

MARCH 18, 2021

A Special Called meeting was held at the M.S. Bailey Center at 6:00 PM with Mayor Bob McLean presiding with Councilmembers Cook, Jenkins, Kuykendall, Neal, Roth and Walsh. The Interim City Manager and the City Attorney were present. The meeting was closed to the local news media and public. Notice was emailed to all local news media on Wednesday, March 17, 2021. The meeting could be viewed on the City's Facebook.

- INVOCATION** The invocation was given by Councilmember Kuykendall.
- PLEDGE ALLEGIANCE** Mayor McLean asked the Council and audience to stand and recite the Pledge of Allegiance.
- SWEAR-IN** Mayor McLean stated that Councilmembers Cook, Neal and Roth have been re-elected to serve on Council. Mayor McLean stated that the City Clerk would swear the Councilmembers in.
- COUNCIL MEETINGS** Mayor McLean stated that at the last Council meeting Councilmember Walsh requested to open the Council meetings up to the press and the public. Councilmember Walsh stated that she specifically wanted the press in the Council meetings and have a way for the public to make comments. Councilmember Walsh stated she would not want a crowded Council Chamber but a citizen could sign up to speak ahead of the Council meeting and wait outside for their time to speak. Mayor McLean stated that he did not think the press was any more important than citizens. Mayor McLean stated that if Council opens the meetings to the press then a certain number of citizens could also be present. Councilmember Roth stated that the lobby could be a place for citizens to sit until called in. Councilmember Kuykendall stated that he is favor of opening up the Council meetings to citizens who would like to speak but he is not in favor of opening up the Council meetings to everyone. Mr. Higgs, Interim City Manager, stated that Council could allow the media to be present and phase in citizens. Mr. Higgs stated that citizens who wish to address Council would be allowed in and then Council could precede with limited seating in the Council Chambers and Council agreed with that plan. Councilmember Jenkins asked if Council would continue to be spaced out and Mr. Higgs stated yes.
- RESOLUTION** Mayor McLean stated that the next item on the agenda is the approval of
LAURENS COUNTY TRAILS a Resolution endorsing Laurens County Trails Action Plan regarding trails
CSX RIGHT OF WAY along or within CSX's right- of- way. Motion was made by Councilmember Kuykendall to approve the Resolution and seconded by Councilmember Cook. The vote was unanimous.

**SECOND READING
ORDINANCE
SALE PROPERTY
901-35-01-034
901-35-01-033**

Mayor McLean stated that the next item on the agenda is the second reading of an Ordinance approving the sale of City owned real property containing 40 acres, more or less, located on the southeast side of SC Highway 72 within the corporate limits of the City of Clinton, being identified as Laurens County Tax Map Numbers 901-35-01-034 and 901-35-01-033 to East Main, LLC for the construction of 140 homes. Mayor McLean stated that Council has approved the first reading. Motion was made by Councilmember Neal to approve the second reading and seconded by Mayor McLean. Councilmember Kuykendall stated that he thinks this proposal has been hurried and the information on this project is lacking. Councilmember Kuykendall stated that he thinks Council has taken the first proposal. Councilmember Kuykendall stated that the surrounding areas are opening up with new businesses, which would lead to more traffic. Councilmember Kuykendall stated that the Developer would cram 140 homes in 40 acres. Councilmember Kuykendall stated that Council has talked about the need for homes, which would increase utilities in Clinton but this move is an automatic reaction to the first proposal that came before Council. Councilmember Kuykendall stated that this is a prime piece of property but he does not have enough information to make a sound decision. Mayor McLean stated that he knows Council has received pressure from an individual not to sell the property. Mayor McLean stated that this is one of the biggest projects to happen in Clinton. Mayor McLean stated that the reason Clinton has high electric rates is because the City does not consume enough electricity to cover the electricity the City is obligated to buy. Mayor McLean stated that 140 new homes would help this situation for all of the citizens in Clinton. Mayor McLean stated that City would lose their largest water customer within the next year and 140 new homes would help the City recover some of that water revenue. Mayor McLean stated that Renee Morrow, Finance Director, provided these numbers for Council, not him. Mayor McLean stated that 100 homes would produce \$336,788 in revenue annually and 10 homes would produce \$62,000. Mayor McLean stated that over a 30-year period the development would produce \$10,103,000 in revenue. Mayor McLean stated that Clinton needs new homes. Mayor McLean stated that new homes would increase the Gas revenues the City receives from Clinton-Newberry Natural Gas Authority. Mayor McLean stated that Council should not turn down this opportunity. Councilmember Jenkins asked Councilmember Kuykendall what type of information should be brought before Council. Councilmember Kuykendall stated that there is a development getting ready to break ground new Eastside Elementary. Mayor McLean stated that development is a different type of home.

