1. Agenda

   Documents:

   2024_12_10AGENDA (7).PDF

2. Meeting Materials

   Documents:

   2024_12_10ARTSCENTER.PDF
   2024_12_10ETHICS.PDF
   2024_12_10IRA.PDF
   2024_12_10VESTEDRIGHTS.PDF
   2024_12_10ASSETS.PDF
   2024_12_10ACATS.PDF

CITY OF
Clemson
SOUTH CAROLINA

Agenda, Clemson City Council
December 10th, 2024
Council Chamber, Clemson City Hall

6:30 p.m. Call To Order: Regular Council Meeting
Invocation and Pledge of Allegiance: Council Member Smith
Public Session: (3-minute limit per speaker)
Approval of Minutes: December 2nd, 2024
Reports/Discussion

- **a.** Receive a report on the ACATS sub allocation funding formula for Clemson Area Transit – Deputy City Administrator Allison Gantte
- **b.** Discuss a text amendment to Chapter 7, Sec 7-8, Fixed Assets. – Procurement Coordinator Brandon Burton
- **c.** Schedule a Public Hearing date for an Ordinance change to allow non-conforming properties to have vested rights if they were destroyed by other than voluntary actions. – Planning and Development Director Nathan Woods
- **d.** Staff Reports

Policy Action ***(2-minute limit per speaker)***

- **a.** Consider Second Reading of an infrastructure reimbursement agreement between the City of Clemson and One Clemson Development, LLC. - Deputy City Administrator Allison Gantte

Other Policy Items

- ***a.*** Consider approving the funding plan for the Arts Center Facility. – Parks and Recreation Director Jay Bennett
- **b.** Consider adopting an Ethics and Code of Conduct Statement for elected and appointed officials. – Council Members Boatwright and Ducworth

Mayor-Council reports/comments/new business
Adjourn

City of Clemson
Agenda Item Request Form

Requested By: Jay Bennett

Date Submitted: December 6, 2024

Council Meeting Date: December 10, 2024

Type of Request: (check only one)

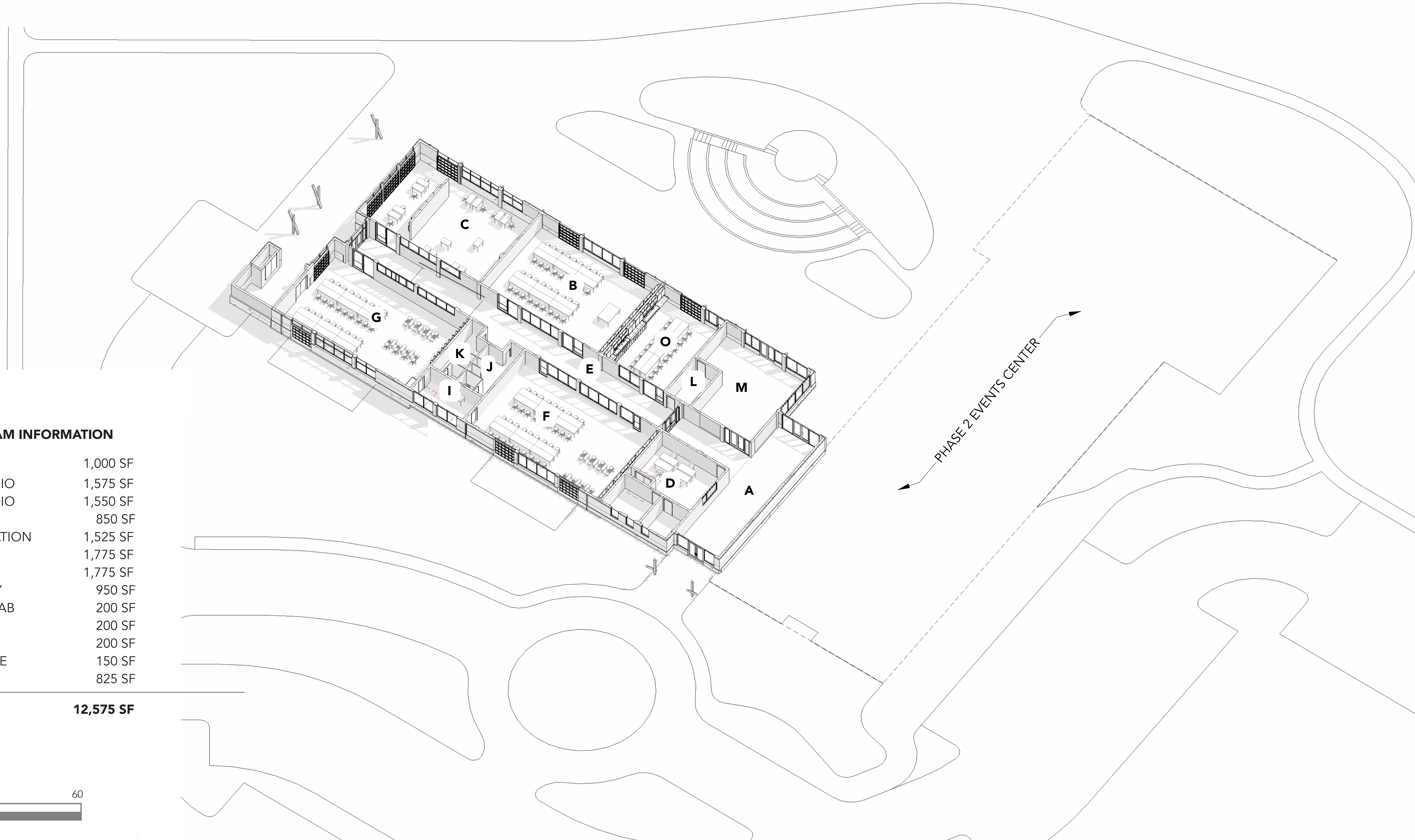
- ☐ Report/Discussion
- ☒ Policy/Action
- ☐ Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Consider approving the funding plan for the Arts Center Facility.

Agenda Item Detail: (expand as necessary for clarification)

Lisa Lanni from mcmillan pazdan smith architecture presented the the schematic design of the Arts Center's new facility at the December 2 meeting. This project will be built in two phases where the Arts Center will be constructed in a way that will allow us to add on a 15,250 SF community events and programming space. The funding plan for the project is included with the presentation below.



