

OCTOBER 6, 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 Cook, Dowdle, Byrd, McGee, Jenkins, and Scarborough. The City Manager and the City Attorney were present. 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 September 29, 2014.

INVOCATION The invocation was given by Reverend Kenneth Murray from Mt. Moriah Baptist 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 September 2. Motion was made by Councilmember Cook to approve the September 2, 2014 minutes and seconded by Councilmember Jenkins. The vote was unanimous.

**CITIZENS
ADDRESS
COUNCIL** Mayor McLean recognized Mr. Thomas and Mr. Wallenzine. Mr. Thomas stated that he came before Council last month concerning the Oakland Trailer Park and since the meeting there has been thirteen more incident reports. Mr. Thomas stated that he asked Council to address the matter and nothing has been done. Mr. Thomas stated that he is in the process of selling a house across the street from the trailer park and he has received several negative comments from potential buyers regarding the trailer park. Mr. Thomas stated that he had one potential buyer not even go in to the house because of the trailer park. Mr. Wallenzine stated that he has called the Police Department twice in one day about disturbances at the trailer park. Mr. Wallenzine stated he cannot do anything about the problems and that is why he is before Council. Mr. Thomas stated that the Police Department found a Meth Lab at one of the trailers and people are still living in the trailer. Councilmember McGee asked Mr. Stovall, City Manager, if he had any updates on the trailer park since last month. Mr. Stovall stated that after the September Council meeting City staff went to the Oakland Trailer Park and documented some code issues. Mr. Stovall stated that City staff met with the owner of the trailer park and asked him to address the issues. Mr. Stovall stated that City staff also did an internal review of the incident reports and found that the Public Safety Department was averaging 1 ½ calls per week. Mr. Stovall stated that the responses are excessive but these responses are not at the top of the calls the Public Safety Department makes to certain neighborhoods in Clinton. Mr. Stovall stated that he was not aware of the meth lab but

**JOHN THOMAS
OAKLAND TRAILER PARK**

the City has stringent rules regarding property where a meth lab is found. Mr. Stovall stated that he would look into the matter. Councilmember McGee asked if the owner keeps the utilities in his name then the renters could move in and out without the City inspecting the property and Mr. Stovall yes. Mr. Stovall stated that the City would not inspect a building unless there is a name change with the utilities. Mr. Stovall stated that the City does not require the owner or landlord to notify the City of a change in tenants. Mr. Stovall stated that the City could not legally require the utilities to be in the tenants name instead of the landlord's name. Mr. Stovall stated that the City could have a Rental Registration Ordinance on the books which requires the owner to register with the City and give the name of their tenants.

Councilmember McGee asked what steps the City would have to take to declare the trailer park a nuisance and shut the trailer park down. Mr. Stovall stated that he did not know the steps but he would look into the matter.

PROCLAMATIONS

**PUBLIC POWER
BREAST CANCER
CRIME PREVENTION
DYSLEXIA
FIRE PREVENTION**

Mr. Stovall stated that the first item on the agenda is the approval of Proclamations proclaiming October 5-11 as Public Power Week, October 5-11 as Fire Prevention Week, October as Breast Cancer Awareness Month, October as Crime Prevention Month, October as Domestic Violence Awareness Month, and October as Dyslexia Awareness Month. Motion was made by Councilmember McGee to approve the Proclamations and seconded by Councilmember Scarborough. The vote was unanimous.

FIRE POWER

Mr. Stovall stated that Thursday, October 9, 2014 the Department of Public Works and the Department of Public Safety are holding a joint event at the American Legion Hut. Mr. Stovall stated that the event provides the public an opportunity to learn about Fire Prevention and Public Works.

**PUBLIC HEARING
ZONING ORDINANCE
I-2 INDUSTRIAL**

Mayor McLean declared Council in a Public Hearing to receive comments on approving the amendment to the City of Clinton Zoning Ordinance to create a new Zoning District I-2 Industrial. Council did not receive any comments or questions. Motion was made by Councilmember McGee to close the Public Hearing and seconded by Councilmember Byrd. The vote was unanimous.