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Mayor McLean stated that the development before Council tonight would be less expensive than the other development. Councilmember Kuykendall asked the price of these homes and Mayor McLean stated from \$180,000 to \$240,000. Councilmember Jenkins stated that Clinton needs housing. Councilmember Jenkins stated that she has a family member that lives in a similar home and even though the yard is not large, the homes are very nice. Councilmember Kuykendall stated that he does not know the quality of the homes and he could not imagine 140 homes on 40 acres drawing that big of an interest because of how close the homes would be. Mayor McLean stated that the Developer knows what type of homes sell and would not be investing \$4 million if they did not. Councilmember Neal stated that she thinks this project is a great idea and this development would help lower the electric bill, which would help citizens in her Ward. Councilmember Neal stated that citizens are leaving Clinton because of the lack of available homes. Mayor McLean stated that Councilmember Kuykendall voted yes at the first reading and now you are voting no. Councilmember Kuykendall stated that at the first reading, he had COVID and could not be present but he tried to use Zoom to be a part of the meeting, which did not work. Councilmember Walsh asked Mr. Higgs if the City has a current Land Use Plan and Mr. Higgs stated no. Allen Wham, City Attorney, stated that the City does have a Zoning Ordinance. Councilmember Walsh stated that Council needs to have better communication with the Planning Commission and the CEDC. Councilmember Walsh stated that Council needs to take a greater role on how projects are progressing in the City. Councilmember Walsh stated that Council needs better communication with Committees and a Land Use Plan. Councilmember Kuykendall stated that he is not opposed developing this property nor does he represent anyone except the City of Clinton. Councilmember Roth stated that he understands the City needs to grow and develop new homes. Councilmember Roth stated that the two potential developments would place 270 homes in Clinton in which a Community of 8100 citizens would have to absorb. Councilmember Roth wanted to know how long each of these developments would take. Mayor McLean stated that the development before Council tonight would take three to four years to complete with the first phase building 70 homes. Councilmember Roth asked if the homes are sold before they build or would the homes be speculative homes. Councilmember Roth stated that Council needs to have the information to make a decision and the City needs a Land Use Plan.

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Councilmember Roth asked if this development falls within the Subdivision Ordinance guidelines and did the Planning Commission review this project. Councilmember Roth stated that the City needs economic development but he wants it done right. Councilmember Roth asked if Clinton could handle that many houses over a five-year period. Councilmember Roth stated that he agreed this would create commercial development. Mr. Higgs stated that progress is coming and Council needs to be ready for it. Mr. Higgs stated that the City does need a Master Plan but that would take several months to a year to create. Mr. Higgs stated that the Master Plan is in the future and Council needs to make a decision about this development. Mayor McLean stated that the City owned the property for over twenty years. Mayor McLean stated that the City originally sold the property to a company that went bankrupt and the City was able to re-purchase the land. Mayor McLean stated that the City needs housing and the City needs to sell utilities. Councilmember Cook stated that according to the Developer's contract they have until April 1, 2024 to start the development, which is way too long. Councilmember Cook stated that Council did not receive a full presentation from the East Main LLC or Ryan Homes. Councilmember Cook stated that one of the projects was presented to the Planning Commission and the CEDC but not before Council. Councilmember Cook stated that a private seller is trying to sell his property located across from the Recreation Complex in order to build Town Homes. Councilmember Cook stated that he understands a Master Plan takes time but if this developer has three years to start this project then he could wait thirty days and present his plan to Council. Councilmember Cook stated that he was told that Food Lion would not take over BI-LO but he hears from a citizen that Food Lion would take over by the end of April. Mr. Higgs stated that the City has not received any confirmation regarding Food Lion taking over BI-LO. Councilmember Cook stated that he asked Mr. Wham to forward his questions to East Main LLC and did receive answers. Councilmember Cook stated that he agrees a housing development would certainly help the economy. Councilmember Cook stated that with all of the potential subdivision development in that area Council may need to think about building a Fire Substation in that area to keep the ISO rating low and to protect the developments. Mr. Wham stated that the start dates in East Main LLC contract are accurate and the Developer requested this time but the contract also reads that the Developer would like to start by April of next year. Mayor McLean asked if the start dates be changed to April 1, 2022 and no later than October of 2022. Mr. Wham stated that the start dates be could changed. Mr. Wham stated that a representative from East Main LLC would present the project to Council.