PROGRAM INFORMATION

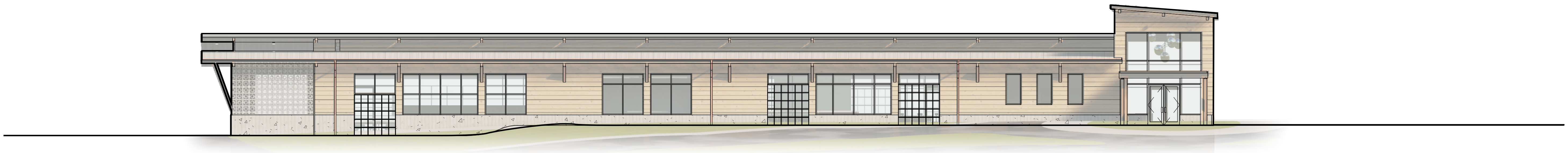
A	LOBBY	1,000 SF
B	2D STUDIO	1,575 SF
C	3D STUDIO	1,550 SF
D	ADMIN	850 SF
E	CIRCULATION	1,525 SF
F	CLAY	1,775 SF
G	CLAY	1,775 SF
H	GALLERY	950 SF
I	GLAZE LAB	200 SF
J	MEN	200 SF
K	WOMEN	200 SF
L	STORAGE	150 SF
M	YOUTH	825 SF
	TOTAL	**12,575 SF**

0 30 60

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: FLOOR PLAN
DATE: NOV 2024



SOUTH ELEVATION

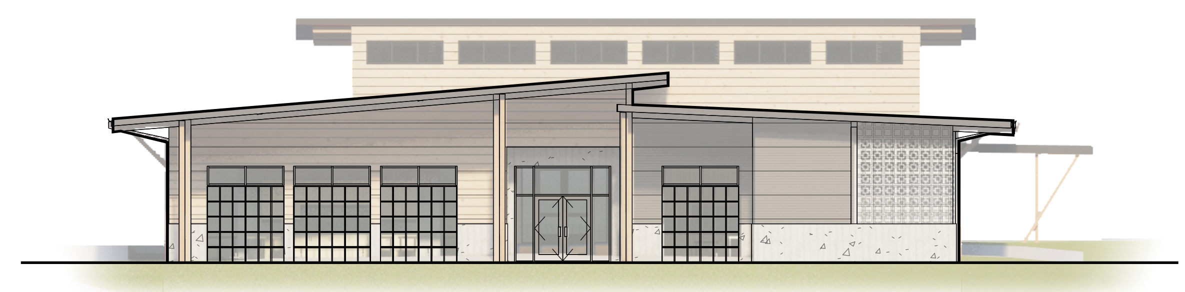
1" = 20'-0"

NORTH ELEVATION

1" = 20'-0"

EAST ELEVATION

1" = 20'-0"



WEST PRESENTATION ELEVATION

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024

mcmillan pazdan smith ARCHITECTURE

CITY of CLEMSON 19 43 SOUTH CAROLINA

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
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CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

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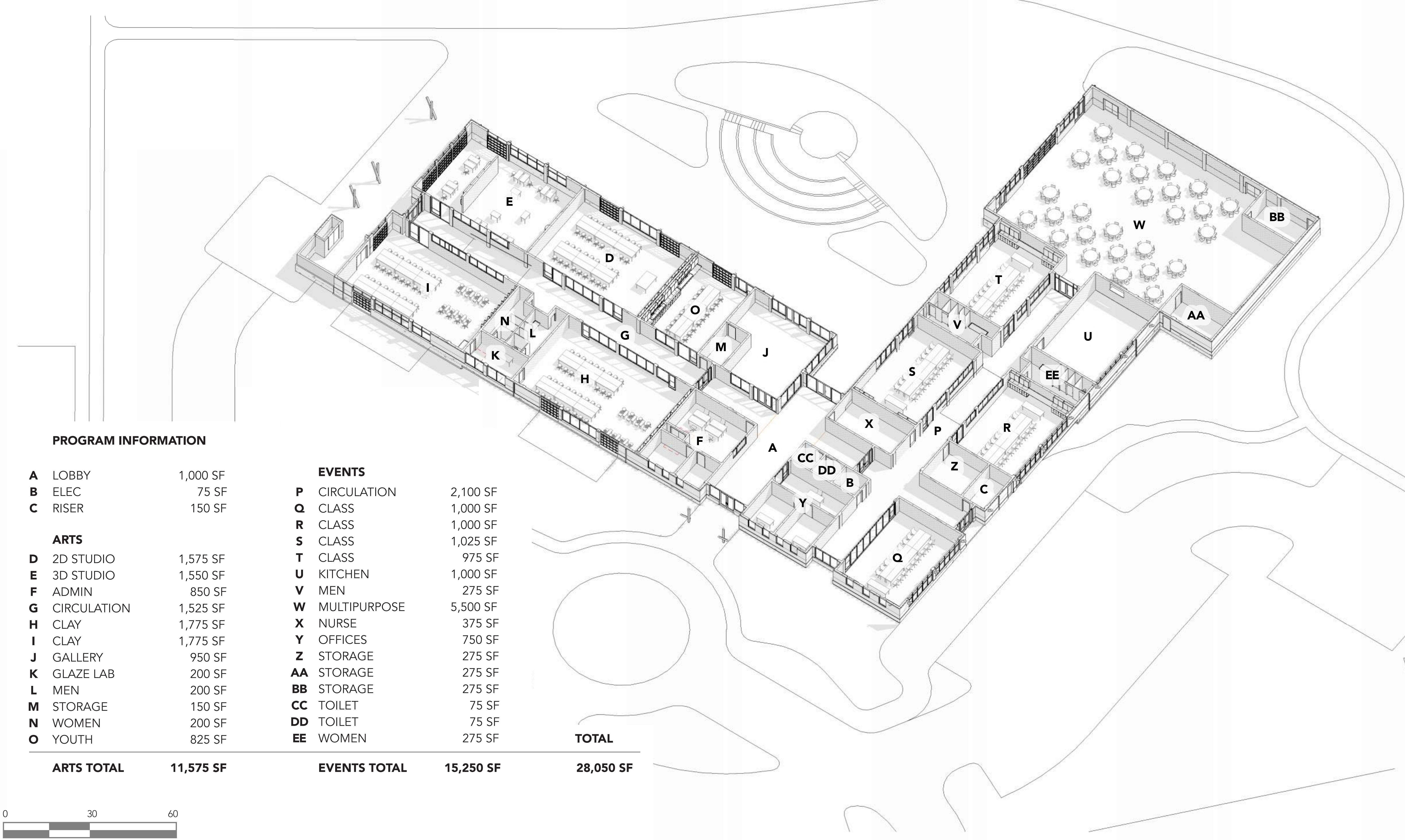
mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: 3D RENDERING
DATE: NOV 2024



