

**OCTOBER 3, 2016**

The regular Council meeting was held at the M.S. Bailey Center at 6:00 PM with Mayor Bob McLean presiding with Councilmembers Byrd, Cook, Jenkins, Kuykendall, Scarborough, and Young. 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 GoClinton.com. Notice was mailed and emailed to all local news media on September 26, 2016.

**INVOCATION** The invocation was given by Reverend Kevin Calwise from the Faith Community 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 Council meeting and workshop minutes from September 12. Mayor Mclean stated that the Council meeting minutes needed to be amended to read that Councilmember Cook abstained from voting on the Tether Ordinance instead of Councilmember Young. Motion was made by Councilmember Byrd to approve the Council meeting minutes along with the amendment and the workshop minutes for September 12, 2016 and seconded by Councilmember Cook. The vote was unanimous.

**CITIZENS ADDRESS COUNCIL**  
**JENNIFER DIXON**  
**TETHER ORDINANCE** Mayor McLean recognized Dr. Jennifer Dixon. Dr. Dixon stated that she is a veterinarian and spoke at the September Council meeting. Dr. Dixon stated that she is in favor of the Tethering Ordinance that bans tethering dogs for more than two hours a day. Dr. Dixon stated that if someone owns a dog they should have enough resources to properly take care of the dog. Dr. Dixon stated that she is aware of a dog tied to a tree for about eight months. Dr. Dixon stated that she and Animal Control have been called about this situation. Dr. Dixon stated that the dog sometimes have water and food and a dog house. Dr. Dixon stated that the dog owner bought a swimming pool but the dog is tied to the tree. Dr. Dixon stated that by limiting the time a dog can be tethered forces the owner to take better care of the dog. Dr. Dixon presented Council with a picture of what happens to a dog's neck if the owner does not keep a check on the tether.

**CHARLOTTE STRICKLAND**  
**TETHER ORDINANCE** Mayor McLean recognized Ms. Charlotte Strickland. Ms. Strickland stated that she was at the September Council meeting and she was in favor of the Tether Ordinance. Ms. Strickland stated that the Ordinance is not to place a burden on pet owners but it is to protect animals from inhumane treatment. Ms. Strickland stated that we are the voice for these animals because they cannot speak for themselves. Ms. Strickland stated that this

should not be a political vote or a vote to get re-elected because people in your Ward are not in favor of this Ordinance. Ms. Strickland stated that this Ordinance is for our animals and doing the right thing for our pets. Ms. Strickland stated that if the pet owner is too poor to buy a fence then help could be found for this pet owner. Ms. Strickland stated that no dog deserves to live its life on a chain. Ms. Strickland stated that she is also aware of the dog Dr. Dixon spoke about and she has called Animal Control about the dog. Ms. Strickland stated that a dog in her neighborhood was tied to a bush for five hours. Ms. Strickland stated that the dog was given water but after five minutes the water bowl was turned over. Ms. Strickland stated that the next day the dog wrapped himself around the bush and barked for over an hour before the owner came out to check on the dog.

Ms. Strickland stated that she researched the animal calls Public Safety answers and found that Public Safety answered 358 Animal Control calls and only 12 of the cases went to Court. Ms. Strickland stated that the City could do a better job at making sure dogs are being treated properly.

**LAWRENCE YOUNG  
MUSEUM**

Mayor McLean recognized Mr. Lawrence Young. Mr. Young stated that during last month's Council meeting he was waiting for Council to convene and Mr. Stovall, City Manager, told him there was no need for him to stay because nothing further would be discussed regarding the Museum. Mr. Young stated that it turned out to be a falsehood because in the City Manager's remarks he told Council that he would address Mr. Young's concerns and he also used the word stolen. Mr. Young stated that he never used the word stolen. Mr. Young stated that he did receive a report from the City Manager but he still does not have the report regarding the books he asked about and several items given to the Museum has not been credited to him. Mr. Young stated that the Museum had a checking account and an investment account. Mr. Young stated that the investment account had \$22,000 in it. Mr. Young stated that the newspaper mentioned the checking account but not the investment account. Mr. Young asked what has happened to the investment account.