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After some discussion, Council wanted to hear a presentation from all the Developers at the April Council meeting. Motion was made by Councilmember Neal to amend her first motion and table this matter until the April Council meeting and seconded by Mayor McLean. The vote was unanimous.

**SECOND READING
ORDINANCE
WHITTEN CENTER**

Mayor McLean stated that the next item on the agenda is the second reading of an Ordinance of the City of Clinton, South Carolina (1) authorizing the acquisition of certain utility assets comprising the Water, Sewer and Stormwater Systems of the Whitten Center and certain real property of the South Carolina Department of Disabilities and Special Needs; (2) authorizing the execution and delivery of an agreement for the conveyance of utility assets and surplus property, a Utility Easement Agreement and a Declaration of Covenants, Restrictions and Easements; (3) making certain representations pursuant to the amended and restated Bond Ordinance of the City in connection with such acquisition; and (4) other matters related thereto. Councilmember Walsh asked Mr. Higgs to explain this Ordinance. Mr. Higgs stated that DDSN agrees to give the City the property and the second reading allows the City to enter into an agreement with DDSN for the property. Mayor McLean stated that the City is taking over their Utility Systems and the agreement has some restrictions in it such as if the City sells the property it must be sold at market value and DDSN would receive half of the proceeds and if the City cuts timber DDSN would receive 50% of the funds. Mayor McLean stated that the City is partners with DDSN but the City owns the property. Councilmember Walsh asked if Council could be given a tour of the property and the Mayor stated the agreement must be signed before the City takes ownership of the property.

BOND PROJECTS

Mayor McLean stated that the next item on the agenda is a discussion of projects relating to the Bond Issuance. Mayor McLean recognized Mr. Higgs. Mr. Higgs stated that at the last meeting Council asked DP3 and WK Dickson to bring various options for the Bond Issuance. Mr. Higgs stated that Mr. Mike Pry from DP3 and Mr. Brian Thomas from WK Dickson are present to go over the various projects. Mr. Pry stated that DP3 is trying to balance size, quality and cost on these proposed projects. Mr. Pry stated that DP3 was able to lower the cost of these projects to \$6.5 million. Mr. Pry stated that the projects include Fire Substation, Fire Department, Police Department, Court System and a Welcome Center at the M.S. Bailey Center. Mr. Pry stated that the Police Department would be moved to the M.S. Bailey Center. Mayor McLean asked the cost of a Sally Port for the Police Department and Mr. Pry stated \$145,000. Mr. Pry stated that the total cost of these projects are \$6,469,847.