PROGRAM INFORMATION

A	LOBBY	1,000 SF
B	ELEC	75 SF
C	RISER	150 SF
	ARTS	
D	2D STUDIO	1,575 SF
E	3D STUDIO	1,550 SF
F	ADMIN	850 SF
G	CIRCULATION	1,525 SF
H	CLAY	1,775 SF
I	CLAY	1,775 SF
J	GALLERY	950 SF
K	GLAZE LAB	200 SF
L	MEN	200 SF
M	STORAGE	150 SF
N	WOMEN	200 SF
O	YOUTH	825 SF
	ARTS TOTAL	**11,575 SF**

	EVENTS	
P	CIRCULATION	2,100 SF
Q	CLASS	1,000 SF
R	CLASS	1,000 SF
S	CLASS	1,025 SF
T	CLASS	975 SF
U	KITCHEN	1,000 SF
V	MEN	275 SF
W	MULTIPURPOSE	5,500 SF
X	NURSE	375 SF
Y	OFFICES	750 SF
Z	STORAGE	275 SF
AA	STORAGE	275 SF
BB	STORAGE	275 SF
CC	TOILET	75 SF
DD	TOILET	75 SF
EE	WOMEN	275 SF
	EVENTS TOTAL	**15,250 SF**

TOTAL **28,050 SF**

mcmillan pazdan smith ARCHITECTURE

CITY OF CLEMSON: ARTS & EVENTS CENTER
CLEMSON, SOUTH CAROLINA

VIEW: FLOOR PLAN
DATE: OCT 2024

Arts Center Budget

Project Reserves	$1,395,895
Millage designated for the Arts Center	$430,000
FY 25 HTAX/HFEE/ATAX	$600,000
FY 26 HTAX/HFEE/ATAX	$600,000
FY 25 Rec Impact Fee	$915,000
FY 26 Rec Impact Fee	$0
Interest on Hospitality Bond	$270,000
Nettles Park Expansion	$700,000
Public Art Fund	$228,525
Downtown Project Contribution	$1,000,000
Advance from GF	$1,000,000
	$7,139,420

City of Clemson
Agenda Item Request Form

Requested By: Lillian Boatwright and John Ducworth

Date Submitted: December 6, 2024

Council Meeting Date: December 10, 2024

Type of Request: (check only one)

- [ ] Report/Discussion
- [x] Policy/Action
- [ ] Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Consider adopting an Ethics and Code of Conduct Statement for elected and appointed officials.

Agenda Item Detail: (expand as necessary for clarification)

The purpose of this document is to make sure that all officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Clemson's City government.

City of Clemson
Code of Ethics and Conduct
For Elected and Appointed Officials

Policy Purpose

The City of Clemson adopts this Code of Ethics and Conduct for Elected and Appointed Officials to assure that all officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Clemson's City government.

A. ETHICS

The citizens and businesses of Clemson are entitled to have fair, ethical, and accountable local government. To this end, the public should have full confidence that all officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, Members of any Council, Boards, Committees, or Commissions ("Member/Members") shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Clemson and not for any private or personal interest. Members will assure fair and equal treatment of all persons, claims, and transactions coming before them.

2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the United States, the State of South Carolina, and the City of Clemson in the performance of their public duties.

3. Conduct of Members. The professional and personal conduct of Members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, including personal charges or verbal attacks upon the character or motives of other Members, the staff, or the public.

4. Respect for process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council. Members shall respect all official decisions.

5. Conduct at Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.

6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (decisions where the Member is called upon to determine and apply facts applicable to an individual case), Members shall maintain an open mind until the conclusion of the hearing on the matter, and shall base their decisions on the facts presented at the hearing and the law.

7. Communication. For adjudicative matters pending before the body, Members shall have and consider the same information when making decisions. Members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

8. Confidential Information. Members must maintain the confidentiality of all written materials and verbal information provided to Members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

9. Conflict of Interest. Members who may have a conflict of interest regarding a decision shall disclose the matter to the City Clerk and file a recusal statement. If the member is uncertain about an issue being a conflict of interest, they shall consult with the City Attorney to determine the potential conflict. If advised by the City Attorney to seek advice from the State Ethics Commission or other appropriate agency, a Member shall not participate in a decision unless and until they have diligently pursued and received advice allowing their participation. The Member shall provide the City Clerk and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given.

10. Advocacy. Members shall represent the official policies or positions of the City Council to the best of their ability when designated as representatives for this purpose. When presenting their individual opinions and positions, Members shall explicitly state they do not represent the City of Clemson, nor will they allow the inference that they do. Members have the right to personally endorse candidates for all Council seats or other elected offices, noting that it is inappropriate to mention or display endorsements during any City meetings.

11. Policy Role of Members. Members shall respect and adhere to the council-form of City government as outlined in the Clemson City Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by City Staff, Boards, Committees, Commissions, and the public. Except as provided by City Code, Members shall not interfere with administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of Staff to implement Council policy decisions.

12. Independence of Boards, Committees, and Commissions. Because of the value of the independent advice of Boards, Committees, and Commissions to the public decision-making process, Members of Council shall refrain from using their position to influence the deliberations or outcomes of Board, Committee, and Commission proceedings and shall refrain from attending or participating in their meetings.

13. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work environment for City employees, and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Clemson.

Elected and Appointed Officials' Conduct with Each Other

(a) Honor the role of the Chair in maintaining order
It is the responsibility of the Chair to keep the comments of Members on track. Members should honor efforts to focus discussions on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason.

(b) Practice civility and decorum in discussions and debate
Difficult questions, challenges to a point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy. Free debate, however, does not justify impertinent, personal, slanderous, threatening, or disparaging comments.