**CHARLOTTE SLICE  
MUSEUM**

Mayor McLean recognized Ms. Charlotte Slice. Ms. Slice stated that when the Museum Board was pushed to resolve she started looking for answers. Ms. Slice stated that she requested an inventory of the Museum's holdings from Elaine Thorp, Museum Director. Ms. Slice stated that she received a response from the City Manager along with an old inventory list. Ms. Slice stated that she has waited three months for the requested information. Ms. Slice stated that she discovered on the IRS website the Clinton Museum's tax exempted status was revoked in 2014. Ms. Slice stated that the IRS only revokes a tax exempted status if the

organization does not file a form 990 for three consecutive years. Ms. Slice stated that she would like to know how this happened. Ms. Slice stated that in 2010 the Museum received a rock exhibit from Clemson and Elaine Thorp never returned the exhibit o Clemson. Ms. Slice stated that she has concerns and questions about the budget reports the Museum Board received. Ms. Slice stated that she would like to know where the investment funds are located. Ms. Slice stated that the City may wish to seek help from the American Alliance of Museums in order to get the Museum back on the right track. Councilmember Scarborough stated that it is his understanding that the rock exhibit is back at Clemson and Mr. Stovall stated yes. Mr. Stovall stated that the rock exhibit was returned to Clemson on September 14, 2016.

**PROCLAMATIONS  
PUBLIC POWER  
FIRE PREVENTION  
BREAST CANCER  
CRIME PREVENTION  
DOMESTIC VIOLENCE  
DYSLEXIA AWARENESS  
ARBOR DAY**

Mayor McLean recognized Mr. Stovall. Mr. Stovall stated that the first item on the agenda is the approval of Proclamations proclaiming October 2-8 as Public Power Week in Clinton, October 9-15 as Fire Prevention Week, October as Breast Cancer Awareness Month, October as Crime Prevention Month, October as Domestic Violence Awareness Month, October as Dyslexia Awareness Month, and the first Friday in November as Arbor Day. Motion was made by Councilmember Jenkins to approve the Proclamations and seconded by Councilmember Byrd. The vote was unanimous.

**FIRST READING  
ORDINANCE  
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 the corporate limits of the City of Clinton. Mr. Stovall stated that the City has gone through this process for several years in which the Ordinance allows businesses to operate on Sunday. Motion was made by Councilmember Young to approve the first reading of an Ordinance suspending the Blue Laws until June 30, 2017 and seconded by Councilmember Scarborough. The vote was unanimous.

**SECOND READING  
ORDINANCE  
TETHERING**

Mr. Stovall stated that the next item on the agenda is the second reading of an Ordinance related to the tethering and treatment of dogs. Mr. Stovall stated that Council had several concerns regarding the Tethering Ordinance. Mr. Stovall stated that one concern was in regards to fines. Mr. Stovall stated that an individual in violation of the Ordinance is subject to a fine not more than \$500 or thirty days. Mayor Mclean asked what is the normal fine for an animal violation and Mr. Stovall stated up to \$500 or thirty days. Mayor Mclean asked if the City has ever charged