**SECOND READING
ZONING ORDINANCE
I-2 INDUSTRIAL**

Mr. Stovall stated that the next item on the agenda is the second reading of an Ordinance approving the amendment to the City of Clinton Zoning Ordinance to create a new Zoning District I-2 Industrial. Mr. Stovall stated that Council approved the first reading last month and City staff would

answer any questions Council may have about the amendment. Motion was made by Councilmember Byrd to approve the second reading of the amendment to the Zoning Ordinance to create an I-2 Industrial District and seconded by Councilmember Scarborough. The vote was unanimous.

**FIRST READING
SUSPEND
BLUE LAWS**

Mr. Stovall stated that the next item on the agenda is the first reading of an Ordinance to temporarily suspend the application of Sunday sales prohibitions within corporate limits of the City of Clinton. Mr. Stovall stated that the Ordinance allows businesses within the City Corporate limits to operate on Sunday in order to stay competitive with other businesses in Laurens County. Councilmember Dowdle made a motion to suspend the Blue Laws and seconded by Councilmember Jenkins. The vote was unanimous.

**FIRST READING
SMOKING
ORDINANCE
ELECTRONIC**

Mr. Stovall stated that the next item on the agenda is the first reading of an Ordinance to prohibit smoking in restaurants and other places located within the corporate limits of the City of Clinton to prohibit the use of electronic cigarettes and vapor devices. Mr. Stovall stated that the City of Clinton passed an anti-smoking Ordinance in October 2011. Mr. Stovall stated that the Ordinance prohibits smoking defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in public areas. Mr. Stovall stated that the Ordinance defines public areas and the list is extensive. Mr. Stovall stated that the purpose behind the Ordinance is to improve public health caused by second-hand smoke.

Mr. Stovall stated that City staff was asked to look into prohibiting E-cigarettes and to propose an amendment to the existing Ordinance. Mr. Stovall stated that the amendment would change the definition of smoking to inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product, including but not limited to electronic cigarettes and other technology devices that allow for the combustion of tobacco products or derivatives, in any manner or in any form. Mr. Stovall stated that an E-cigarette is a battery operated device with cartridges filled with nicotine, flavor, and other chemicals. Mr. Stovall stated that after the user inhales the residual aerosol is exhaled into the surrounding air. Mr. Stovall stated that is likely the E-cigarette emits nicotine into the air. Mr. Stovall stated that it has not been studied enough to show that second-hand smoke from an E-cigarette is harmful. Mr. Stovall stated that the E-cigarette does cause confusion when enforcing smoke-free policies, they model smoking for youth, and the nicotine in the E-cigarette could facilitate youth initiation and addiction. Mr. Stovall stated that in 2009 the FDA did warn the public the E-cigarettes were toxic and in 2010 the FDA warned five

manufacturers they were illegally marketing the E-cigarettes. Mr. Stovall stated that City staff could not find any City in our area with this type of Ordinance. Mr. Stovall stated that City staff believes there are three options regarding this issue. Mr. Stovall stated that some Cities are approaching this issue with the interpretation that since E-cigarettes contain nicotine an Ordinance prohibiting the use of tobacco would already apply to E-cigarettes and no action to amend the current Ordinance would be needed. Mr. Stovall stated that if City Council believes there is no significant risk to the public health associated with E-cigarettes and if there is not enough information about E-cigarettes then Council may choose to take no further action. Mr. Stovall stated that City Council may choose to amend the existing Ordinance in the best interest of public health. Mayor McLean asked if this issue has been court tested in South Carolina and Mr. Stovall stated not to his knowledge. Mayor McLean stated the City could not withstand the court costs to defend the Ordinance. Councilmember Byrd asked if the City could keep the Ordinance as is and interpret the E-cigarette as tobacco use. Councilmember Scarborough stated that the City would be subject to legal action if the City does not include the E-cigarette use in the Ordinance. Councilmember Jenkins stated that she has been around the E-cigarette and has not noticed any odor. Councilmember Jenkins asked if any restaurants have complained about the E-cigarettes and Mr. Stovall stated that City staff has not received any complaints. Mr. Stovall stated that the current Smoking Ordinance prohibits smoking in the common areas. Mr. Stovall stated that businesses have smoking policies and restaurants allow smoking outside as long as the person is a certain distance from the restaurant. Mayor McLean stated that the E-cigarette is marketed towards the youth but no one knows the effects of the E-cigarettes. Councilmember Scarborough stated that he has studies that show E-cigarettes as harmful. Councilmember Cook asked if any other City was looking at this type of Ordinance and Mr. Stovall stated no. Mr. Stovall stated that he believes the Laurens YMCA has prohibited the use of E-cigarettes. Councilmember Cook asked Mr. Stovall to provide information on E-cigarettes so that Council could discuss the matter at the next Council meeting. Motion was made by Councilmember Dowdle to postpone the discussion of the Smoking Ordinance until the next Council meeting and seconded by Councilmember Scarborough. The vote was unanimous.