(c) Avoid personal comments that could offend
If a Member is offended by the remarks of another Member, the offended Member should make notes of the words used and call for a "point of personal privilege" that challenges the other to justify or apologize for the language used. The Chair will maintain control of this discussion.

(d) Demonstrate effective problem-solving approaches
Members have the responsibility to show how individuals with disparate points of view can find common ground and seek compromise that benefits the community.

Elected and Appointed Officials' Conduct with the Public

(a) Be welcoming to speakers.
While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) Be fair and equitable in allocating public hearing time.
The Chair will announce limits on speakers at the start of the public hearing process, as set by the governing body.

(c) Practice active listening.
It is disconcerting to speakers for Members not to look at them when they are speaking. It is fine to look at documents or to make notes. Members shall be conscious of facial expressions, and avoid those that could be interpreted as disrespectful (smirking) anger, or boredom.

(d) Maintain an open mind.
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) Ask for clarification, but avoid debate and argument.
Only the Chair can interrupt a speaker during a presentation. However, a Member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

Elected and Appointed Officials' Conduct with City Staff

(a) *Treat all staff as professionals.*
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs.*
Members should not disrupt City staff while they are engrossed in performing their job functions in order to have their individual needs met. Do not attend staff meetings unless explicitly requested by staff.

(c) Never publicly criticize employees.
Members should never express concerns about the performance of City employees in public, to the employees directly, or to the employee's manager. Concerns or comments about staff performance should only be shared with the City Administrator through private conversation.

(d) Do not get involved in administrative functions.
Members acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of applications, or granting of City licenses and permits.

(e) Do not solicit political support from staff.
Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

C. SANCTIONS

(a) Acknowledgement of Code of Ethics and Conduct
Members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments, participation in Subcommittees, receiving privileged information, and attending executive sessions.

(b) Ethics Training for Elected Officials
Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or subcommittees and may be subject to sanctions.

(c) Behavior and Conduct
The Clemson Code of Ethics and Conduct expresses standards of ethical conduct expected for Members of the City Council and other appointed positions. Members have the primary responsibility to assure that ethical standards are understood and met, and that the public can have full confidence in the integrity of government. Members have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Clemson and with intergovernmental agencies), or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Witnessing Members should point out to the offending Member any perceived infractions of the Code of Ethics and Conduct. If the offenses continue, the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, the matter should be referred to the Mayor Pro Tem. It is the responsibility of these leaders to initiate action if a Member’s behavior may warrant sanction. If no action is taken by the Mayor/Mayor Pro Tem, then the alleged violation can be brought to the full Council.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for Members expected by the City. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council and newly elected or appointed Members of public service. Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be signed annually by all Members of the the City Council, Boards, Committees, or Commissions and updated as necessary.

Member Signature: ______________________________________

City of Clemson
Agenda Item Request Form

Requested By: Allison Gantte

Date Submitted: 12/5/2024

Council Meeting Date: 12/10/2024

Type of Request: (check only one)

- ☐ Report/Discussion
- ☒ Policy/Action
- ☐ Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Consider Second Reading of an infrastructure reimbursement agreement between the City of Clemson, South Carolina, and Clemson One Development, LLC, for the construction of various public improvements on or about Lawrence Road and Old Central Road, Appropriating Reimbursement in an amount not to exceed $373,396.83

Agenda Item Detail: (expand as necessary for clarification)

Please find the attached letter from One Clemson Development, LLC for consideration of an infrastructure reimbursement agreement. City staff has reviewed the request and deemed the following items from the request eligible:

1) Wet well for pump station #1 (including design and installation)
This improvement will improve the existing residents' sewer flows and minimize maintenance of Pump Station #1.

2) Portion (3,920 SF) of multi-use bike path on Lawrence Road that does not front One Clemson Development, LLC's property.
This portion of multi-use path will lead to the land that will be deeded to the City as a public park.

The total eligible reimbursable amount is $373,396.83.

This project was approved as a planned development (PUD-000034-21) on June 13, 2023. The project includes 219 units of multi-family housing, 2,500 SF of commercial space and 1.9 acres of dedicated public open space. The project is estimated to have a market value of $29,000,000 upon completion.

Under the City's Infrastructure Reimbursement Ordinance, City Council handles requests on a case by case basis and determines the number of years and eligible activities (public assets) that would be included in the Infrastructure Reimbursement Agreement.

ONE CLEMSON DEVELOPMENT, LLC

8/15/2024

By Regular US Mail
City of Clemson
Mr. Andy Blondeau
1250 Tiger Blvd, Suite 1
Clemson, SC 29631

By Electronic Mail to: ablondeau@cityofclemson.org

Re: One Clemson Development, LLC – Letter of Intent for Infrastructure Reimbursement Program (Article IV, Section 15-48.)

Dear Mr. Blondeau:

We are writing this letter of intent (LOI) to express our interest in applying for the City's Infrastructure Reimbursement Program as outlined in Article IV, Section 15-48 of the City's Municipal Code.

One Clemson Development, LLC (Applicant), as part of the development of the apartment community known as One Clemson, has undertaken and paid for a number of infrastructure work for the public benefit. Below, I have outlined the requested reimbursement items and their corresponding public benefits.

1) Wet well for Pump Station #1 (including design and installation)
2) Lawrence Road repair/widen/overlay
3) Bike path along Lawrence Road
4) Crosswalk & additional sidewalk to Old Central Road including bus shelter pad, RFFB Crosswalk solar pedestrian button installation
5) Park and associated improvements which will be deeded over to the City of Clemson
6) Installation of gravity sewer along Lawrence Road

Applicant believes that these improvements qualify for the City's reimbursement program referenced above. Please let us know if you need any additional information concerning the project. Thank you in advance for your assistance and consideration for this matter.

Sincerely,

One Clemson Development, LLC
Ben Whited & Todd Kennedy – Its Managers

City of Clemson
Engineering Division
1250 Tiger Blvd Suite 5 · Clemson, SC 29631

Nathan Hinkle, P.E.