\$500 for an animal violation and Mr. Stovall stated that the City would have to look at the cases to find out the charge. Mr. Stovall stated that the Court has the discretion to determine the amount of the fine. Mayor McLean stated that we do not know what the normal charge is and I doubt it is \$500. Mayor McLean asked if the City has ever put anyone in jail for an animal violation and Mr. Stovall stated that decision is up to the Court. Mayor McLean asked has the City put anyone in jail and Mr. Stovall stated not to his knowledge. Mr. Stovall stated that the City's job is to deliver the ticket and the Court would determine the fine. Mr. Stovall stated that 95 dogs were impounded in 2015, 12 Court cases were made in 2015 for animal violation, and Public Safety answered 358 Animal Control calls. Councilmember Byrd asked what was the procedure when a Public Safety Officer responds to an animal complaint. Mr. Stovall stated that several scenarios may happen such as the Officers could not find the animal, Public Safety may put out traps, the animal may be impounded, or the Officer may warn the citizen. Mr. Stovall stated that not all of the animal complaint cases are about dogs. Mr. Stovall stated that Council was presented with four versions of the Ordinance and Council approved the first reading of the Ordinance with a two hour tethering limit for a twenty-four hour period. Councilmember Byrd stated that she is not dismissing the concerns about tethering but she feels the two hour limit is still too restrictive for citizens. Councilmember Byrd stated the Ordinance puts a burden on the owner to watch the dog as well as the liability of the dog roaming free. Councilmember Byrd stated that she preferred the Ordinance that allows tethering in a nine hour limit for every twenty four hours. Councilmember Jenkins stated that she agreed with the Standard of Care. Councilmember Jenkins stated that she could not see how Public Safety would be able to enforce this Ordinance. Councilmember Jenkins stated that it would be hard for the Officers to check each dog owner citywide every two hours. Councilmember Jenkins stated how is Public Safety going to prove in Court that the animal was tied up more than two hours unless the Officer watches the dog because the owner could argue in Court the dog was not tied up over the two hours. Councilmember Cook stated that he is favor of an anti-tethering Ordinance and he appreciates all of the comments. Councilmember Cook stated that he likes the City of Abbeville's Tethering Ordinance. Councilmember Cook stated that the City compared their Ordinance to Greenville and Columbia but these cities have a fully staffed Animal Control Department. Councilmember Cook stated that the City would place the burden of enforcing this Ordinance on three Officers during the day and four Officers during the night. Councilmember Cook stated that the City of Abbeville's Ordinance is in line with what the City could enforce. Mayor McLean thanked Dr. Dixon for coming to two Council meetings about the Tethering Ordinance.

Mayor McLean stated that if the City wants to be compared to a First Class City then Clinton needs to start acting like one. Mayor McLean stated that tethering dogs is not a First Class City. Councilmember Young thanked Dr. Dixon for her information on tethering. Councilmember Young stated that the City does not need to undertake Greenville or Columbia's Tethering Ordinance. Councilmember Young stated that the City could adopt the Standard of Care and restrict the type of tether. Councilmember Young stated that restricting the type of tether would be easier to enforce. Councilmember Young stated that the City should have a record of the location of the tethered animal. Motion was made by Councilmember Scarborough to approve the second reading of a Tethering Ordinance with a two hour tethering limit for a twenty-four hour period and seconded by Councilmember Kuykendall. The vote was three to four with Councilmembers Byrd, Cook, Jenkins, and Young voting no. Councilmember Scarborough asked Council for input on how to move forward regarding the Ordinance. Council discussed the type of Ordinance which would include no limits to tethering but a Standard of Care and restrictions on the types of tethers. Mayor McLean recommended Council taking some time to study Abbeville's Ordinance and bring it back to the next Council meeting. Motion was made by Councilmember Young to table the Tethering Ordinance, review the Ordinance and bring it before Council at the next meeting and seconded by Councilmember Jenkins. The vote was unanimous. Councilmember Byrd stated that if Council adopts version one then the City would have something on the books and Mayor McLean stated not much. Councilmember Byrd stated that citizens also have a responsibility to report animal cruelty. Councilmember Byrd stated that the City needs an Ordinance that enables Public Safety to enforce and one with a Standard of Care and tethering restrictions would help. Mayor McLean stated that Council stated that Public Safety could not enforce the first Ordinance why would they be able to enforce this Ordinance. Councilmember Kuykendall stated that he was excited last month about the Tethering Ordinance and the City moving forward to a two hour limit in a twenty-four hour period. Councilmember Kuykendall stated that he wanted Clinton to get away from tethering dogs so the City would not have to enforce an Ordinance or provide a Standard of Care or tethering restrictions. Councilmember Kuykendall stated that he is disappointed in the conversation about tethering and he feels Council is going backward. Councilmember Jenkins stated that her dog was on a running chain which allowed the dog freedom but the dog was still on a tether. Councilmember Jenkins stated that her dog was provided food, water, and shelter even though the dog was tethered.