**RESOLUTION
PURCHASE PROPERTY
N ADAIR ST**

Mr. Stovall stated that the next item on the agenda is the approval of a Resolution to purchase property located on North Adair Street for potential public recreation. Mr. Stovall stated that the cost of the property is \$100,000 for 26.26 acres. Mr. Stovall stated that the Resolution authorizes the City Manager to purchase the property with

Hospitality Tax funds. Mr. Stovall stated that the Resolution authorizes the purchase if a separate government agency agrees to provide a reimbursement to the City equal to 50% of the purchase price over the next two years. Mr. Stovall stated that if the agency does not agree to the terms then City staff would bring the Resolution back to Council. Mr. Stovall stated that the Recreation Committee met and has made a motion to approve the Resolution and no second is required. The vote was unanimous.

**RESOLUTION
SCHOOL DISTRICT 56
FACILITIES
PUBLIC USE**

Mr. Stovall stated that the next item on the agenda is the approval of a Resolution authorizing the City Manager to negotiate a memorandum of agreement with Laurens County School District 56 regarding the shared uses of Laurens County School District 56 facilities for public recreational use. Mr. Stovall stated that the City would need to address any safety issues, which facilities would public use be applied to, the hours for public use, and management practices. Mr. Stovall stated that Clinton is in need of more recreational areas and the School District 56 could meet this need. Mr. Stovall stated that the purpose behind this Resolution is to partner with School District 56 to provide additional places for youth and adult sports. Mr. Stovall stated that even if construction started immediately it would take the City at least 24 months to provide fields for recreational sports. Councilmember Dowdle asked who would be responsible for maintaining the fields and Mr. Stovall stated that would have to be discussed. Mr. Stovall stated that City staff would bring the agreement before Council before moving forward. Councilmember Jenkins asked if the Recreation Committee has started working with School District 56 and Councilmember Scarborough stated no. Councilmember Scarborough stated that the Recreation Committee is authorizing the City Manager to negotiate with School District 56 for the use of their fields. Mr. Stovall stated that the Recreation Committee has made the motion to approve the Resolution and the motion does not require a second. The vote was unanimous.

**FIRST READING
ORDINANCE
PURCHASE POWER
ADJUSTMENT**

Mr. Stovall stated that the next item on the agenda is the first 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 amendment would create a Purchase Power Adjustment Cost clause. Mr. Stovall stated that the Purchase Power Adjustment Cost is a financial tool designed to address cash flow issues and the utility rates respond to the market. Mr. Stovall stated that the Purchase Power Adjustment Cost (PPAC) allows the Utility Billing to make minor adjustments to a customer's power bill depending on the cost of purchasing cost of power. Mr. Stovall stated that this adjustment is not a rate increase but an adjustment on how the City would calculate the

utility bill. Mr. Stovall stated that one reason PPAC is needed is to achieve financial stability. Mr. Stovall stated that another reason is to protect planned investments and system integrity. Mr. Stovall stated that when the Purchase Power Cost is higher than anticipated the City has to use other funds to cover the Purchase Power Cost. Mr. Stovall stated that the other funds may have been marked for a system improvement project or a new piece of equipment the City has to delay in purchasing.