October 31, 2024

RE: One Clemson Infrastructure Reimbursement
Pump Station #1 upgrades
Multi-Use Path

The City of Clemson was recently requested to enter into an Infrastructure reimbursement with One Clemson Development, LLC for installation of an upgraded pump station #1 and expanded wet well which will better handle existing residents' sewer flows and minimize maintenance of Pump Station #1. One Clemson also installed a multi-use path along Lawrence road in front of the land donated for a new park. Below is the engineers estimate for material and labor based off of the most recent estimates available to the City of Clemson.

Item	Unit	Unit Price	Quantity	Subtotal
Wet well for Pump Station #1 (design & Installation	LS	—	—	$349,876.83
Multi-use Path	SF	$6.00	3920	$23,520.00
				$373,396.83

The Engineers estimate for the work proposed for the infrastructure reimbursement would be **$373,396.83.**
Please let me know if you have any questions.

Sincerely,

Nathan Hinkle, P.E.
City Engineer

cc: Mr. Andy Blondeau, City Administrator
Mr. Benjie Mcgill, City of Clemson Director of Utilities

Infrastructure Reimbursement Program
One Clemson Development, LLC
Lawerence Road, Clemson SC 29631

Infrastructure Reimbursement at 75%		
Market Value	$29,000,000	
x assessment rate (6% commerical)	6%	
Assessed Value	$1,740,000	
x city property tax millage rate	0.095	(millage rate for FY 24/25)
Gross Property Tax Liability	$165,300	(prior to LOST)
Less LOST Credit	$37,613	($129 per $100,000 market value)
Net Annual Property Tax Liability	$127,687	(net City Property taxes)
Annual Reimbursement at 75%	**$95,765**	
Infrastructure Reimbursement at 50%		
Market Value	$29,000,000	
x assessment rate (6% commerical)	6%	
Assessed Value	$1,740,000	
x city property tax millage rate	0.095	(millage rate for FY 24/25)
Gross Property Tax Liability	$165,300	(prior to LOST)
Less LOST Credit	$37,613	($129 per $100,000 market value)
Net Annual Property Tax Liability	$127,687	(net City Property taxes)
Annual Reimbursement at 50%	**$63,844**	
Infrastructure Reimbursement at 40%		
Market Value	$29,000,000	
x assessment rate (6% commerical)	6%	
Assessed Value	$1,740,000	
x city property tax millage rate	0.095	(millage rate for FY 24/25)
Gross Property Tax Liability	$165,300	(prior to LOST)
Less LOST Credit	$37,613	($129 per $100,000 market value)
Net Annual Property Tax Liability	$127,687	(net City Property taxes)
Annual Reimbursement at 50%	**$51,075**	

Infrastructure Reimbursement Program One Clemson Development, LLC Lawrence Road, Clemson SC, 29631					
75% Infrastructure Reimbursement (Assuming $29,000,000 appraised value)		50% Infrastructure Reimbursement (Assuming $29,000,000 appraised value)		40% Infrastructure Reimbursement (Assuming $29,000,000 appraised value)	
Year	Annual Reimbursement	Year	Annual Reimbursement	Year	Annual Reimbursement
1	$95,765	1	$63,844.00	1	$51,075.00
2	$95,765	2	$63,844.00	2	$51,075.00
3	$95,765	3	$63,844.00	3	$51,075.00
4	$86,102	4	$63,844.00	4	$51,075.00
		5	$63,844.00	5	$51,075.00
		6	$54,176.83	6	$51,075.00
				7	$51,075.00
				8	$15,871.83
Total	**$373,396.83**	**Total**	**$373,396.83**	**Total**	**$373,396.83**

Infrastructure Reimbursement Payment Schedule Summary

Contact Person:	Lee Hill	Steve Beinke	Brandt Stiles	Eric Newton	Eric Newton	
	Underhills Mixed-Use	**U-Center Mixed Use**	**Earle St. Apartments**	**Duplex 207 Ligon St**	**Duplex 110/112 Singleton**	**Fiscal Year Total**
Initial Fiscal Year:	**FY 15-16**	**FY 18/19**	**FY 18/19**	**FY 22/23**	**FY24/25**	
Maximum Reimbursem	**$ 27,000**	**$ 370,000**	**$ 730,000**	**$ 32,474**	**$ 27,749**	
Ann. Reimbursement Rate	**50%**	**50%**	**50%**	**50%**	**75%**	
Vendor	**One Clemson**	**American Campus Communities**	**CCSHP Clemson (Less Base $13,055)**	**Rutledge Development**	**Rutledge Development**	
Fiscal Year						
2015/2016	2,314.00	-	-	-	-	**2,314.00**
2016/2017	2,195.00	-	-	-	-	**10,352.00**
2017/2018	2,240.00	-	-	-	-	**10,638.00**
2018/2019	2,423.00	68,581.00	107,084.00	-	-	**199,756.00**
2019/2020	2,522.00	59,728.00	98,200.00	-	-	**176,523.00**
2020/2021	2,493.76	58,647.89	96,106.16	-	-	**190,462.80**
2021/2022	2,501.03	59,220.06	97,107.46	-	-	**188,641.55**
2022/2023	2,531.22	59,935.26	98,359.09	-	-	**174,420.57**
2023/2024	2,740.62	63,887.80	107,815.85	4,113.00	-	**178,557.26**
2024/2025	2,550.00	-	98,000.00	4,113.00	2,775.00	**107,438.00**
2025/2026	2,489.38	-	27,327.45	4,113.00	2,775.00	**36,704.83**
2026/2027	-	-	-	4,113.00	2,775.00	**6,888.00**
2027/2028	-	-	-	4,113.00	2,775.00	**6,888.00**
2028/2029	-	-	-	4,113.00	2,775.00	**6,888.00**
2029/2030	-	-	-	4,113.00	2,775.00	**6,888.00**
2030/2031	-	-	-	3,683.00	2,775.00	**6,458.00**
2031/2032	-	-	-	-	2,775.00	**2,775.00**
2032/2033	-	-	-	-	2,775.00	**2,775.00**
2033/2034	-	-	-	-	2,774.00	**2,774.00**
2034/2035	-	-	-	-	-	**-**
2035/2036	-	-	-	-	-	**-**
2036/2037	-	-	-	-	-	**-**
2037/2038	-	-	-	-	-	**-**
2038/2039	-	-	-	-	-	**-**

Notes:
1. Reimbursement will change annually based on build-out rate of the property.
2. Maximum reimbursement for all properties is 10 years or full repayment of eligible reimbursement.
3. First reimbursement is tied to the first year of property tax payments by improvements on the land.