**SECOND READING**

Mr. Stovall stated that the next item on the agenda is the second reading

**ORDINANCE  
AMEND  
ANIMAL CODE**

of an Ordinance to amend Chapter 10 of the Code of the City of Clinton relating to animals. Mr. Stovall stated that Council passed the first reading to amend articles I, II, and III of Chapter 10 of the Code relating to animals. Motion was made by Councilmember Scarborough to approve the second reading of an Ordinance amending Chapter 10 of the Code of the City of Clinton relating to animals and seconded by Councilmember Cook. The vote was unanimous.

**PUBLIC HEARING  
PROPERTY  
617-00-00-045**

Mr. Stovall stated that the City must conduct a Public Hearing before the second reading of the annexation and zoning of property located at 113 Tallwood Drive tax map number 617-00-00-045. Mayor McLean declared Council in a Public Hearing in regards to property located at Tallwood Drive tax map number 617-00-00-045. Council did not receive any comments or questions. Motion was made by Councilmember Scarborough to close the Public Hearing and seconded by Councilmember Jenkins. The vote was unanimous.

**SECOND READING  
ORDINANCE  
ANNEX PROPERTY  
617-00-00-045**

Mayor McLean stated that the next order of business is to conduct second reading of an Ordinance for the annexation of contiguous property located at 113 Tallwood Drive tax map number 617-00-00-045. Motion was made by Councilmember Young to approve the second reading of an Ordinance to annex property with tax map number 617-00-00-045 and seconded by Councilmember Jenkins. The vote was unanimous.

**SECOND READING  
ORDINANCE  
ZONE PROPERTY  
617-00-00-045**

Mayor McLean stated that the next order of business is to conduct second reading of an Ordinance to zone contiguous property located at 113 Tallwood Drive as High Density (R-3). Motion was made by Councilmember Cook to approve the second reading of an Ordinance to zone property located at 113 Tallwood Drive tax map number 617-00-00-045 as High Density (R-3) and seconded by Councilmember Scarborough. The vote was unanimous.

**REVENUE REVIEW  
SERVICES**

Mr. Stovall stated that the next item on the agenda is a contract for revenue review services. Mr. Stovall stated that the City contracted these services several years ago in regards to Business Licenses. Mr. Stovall stated that the City would like to engage the services of an outside auditing firm specializing in revenue enhancement to review the HTAX and the ATAX collections to ensure the City is collecting the appropriate amount from businesses. Mr. Stovall stated that the firm would research

to make sure that businesses inside the City are paying the proper Business License fee, HTAX, and ATAX. Mr. Stovall stated that if the firm identifies new sources of revenue then the firm would collect a portion of the new revenue for a period of months as specified in the contract. Mr. Stovall stated that the City would like to enter into a contract with Segal & Associates to review the HTA, ATAX, property taxes, and Local Option Sales Tax. Mr. Stovall stated that the City would also like to enter into a contract with Southern Resource Advisers to review Business License collections. Mr. Stovall stated that the cost to enter into the contract with Segal & Associates is 50% of the new revenue for a 24 month period and the contract with Southern Resource Advisers is 40% to 50% of the new revenue for a 24 month period. Mayor McLean asked if the firms go backwards and collect what the companies should have paid or they go forward with the collections. Mr. Stovall stated that these firms would follow the City's Ordinances regarding collections. Mr. Stovall stated that the firm would go back 36 months to collect the Business licenses. Motion was made by Councilmember Kuykendall to enter into contracts with Segal & Associates and Southern Resource Advisers for revenue review services and seconded by Councilmember Jenkins. The vote was unanimous.

**CEDC FUNDING**

Mr. Stovall stated that the next item on the agenda is a funding request from the CEDC. Mr. Stovall stated that the CEDC met in September and requested \$20,000 from the Community Development Fund to be transferred to the CEDC to be used as part of an Incentive Program to stabilize a downtown building.

Mr. Stovall stated that if the building is not rehabilitated then the City would have to demolish the building at a cost of approximately \$20,000. Mr. Stovall stated that the CEDC would use the funds as a forgivable loan in order to rehabilitate the building. Mayor McLean asked whose ownership would the building be transferred to and Mr. Stovall stated the CEDC. Mr. Stovall stated that the CEDC would develop an agreement with the private developer. Mr. Stovall stated that certain expectations are placed on the private developer and if he does not meet the requirements within a certain time frame then the property goes back to the CEDC. Motion was made by Councilmember Scarborough to transfer \$20,000 from the Community Economic Development Fund to the CEDC for rehabilitation of a downtown building and seconded by Councilmember Cook. The vote was unanimous.