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Mr. Pry stated that Council asked the cost of building a Fire Station at another site and the cost of that would be \$4.5 million. Mr. Pry stated that to house the Court System in the Community Building and update that building would cost \$419,853 and to house the Court System in the M.S. Bailey Center would cost \$563,419. Mr. Pry stated that if the City uses the first floor of the M.S. Bailey Center to house the Welcome Center then the renovations would cost \$231,853 and the cost to put the Welcome Center in the basement floor of the M.S. Bailey Center would cost \$417,616. Mr. Pry stated that Council wanted DP3 to get the cost of a Fire Station that was built in Union County. Mr. Pry stated that the Fire Station was originally built in 2018 for a cost of \$1,836,000 for a 9640 square foot building. Mr. Pry stated that to build the same Fire Station today would cost \$3,071,000 for a 9640 square foot building. Mayor McLean asked if DP3 was estimating the cost of land for the new Fire Station to be \$700,000 and Brian Thomas stated that includes the cost of the land plus site development. Councilmember Roth stated that this Fire Station is 9640 square feet but the proposed Fire Department renovation is for 17,000 square feet. Mr. Pry stated that the original design for the Fire Station was at 15,402 square feet but as City staff worked on the design and how the current building is laid out the plan before Council is for a 17,380 square foot building. Mr. Pry stated that Council has three options in front of them. Mr. Pry stated that Option I is the current plan, the cost is \$6,469,847 and this option would expand and renovate the existing Public Safety Building, renovate and expand existing Fire Substation and house the Police Department in the M.S. Bailey Center. Mr. Pry stated that Option II is two new Fire Stations, which would include a new headquarters Fire Station, a new Fire Substation and house the Police Department in the M.S. Bailey Center. Mr. Pry stated that the cost of Option II is \$7,257,304. Mr. Pry stated that Option III includes a new Fire Station Headquarters, a new Fire Substations and moving the Police Department to the M.S. Bailey Center. Mr. Pry stated that the cost of Option III is \$8,718,760. Mr. Pry stated that DP3 recommends Option I because it meets the requirements and is within the budget. Mayor McLean asked why it would take \$419,000 to renovate the Community Building. Mr. Pry stated that the building needs a new HVAC system, bathrooms need to be handicapped accessible, installation in the attic and new lightening. Mr. Pry stated that the City could spend less money to update the building but it depends on how long the City would plan using the building for the Court System. Mayor McLean stated that at one time City staff discussed not having a Court System. Mr. Higgs stated that Council discussed that matter at the last budget workshops. Mr. Higgs stated that City staff has tracked the Court System but they have been on standstill because of COVID.

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Mayor McLean stated that the Court System costs the City money but the City does not have another agency to handle the City's cases and Mr. Higgs agreed. Mr. Higgs presented Council with a presentation concerning the Bond market and the projects. Mr. Higgs stated that as of March 18, 2021 the City has spent \$1,829,669 on the Recreation Complex and \$31,582 on the Police and Fire Complex, which are the architect's fees. Mayor McLean stated that the Police and Fire Projects have not gone past design since 2016. Mr. Higgs stated that a ten-year Treasury in February 2021 was 1.09% and as of today, the ten-year Treasury is at 1.749%. Mr. Higgs stated that the cost of debt on December 7, 2020 for the Recreation Complex was \$6,307,191 and on March 15, 2021, the cost is \$7,146,700 with a difference of \$839,509. Mr. Higgs stated that the cost of debt for the Police and Fire Projects on December 7, 2020 was \$10,479,551 and the cost on March 15, 2021 is \$11,488,750 with a difference of \$1,009,199. Mayor McLean stated that it has cost the City \$1.8 million for delaying these projects. Councilmember Roth asked if the \$1.8 million already spent on the Recreation Complex is part of the total amount designated for this project. Ms. Morrow stated that the \$1.8 million is the match the City would put toward the project. Mr. Higgs stated that Council would be holding a Budget Workshop and City staff needs to know what to budget for the bond payments. Mayor McLean stated that the current bond for \$6.5 million includes the Police Department, Fire Department and the Fire Substation but it does not include the Court System, which would cost an additional \$415,000. Mr. Higgs stated that the City could spend less money to upgrade the Community Building but it would not be a long-range solution. After some discussion, Council determined to hold the second reading for the Bond Issuance at the March 25, 2021 Budget Workshop.

EXECUTIVE SESSION

Motion was made by Councilmember Cook to go into executive session to discuss one contractual matter regarding a Project Manager and return to open session on the call of the chair and seconded by Councilmember Kuykendall. The vote was unanimous.

OPEN SESSION

Mayor McLean declared Council back in open session. Mayor McLean stated that one contractual matter was discussed in executive session and no action was taken.

ADJOURN

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

CITY CLERK

MAYOR