Mr. Stovall stated that our rates need to mirror the Purchase Power Costs and the PPAC allows the City to do a better job at budgeting. Mr. Stovall stated that the City's electric rates have three components, demand rate for commercial and industrial use, base rate charge, and the KWH charge. Mr. Stovall stated that the City tries to cover two costs in the KWH charge. Mr. Stovall stated that the first component is the portion of the cents per KWH needed to collect enough revenue to cover the cost of the buying the KWH that the City sold to the customer. Mr. Stovall stated that the second component is the operating component. Mr. Stovall stated that the operating cost of buying the electricity is paying for the poles, lines, personnel, and equipment in order to get the power to a customer's home. Mr. Stovall stated that if the City does not cover the cost of purchasing the KWH then the City would have to dip into other funds to pay the cost. Mr. Stovall stated that the City receives power from three different sources, PMPA, SEPA allotment, and supplemental power. Mr. Stovall stated that the costs from these three sources are not the same and depending on the mix the City may not charge enough for the KWH. Mr. Stovall stated that the City charges the customer a flat rate for the KWH but the City pays a fluctuating rate. Mr. Stovall stated that over the course of a year the costs of power from these three sources vary but the City charges a flat rate to the customer for the KWH. Mr. Stovall stated that some months the City is not charging enough to purchase the power and other months the city is receiving too much from the customer for the purchase power. Mr. Stovall stated that the PPAC allows the City to tie their rates to the cost of purchasing power. Mr. Stovall stated that City staff would like for the PPAC to go into effect in January because actual calculations would start in November. Mr. Stovall stated that the City needs to look at the actual power purchase compared to the actual power sold. Mr. Stovall stated that City staff has tested the PPAC to make sure it works in the system. Mr. Stovall stated that many municipalities, Abbeville and Union, utilize the PPAC. Mr. Stovall stated that Bond Agencies use the PPAC as a tool to see how financially stable the City is. Mr. Stovall stated that the PPAC ensures the City collects enough revenue to cover the cost of purchasing KWH and maintaining the Electric System. Mr. Stovall stated that last year using a customer who used 900 KWH per month the City over collected for three months and under collected for one month. Mr. Stovall stated that this

customer would pay an extra \$1.09 when using the PPAC. Council-member McGee asked if the City was looking for a revenue windfall and Mr. Stovall stated no. Mr. Stovall stated that the Electric System as well as other systems should cover the cost of maintaining their system. Mr. Stovall stated that the City has to get away from the Electric Revenue supporting other departments. Mr. Stovall stated that by utilizing the PPAC the City can take the first step in self-sufficient departments. Councilmember Scarborough made a motion to approve the first reading of an Ordinance to amend the electric rate schedule and seconded by Councilmember Dowdle. The vote was unanimous.

**PURCHASE
VALVE
ENOREE RIVER**

Mr. Stovall stated that the last item on the agenda is the approval of the purchase of a Pratt Valve for the Enoree River Water Intake Facility. Mr. Stovall stated that this is the purchase of a 12" Pratt ball-valve for pump #2 at the Enoree River Pump Station. Mr. Stovall stated that City staff recommends a sole source purchase because changing the valve manufacturer would require replacing the operation system that opens and closes the valve with their system valve. Mr. Stovall stated that Pratt uses a hydraulic oil system which is the most reliable in our application.

Mr. Stovall stated that another manufacturer would not have a valve with the same laying length and this would require re-piping beneath the Pump Station floor. Mr. Stovall stated that the City could not be sure they could get another manufacturer's valve in the space but a Pratt valve would fit. Mr. Stovall stated that the City would cover the cost of the valve from the 2012 bond for a cost of \$25,000. Councilmember Dowdle asked how long has it been since the valve has been replaced. Mr. Stovall stated that the new valve would replace a valve that was rebuilt about eight years ago. Mr. Stovall stated that these valves operate under a lot of water pressure. Mayor McLean asked how long would the valve last and Mr. Stovall stated about ten years. Motion was made by Councilmember Cook to approve the purchase of the Pratt Valve for a cost not to exceed \$25,000 from the 2012 bond and seconded by Councilmember Jenkins. The vote was unanimous.