**ADMINISTRATIVE  
BRIEFING**

Mr. Stovall stated that the next item on the agenda is the administrative briefing. Mr. Stovall stated that the first item is the FSLA rulings and the impact it would have on the City. Mr. Stovall stated that there would be

**FSLA RULING**

some adjustments to the FSLA beginning December 1, 2016 that may require Council to authorize a budget adjustment. Mr. Stovall stated that there are two types of employees, exempted and non-exempted. Mr. Stovall stated that currently an exempted employee has to make a yearly salary of \$23,670 but starting December 1, 2016 in order for an employee to be listed as exempted he/she must make \$47,476 or above. Mr. Stovall stated that employees who make less than \$47,476 would be non-exempted and be able to earn overtime pay. Mr. Stovall stated that the City employs many people who are exempted but does not meet the new exempted threshold. Mr. Stovall stated that he and Robin Entekin, Human Resource Director, are working on this matter. Mr. Stovall stated that City staff would bring to Council their proposal at the November Council meeting. Councilmember Jenkins stated that this would affect the current budget and Mr. Stovall stated yes. Mr. Stovall stated that the

**I-26/EXIT 54  
LANDSCAPING**

next item is in regards to the I-26/exit 54 interchange improvements. Mr. Stovall stated that the City would landscape this interchange to encourage economic development. Mr. Stovall stated that the cost to landscape exit 54 is between \$200,000 and \$250,000. Mr. Stovall stated that the City of Laurens and Laurens County are also discussing landscaping Hunter Industrial Park. Mr. Stovall stated that funding would come from the Economic Development Fund. Mr. Stovall stated that City staff is working with the engineers on a design which would be brought to Council in November. Mr. Stovall stated that after Council approves a design then bids would go out in January and work would start in the spring. Mayor McLean asked if Laurens County would partner with the City on this project. Mr. Stovall stated that the funds being used to landscape Hunter Industrial Park are restricted funds in that the funds were generated by fees paid by the tenants inside Hunter Industrial Park. Mr. Stovall stated that the next item is update on the Rosemont

**ROSEMONT CEMETERY**

Cemetery. Mr. Stovall stated that the Street Department would increase their maintenance of the cemetery. Mr. Stovall stated that City staff is looking at the cost of paving the roads inside the cemetery and improving the security lighting around the cemetery. Mr. Stovall stated that the next item is information regarding electronic waste and tires. Mr. Stovall stated that City staff sent information about e-waste and tire collections out in the newsletter. Mr. Stovall stated that the Street Department

**E-WASTE/TIRE  
CHICK STREET**

picked up the e waste. Mr. Stovall stated that the intersection of Fred Street and Chick Street have been cleared. Mr. Stovall stated that City staff is putting together a Recreation Committee meeting in October. Mr. Stovall stated that the next item is a request for clarification from Council in regards to the City Flag Committee. Mr. Stovall stated that

**RECREATION COMMITTEE**

during the June meeting Council appointed a City Flag Committee which included three Councilmembers and citizens to review the flag designed