City of Clemson
Agenda Item Request Form

Requested By: Jacob Peabody

Date Submitted: 12/6/2024

Council Meeting Date: 12/10/2024

Type of Request: (check only one)

- [x] Report/Discussion
- [ ] Policy/Action
- [ ] Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Schedule a Public Hearing date for an Ordinance change to allow Non-conforming properties to have vested rights if they were destroyed by other than voluntary actions.

Agenda Item Detail: (expand as necessary for clarification)

Most existing structures or uses built prior to the adoption of current standards (legal non-conformities) must currently be brought into conformance with all existing rules if they are repaired/reconstructed following significant damage/destruction, regardless of the cause. In many cases, such repairs and reconstruction result in either significant changes to the structure/use, or even prohibiting restoration altogether. Among the exceptions to this are a few "culturally significant" commercial structures identified by City Code, and residential structures situated in certain zoning districts that may be approved as Special Exceptions by the Board of Zoning Appeals, both of which, provided the damage or destruction results from forces beyond the control of the owner, may be allowed to be repaired/reconstructed to their previous condition.

This proposed text amendment is drafted to expand the right to repair/reconstruct by vesting the status of legal non-conformance, provided the properties are otherwise in compliance with City Code, for all those damaged/destroyed by forces beyond the owners control. It should be noted that in spite of the vesting provision, structures/uses would continue to be subject to any applicable architectural review district standards, with the Board of Architectural Review having the ability to waive requirements that negatively impact the repair/restoration. Additionally, the proposed change would have no impact on building, fire, and health/safety codes, all of which will be applied.

Most existing structures or uses built prior to the adoption of current standards (legal non-conformities) must currently be brought into conformance with all existing rules if they are repaired/reconstructed following significant damage/destruction, regardless of the cause. In many cases such repair/reconstruction results in either significant changes to the structure/use, or even prohibiting restoration altogether. Among the exceptions to this are a few 'culturally significant' commercial structures identified by City Code, and residential structures situated in certain zoning districts that may be approved as Special Exceptions by the Board of Zoning Appeals, both of which, provided the damage or destruction results from forces beyond the control of the owner, may be allowed to be repaired/reconstructed to their previous condition.

This proposed text amendment is drafted to expand the right to repair/reconstruct by 'vesting' the status of legal non-conformance, provided the properties are otherwise in compliance with City Code, for all those damaged/destroyed by forces beyond the owner's control. It should be noted that in spite of the vesting provision, structures/uses would continue to be subject to any applicable architectural review district standards, with the Board of Architectural Review having the ability to waive requirements that negatively impact the repair/restoration.   Additionally, the proposed change would have no impact on building, fire, and health/safety codes, all of which will be applied.

CODE OF ORDINANCES

CHAPTER 19 ZONING

ARTICLE VI. GENERAL AND SUPPLEMENTARY REGULATIONS

DIVISION 2. REGULATIONS GOVERNING LEGAL NONCONFORMITIES

Sec. 19-621. Nonconforming lots, uses, and/or structures.

E. Any legally nonconforming structure or use (hereafter "Nonconformance") determined to be otherwise in compliance with the provisions of this Code that is *damaged, destroyed, or caused to be relocated by any means other than the voluntary, willful, and lawful action of the owner(s) (or their duly authorized agent, employee, or subordinate)*, may be repaired, rebuilt, or otherwise restored to the state, condition, and configuration in which it existed prior to being damaged or destroyed with no restriction placed on its continuation as a legal nonconformity. The following standards shall apply:

1) Any renovation, restoration, and/or construction activities associated with the repair or restoration of a Nonconformance permitted by this section shall meet all applicable adopted building, fire, and life-safety codes and regulations.

2) If said damage, destruction, or relocation of a Nonconformance results from an exercise of eminent domain by a duly authorized entity, it may be repaired/reconstructed or relocated, if possible, on another portion of the property on which it was situated prior to damage/destruction/relocation; or, if site conditions or other factors prohibit relocation on the same property, it may

be relocated to an abutting lot under the same ownership, provided, however, said relocation does not result in the enlargement or increase of the legal nonconformance, nor does it create any safety hazard or direct negative impacts on an existing adjacent use.

4) A reconstructed and/or restored Nonconformance shall possess no more volume, lot coverage, or floor space than existed prior to damage/destruction.

5) A Nonconformance reconstructed or otherwise restored under the provisions of this section shall, to the extent possible, meet adopted open space requirements for such structures/uses. In no event, however, shall the total open space be less than existed prior to damage/destruction.

6) Any Nonconformance located in an Architectural Overlay District shall conform to current Architectural Overlay District standards. The Board of Architectural Review (BAR) may grant waivers (with or without conditions) from standards that prohibit or otherwise negatively impact reconstruction/restoration.

7) All activities associated with the repair, reconstruction/restoration, and relocation of a Nonconformance permitted by this section shall be completed within thirty-six (36) months after the date of damage, destruction, or relocation; the Zoning Administrator may grant an extension of up to twelve (12) months for demonstrated cause. Failure to complete such activities within the approved timeframe shall be considered to be, and shall be dealt with as, a violation of this Chapter.

8) The ability of an owner to relocate, reconstruct, restore, and continue use of a Nonconformance as permitted by this section shall be by right, and as such shall not be subject to the review and approval as a Special Exception, variance, or other form of relief granted by the Board of Zoning Appeals.

~~The proposed repair or reconstruction of any structure damaged as a result of any cause whatsoever, provided the cost of the repair/reconstruction of said structure is greater than fifty (50) percent of its fair market value immediately prior to damage, shall result in the loss of nonconformity rights and subject said structure to strict conformity to these standards. However, any duly permitted legally nonconforming residential structure located in the R-20, R-12, RM-1 and RM-2 Residential Districts deemed by the Zoning Administrator to have been in compliance with all applicable City standards and requirements (other than said legal nonconformity) prior to being damaged as a result of fire, or other cause beyond the control of the owner, may be granted a restoration of nonconformity rights, with or without conditions, as a Special Exception by the Board of Zoning Appeals.~~

City of Clemson
Agenda Item Request Form

Requested By: Brandon Burton/Leslie Wilder

Date Submitted: November 25, 2024

Council Meeting Date: December 2, 2024

Type of Request: (check only one)

- [x] Report/Discussion
- [ ] Policy/Action
- [ ] Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Discuss a text amendment to Chapter 7, Sec 7-8, Fixed Assets

Agenda Item Detail: (expand as necessary for clarification)

Staff is proposing an update to City Code Chapter 7, Section 7-8 Fixed Asset. A name change is proposed to reflect both tangible and intangible assets that are either capitalized or amortized. Language is also proposed to create and reference a new Capital Asset Policy. This policy can be adopted after the ordinance is considered and adopted.