**EXECUTIVE
SESSION**

Motion was made by Councilmember Dowdle to go into an executive session to discuss one contractual matter relating to recreation partnerships, one economic development matter relating to Project Picket Fence, and one legal matter relating to management and operation of the Sanitary Sewer System and return to open session on the call of the chair and seconded by Councilmember McGee. The vote was unanimous.

OPEN SESSION

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

SEWER SYSTEM

Mr. Stovall stated that he would like to discuss the management and operation of the Sanitary Sewer System. Mr. Stovall stated that the Sewer System consists of two components, collection and treatment. Mr. Stovall stated that the City serves approximately 4200 customers and sixty-three miles of pipe. Mr. Stovall stated that some areas of the Sewer System is very old and is in need of repair. Mr. Stovall stated that the City has roots, grease, and customers putting items in the Sewer System that should not be there that clogs the lines. Mr. Stovall stated that the Filter Plant has the capacity to treat up to six million gallons of water per day and the average is three million gallons per day. Mr. Stovall stated that some days the City has produced three million gallons of water for sale but has sent six million gallons to the Laurens County Water Sewer Commission for treatment. Mr. Stovall stated that due to these conditions the Sewer System has experienced Sanitary Sewer Overflow. Mr. Stovall stated that SCDHEC requires the City to report every overflow exceeding 500 gallons. Mr. Stovall stated that the overflow varies every year and in 2011 the City reported 90,000 gallons of overflow. Mr. Stovall stated that each year the City processes 740,000 million gallons of water for public use. Mr. Stovall stated that the City has taken steps to mitigate this issue such as creating a Sewer I&I charge used for repairs, stabilize the Sewer Revenues, and to add personnel. Mr. Stovall stated that the City received notice from SCDHEC that the City had violated State law in regards to the Sanitary Sewer Overflow. Mr. Stovall stated that the City met with SCDHEC in June and last week received a Consent Order and a fine for \$8,000 for the overflow. Mr. Stovall stated that the Consent Order requires the City to report all overflows within five days, provide paperwork, and conduct an audit of the Sewer System by a contract engineer. Mr. Stovall stated that the City has 180 days to develop a correction action plan and 240 days to develop a comprehensive management plan. Mr. Stovall stated that the City must submit reports to SCDHEC every six months.

Motion was made by Councilmember Byrd to authorize the City Manager to sign the SCDHEC Consent Order, pay the \$8,000 fine from the Sewer I&I fund, and secure the services of an engineer to conduct the Sewer System audit and seconded by Councilmember McGee. The vote was unanimous.

MAYOR'S REPORT

Mayor McLean stated the Municipal association would hold their Regional Advocacy meeting on Wednesday, October 8 in Rock Hill. Mayor McLean stated that the Upstate Alliance would host a Meet the

Consultant on Wednesday, October 8 at Flour Field in Greenville. Mayor McLean stated the Electric Department would hold a safety presentation at Bell Street Middle School on October 9 from 8:00 AM to 12:00 PM. Mayor McLean stated that Public Works and Public Safety would host Fire Power at the American Legion Hut on October 9 from 4:00 PM to 7:00 PM. Mayor McLean stated that the Department of Administrative Services and Public Works would host a Customer Appreciation Day at the Municipal Building on Friday, October 10. Mayor McLean stated that the Clinton Design and Review Board would meet on Tuesday, October 14 at 5:30 PM at the Municipal Building. Mayor McLean stated that the Planning Commission would meet on Tuesday, October 14 at 6:30 PM at the Municipal Building. Mayor McLean stated that the Laurens County Chamber of Commerce would host a breakfast on Thursday, October 16 from 7:30 AM to 9:00 AM at Hospice of Laurens County. Mayor McLean stated that October 21, 2014 Council could tour the Catawba Nuclear Plant. Mayor McLean stated that Friday, October 31 at 7:30 PM Clinton High School would play their 1001 football game. Mayor McLean stated that at half-time lettered players from 1930 to present would be honored. Mayor McLean stated that the next Council meeting would be November 3 at 6:00 PM at the M.S. Municipal Building. Mayor McLean stated that the Laurens County Chamber of Commerce would host the Oyster Roast on November 13, 2014 at 6:30 PM.

ADJOURN

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

CITY CLERK

MAYOR