**CITY FLAG**

- COMMITTEE** by a Bell Street Middle School student. Mr. Stovall stated that City staff needs direction on who to add to the committee. After some discussion, Council determined that the committee would consist of seven members who would include three Councilmembers, the Bell Street Middle School student, and three people. Council asked the City Manager to try to include a historian, someone from the Art Department from Presbyterian College and someone from the Design and Review Board for the three positions on the board. Mr. Stovall stated that the citizens would have an advisory role only and the final decision would come from Council.
- EXECUTIVE SESSION** Motion was made by Councilmember Byrd to enter into an executive session to discuss one contractual matter regarding professional services for lobbying and consulting services, one contractual matter relating to transfer/sale of property on West Corporate Center Drive, one contractual matter relating to the acquisition of property on West Main Street, one personnel matter in regards to Museum staff and Commission, one legal matter in regards to Barnes vs the City of Clinton and one legal matter in regards to McKinness vs the City of Clinton 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 Council discussed three contractual matters, one personnel matter, and two legal matters and no action was taken.
- CONTRACT LOBBYING CONSULTING SERVICES** Motion was made by Councilmember Scarborough for the City to enter into a contract for lobbying and consulting services and seconded by Councilmember Young. The vote was unanimous.
- PURCHASE BUILDING 202 W MAIN ST** Motion was made by Councilmember Cook to authorize the City Manager to enter into a purchase contract not to exceed \$30,000 for future expansion in the downtown area by purchasing the building located at 202 West Main Street tax map number 901-12-04-015 and seconded by Councilmember Young. The vote was unanimous.
- COUNCILMEMBER'S REPORT** Councilmember Young asked if East Maple Street all the way to Jacobs Highway was City owned or State owned and Mr. Stovall stated the State owned the road. Councilmember Young stated that a lot of Presbyterian College students travel that road. Councilmember Young asked if the City could asked the State about putting in a sidewalk and Mr. Stovall stated that he would look into the matter. Councilmember Young stated that the convenience store across from McDonalds still has not repaired their window.

Councilmember Byrd thanked the Department of Public Works for taking care of the electronic waste and the work on Elizabeth Street. Councilmember Byrd stated that she still has concerns about the intersection of North Broad and Willard Street with cars going the wrong way.

Councilmember Kuykendall reminded everyone that Laurens County Chamber of Commerce will host the next Litter Campaign on Saturday, November 5, 2016. Councilmember Kuykendall stated that several citizens have asked him about the dumpster located downtown and all of them expressed excitement over the rehabilitation of the building. Councilmember Kuykendall thanked those involved with the Economic Development website. Councilmember Kuykendall asked why two trees at the Calvert Avenue Park were cut down and Mr. Stovall stated that one was already dead and the other one was dying. Councilmember Kuykendall stated that the City has several trees that have been cut down still on the property on Highway 308 and Mr. Stovall stated that is an on-going code enforcement case. Councilmember Kuykendall stated that Clinton has lost a lot of Oak Trees and he would like to see Clinton plant some new ones. Councilmember Kuykendall asked if the City had any type of Tree Program and Mr. Stovall stated that the City could look into a Tree Replacement Program.

Councilmember Scarborough thanked City staff on the Streetscape Project.

#### **MAYOR'S REPORT**

Mayor McLean wished Councilmember Young a Happy Birthday. Mayor McLean stated that Wednesday, October 5, 2016 the SC Vocation and Rehab would hold an open house from 11:30 am to 1:30 PM. Mayor McLean stated that Tuesday, October 11, 2016 at 5:30 PM the Design and Review Board will meet in the Council Chambers. Mayor McLean stated that on Monday, October 17, 2016 at 6:30 PM the Planning Commission will meet in the Council Chambers. Mayor McLean stated that on Wednesday, October 19, 2016 the MASC would hold an Elected Officials class from 9:30 AM to 4:00 PM. Mayor McLean stated that on Saturday, October 29, 2016 from 4:00 PM to 8:00 PM the City of Clinton would host their annual Trick or Treat Spooktacular Halloween Festival. Mayor McLean stated that the next Litter Campaign is Saturday, November 5, 2016. Mayor McLean commended Ms. Barbara Morse on her Litter Campaign efforts. Mayor McLean stated that it has been a year since the City entered into a contract with PMPA regarding a Rate Study. Mayor McLean asked the City Manager where did the City stand on the Rate Study. Mr. Stovall stated that it is a project City staff needs to complete. Mayor McLean asked if the firm had contacted the City and Mr. Stovall stated that the firm is waiting on additional data from the City. Mayor

McLean stated that it is an important issue and when would City staff be able to supply the information and Mr. Stovall stated that he could not give him a deadline. Mayor McLean stated that citizens are asking him questions about the Rate Study. Mr. Stovall stated that he hoped to have the Rate Study completed in time for the budget process.

Councilmember Cook stated that the City would have Halloween downtown on Saturday, October 29, 2016 and Mr. Stovall agreed.

**ADJOURN**

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

---

CITY CLERK

---

**MAYOR**