This update will better align our accounting procedures and implement changes recommended by our auditors.

Both the proposed text amendment and Capital Asset Policy is attached.

CODE OF ORDINANCES

CHAPTER 7 FINANCE (1)

FOOTNOTE(S):

--- (**1**) ---

Cross reference—Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, § 1-3(a)(1); administration, ch. 2.

Sec. 7-8. ~~Fixed~~ Capital assets.

Capital assets can fall into one of two categories: fixed or intangible.

a. Fixed assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities column in the government-wide financial statements. Fixed assets shall be capitalized and depreciated (excluding land) using the straight line method over their estimated useful life.

~~a.~~b. Intangible assets (e.g. computer software, licenses, trademarks, patents, films, copyrights, etc). are reported in the applicable governmental or business-type activities column in the government-wide financial statements. Intangible assets shall be capitalized and amortized using the straight line method over their estimated useful life.

~~b.~~c. ~~Fixed~~ A~~a~~ssets purchased shall be recorded at cost and donations at fair market value at the date of acquisition.

~~c.~~d. Detailed ~~fixed~~ asset records shall be maintained by the city ~~treasurer~~ Finance Director. All assets shall be affixed with numbered decals and mobile equipment shall have stenciled or painted numbers that are legible from a distance of 15 feet.

e. Maintenance and repairs shall be expensed, unless they significantly prolong the life or increase the value of an asset, in which case the costs shall be capitalized as an addition to the original asset.

~~d.~~f. Capitalization thresholds, definitions, and requirements are defined in the City of Clemson's Capital Asset Policy, current approved edition.

~~e.~~g. Upon disposal of an asset, the accounts shall be relieved of related cost and accumulated depreciation, and resulting gain or loss shall be reflected ~~in income.~~ in the appropriate account in the annual comprehensive financial statement.

~~f.~~ The sale of all city-owned fixed assets ~~with an estimated value of $100.00 or more requires a public auction or bidding advertised in the news media at least one week prior to the sale. The city administrator must approve the sale of all fixed assets with an estimated value up to $10,000.00, and the city council must approve the sale of all fixed assets valued at $10,000.00 or over.~~ shall follow the requirements as outlined in the City of Clemson's Capital Asset Policy, current approved edition.

h. The City of Clemson City Council shall approve the City of Clemson's Capital Asset Policy by resolution.

(Code 1979, § 1-7008; Ord. of 8-18-80; Ord. No. CC-2022-18, 09/06/2022)

Effective on: 9/6/2022

Regular Council Meeting
August 15, 2022
Council Chamber, Clemson City Hall

Call to Order: Mayor Robert Halfacre at 6:30 p.m.

Invocation and Pledge of Allegiance: Council Member Fulmer

Members present: Mayor Halfacre presiding, Council Members Brookover, Ducworth, Fulmer, McGuire, and Smith; **Absent:** Council Member Watt

Media present: Greg Oliver, the *Journal*

Notification emailed: August 11, 2022 to the *Greenville News*, the *Journal*, the *Independent Mail*, the *Pickens Sentinel*, the *Easley Progress*; WSNW Radio, WYFF Channel 4, WSPA Channel 7 and Fox 21 TV News.

Public Session: Mayor Pro Tem Alesia Smith presiding – No public comments.

Approval of Minutes: August 1, 2022 were approved as presented.

Reports/Discussion Agenda

Discuss the Site Management Plan Template, associated documents (Sign Template and Door Hanger Template) and Site Management Application – City Engineer Nathan Hinkle presented the template and documents with the goal to streamline the process of development for uniformity with a Site Management Plan accessible on the City's website and/or MyCivic. Staff will be issuing hangtags on doors and sending e-blasts to website subscribers. There will be community meetings for new developments that will also direct persons for the process of contacting staff or developers on any issues or concerns.

Staff Reports:

Project assignments for Council Members

Regional Transportation Meeting Kickoff Wednesday, August 17, 2022 at 10:00 a.m.

Work Sessions to be scheduled for Budget prep discussions

Conversations with Council resume September 15th 6:30 p.m. Fire Sub Station

Policy/Action Agenda Ordinances

Consider for 2nd Reading an Ordinance to add a $120 fine for unauthorized parking in the City Parking Deck between the hours of 4:00 a.m. to 7:00 a.m. – Police Chief Campos presented the Ordinance with no changes since 1st Reading. Council Member Brookover made a motion, seconded by Council Member McGuire to approve 2nd Reading of an Ordinance to add a $120 fine for unauthorized parking in the City Parking Deck between the hours of 4:00 a.m. to 7:00 a.m. Vote on this motion was unanimous.

Consider for 2nd Reading an Ordinance to repeal Article III. Division 3. Chapter 2. Sec. 2-67 through Sec. 2-71, Administration and amend Article I. Chapter 14. Sec. 14-2 through Sec. 14-5 Parks and Recreation of the City's Code of Ordinances – Assistant Administrator Allison Gantte presented this item with changes as discussed at the last meeting 1) new name and 2) Sec. 14-2. - one member must be a visual or performing artist, does not have to be a City resident, one member represents the Art Center and one member represent Culture. Council Member Ducworth made a motion, seconded by Council Member

Brookover to approve 2nd Reading an Ordinance to repeal Article III. Division 3. Chapter 2. Sec. 2-67 through Sec. 2-71, Administration and amend Article I. Chapter 14. Sec. 14-2 through Sec. 14-5 Parks and Recreation of the City's Code of Ordinances with amendments as presented. Vote on this motion was unanimous.

