needs a clear cut policy on how to manage dangerous trees on private property. Mr. Stovall stated that the Tree Ordinance would address these issues and this Ordinance is a requirement for Tree City status.

Mr. Stovall stated that the Tree Ordinance gives City staff the authority to remove trees in the event of a storm or disaster. Mr. Stovall stated that personnel would administer the Ordinance. Mr. Stovall stated that the Tree Ordinance would create a Tree Commission who would advise the City on maintaining an attractive tree environment and the Tree Commission would hear any appeals from citizens. Mr. Stovall stated that the Tree Commission would include members from the Planning Commission, Review and Design Commission, and an appointment from Council. Mr. Stovall stated that the Tree Ordinance does make provisions for privately owned trees and how to enforce the code. Mr. Stovall stated that if the owner could not financially afford to remove the damaged tree the City would remove the tree. Mr. Stovall stated that if the owner does not pay for the cost of removing the tree in a timely fashion then a lien would be placed against the property. Mr. Stovall stated that the Planning Commission would look at the Tree Ordinance before second reading. Councilmember Jenkins stated that once the Tree Ordinance is passed then the City could apply for some of the grant funds. Mayor McLean asked if the grant funds could be used to cover the cost of removing privately owned trees and Mr. Stovall stated that he would look into it. Councilmember Cook stated that the City may want to look into contracting an arborist to look at the trees instead of using City personnel, which may create a problem. Motion was made by Councilmember Scarborough to approve the first reading of the Tree Ordinance and seconded by Councilmember Dowdle. The vote was unanimous.

EXECUTIVE SESSION Motion was made by Councilmember Jenkins to go into executive session to discuss a personnel matter relating to the Office of City Manager, a personnel issue relating to the Police Division in the Public Safety Department, a personnel issue relating to the Water Treatment Division in the Department of Public Works, a personnel issue in the Street and Sanitation Department, an economic development matter relating to Project Picket Fence, a legal matter relating to a pending litigation, and a contractual matter relating to contracts for recreation services and return to open session on the call of the chair and seconded by Councilmember Scarborough. The vote was unanimous.

OPEN SESSION Mayor McLean declared Council back in open session. Mayor McLean stated that four personnel matters, one economic development matter, one legal matter, and one contractual matter were discussed and no action was taken.

COUNCIL MEETING Motion was made by Councilmember Cook to hold a special called meeting on Wednesday, November 12, 2014 at 11:00 AM to discuss the second reading of the Intergovernmental Ordinance and seconded by Councilmember Scarborough. The vote was unanimous.

MAYOR'S REPORT Mayor McLean stated that the Laurens County Community Theater would present the Poison Apple at the Gillian Center on November 7,8,13,14,15 at 7:30 PM. Mayor McLean stated that the Laurens County Chamber of Commerce Oyster Roast would be held Thursday, November 13 at 5:00 at the Laurens County Chamber of Commerce facility. Mayor McLean stated that the next Council meeting would be Wednesday, November 12 at 11:00 AM. Mayor McLean stated that the Christmas Tree Lighting Service would be held Thursday, December 4 at 6:00 PM at the downtown depot. Mayor McLean stated that the Christmas parade would be held Saturday, December 6 at 10:00 AM. Mayor McLean stated that the Whitten Center parade would be Saturday, December 6 at 1:00 PM at Whitten Center. Mayor McLean reminded everyone to vote on Tuesday, November 4. Mayor McLean thanked the Public Works Department for their work Saturday during the snow storm.

COUNCILMEMBER REPORT Councilmember Cook thanked Electric Department for their work during the snow storm.

Councilmember McGee thanked the Public Works Department and the Public Safety Department for their work during the snow storm. Councilmember McGee thanked Dianne Wyatt, Administrative Assistant, for having a successful Children's Festival on Saturday, November 1.

Councilmember Jenkins stated that the Martha Dendy Project looks good. Councilmember Jenkins stated that several citizens complained they did not get an opportunity to purchase the desks, chairs, and bookcases left in the building. Mr. Stovall stated that asbestos was discovered in the building and City staff decided to dispose of all the furniture instead of selling or giving the items away. Councilmember Jenkins asked if the building would be shut off so citizens could not wander in and Mr. Stovall stated yes. Mr. Stovall stated that the building would be secured and that part of the project would start within the next week.

Councilmember Scarborough thanked all of the employees involved in the snow storm.

ADJOURN

With there being no further business before Council motion was made by Councilmember Dowdle to adjourn the Council meeting and seconded by Councilmember McGee. The vote was unanimous.

CITY CLERK

MAYOR