Consider for 1st Reading an Ordinance amending the City Code to add a definition of tethering and regulations on how and when an animal can be tethered inside the City limits of Clemson – Police Chief Campos presented the Ordinance with an overview of the last two years of discussion that included input from the public for the Police Advisory Board's final draft. Noted: the Animal Cruelty Ordinance amendment was approved in July of this year.

Public Comment: Robert Kemp, 1144 Old Shirley Rd. spoke in favor of tethering as long as animal is fed, watered and sheltered.

Kim Artita, 1005 Berkeley Dr. suggested fencing and consideration for safety of pedestrian traffic.

Rosa Grayden, Cantrell Dr., Central questioned notices to the community and animal owners, impact from electric fences on animal, and children's safety.

Rick Ware, 100 Holiday West compared dogs different behaviors.

Susan Robinette, 1016 Keystone Lane requested several changes in the Ordinance to remove collars and require harnesses for tethering, change degrees of temperature, limit timeframe for tethering and consider the humane welfare of the animals.

Margaret Thompson, 117 Argon Street, spoke in opposition to the Ordnance and referred to tethering injuries of animals.

Rocco Cioffoletti, 104 Country Walk Ln. requested changes to add temperatures both high and low.

Helen Davis, spoke in opposition to tethering.

William Peppers Jr., Ford Road, Central spoke in opposition to the Ordinance on the basis of Human Rights.

April Cannon, 146 Curtis Circle, suggested consideration for each situation and to punish the abuser.

Rosemary Rhinehardt, 308 Snider Lane, suggested there be specific guidelines for tethering.

Nanda Edgerton and Robert Lee sent several suggestions via email.

Council Member Fulmer commented that he and Council Member Brookover had canvased the neighborhood and the dogs that were tethered, three 24 hrs. a day and others for shorter times were not stressed. There are different temperature tolerances and humidity issues and that officers should consider the condition and stresses of the animal. He noted that are many Ordinances in the state with different levels of time for tethering but that it is virtually impossible for time limits to be enforced by officers.

Council Member McGuire commented on the Ordinance itself and stated it was not very restrictive but includes very humane ways to keep animals safe in respect of owner rights. He said there are cultural differences but the Ordinance addresses the issues and everyone wants to protect the animal.

Council Member Smith referred to the proposed Ordinance as a compromise, not all agree but it addresses the issues and is a guideline for owners to care for the animals. Tethering or not does not hinder abuse and the Animal Cruelty Ordinance has already been passed.

Council Member Brookover referred to SC Cruelty Animal Laws and opposed a tethering Ordinance. He said the Ordinance was not necessary and tethering guidelines can be offered with education. Police officers can make good judgement for any animal cruelty.

Council Member Ducworth commented that the Animal Cruelty Ordinance is a "reaction" on any cruelty and that he supports this Ordinance as a preventive measure towards injury.

Mayor Halfacre stated that everyone wants to protect animals and that there had been much opportunity for community input during the months of discussion. He said he trusted the officers in their judgement and appreciated the work of the Police Advisory Board on the Ordinance.

Chief Campos added that this Ordinance allows enforcement before injury that is a violation in the Cruelty to Animal Ordinance.

Council Member Ducworth made a motion, seconded by Council Member McGuire to approve 1st Reading of an Ordinance amending the City Code to add a definition of tethering and regulations on how and when an animal can be tethered inside the City limits of Clemson. Vote in favor of this motion was Mayor Halfacre, Council Members Ducworth, Fulmer, McGuire and Smith. Vote in opposition of this motion was Council Member Brookover. Motion passed 5-1 vote.

<u>Consider for 1st Reading an Ordinance to amend Sec. 7-11 Expenditures, Purchasing and Receiving</u> – Finance Director Leslie Wilder presented this Ordinance as was discussed at the last meeting. Council Member Fulmer made a motion, seconded by Council Member Smith to approve 1st Reading of an Ordinance to amend Sec. 7-11 Expenditures, Purchasing and Receiving as presented. Vote on this motion was unanimous.

<u>Consider for 1st Reading an Ordinance to amend Sec. 7-8 Fixed Assets</u> – Finance Director Leslie Wilder presented the Ordinance as discussed at the last meeting. Council Member Smith made a motion, seconded by Council Member Fulmer to approve 1st Reading of an Ordinance to amend Sec. 7-8 Fixed Assets as presented. Vote on this motion was unanimous.

Resolutions

Consider a Resolution to authorize the City Administrator to submit a funding plan letter with the City's SC Infrastructure Investment Program, SCIIP, application for funding the 15% match for replacement of Pump Stations #7 and #5 and replacement of the sewer line from College Avenue to Pump Station #7 – Utilities Director Benjie McGill presented the Resolution for a letter of confirmation on the City's funding sources to qualify for grant. The anticipated project cost for the pump stations and sewer line is $7,000,000. The City's 15% portion of the cost would be $1,050,000. The City has to commit to funding the 15% portion of the project that is outside the grant funding. The State Revolving Fund will be used for the City's balance of this project cost. Council Member Ducworth made a motion, seconded by Council Member Fulmer to approve a Resolution to authorize the City Administrator to submit a funding plan letter with the City's SC Infrastructure Investment Program, SCIIP, application for funding the 15% match for replacement of Pump Stations #7 and #5 and replacement of the sewer line from College Avenue to Pump Station #7. Vote on this motion was unanimous.

Other Policy items

Consider increasing the capital asset threshold limits to $5000 for all assets except buildings and infrastructure which would have a threshold of $25,000 – Finance Director Leslie Wilder presented the policy change as discussed at the last meeting. Council Member Brookover made a motion, seconded by Council Member Smith to approve increasing the capital asset threshold limits to $5000 for all assets except buildings and infrastructure which would have a threshold of $25,000. Vote on this motion was unanimous. *(Council Member Ducworth was not present during vote.)*

Consider reverting the 15-minute parking spaces on Earle Street and North Clemson Avenue back to the original time limits – Com. & Econ. Development Coordinator Lindsey Newton presented this request with details of the experience over the last six months and the majority of downtown merchants supporting the change back to original time limits. Council Member Smith made a motion, seconded by Council Member Fulmer to approve reverting the 15-minute parking spaces on Earle Street and North Clemson Avenue back to the original time limits. Vote on this motion was unanimous.

Consider approving the Uptown Framework Document that will accompany the RFP that was approved at the June 20, 2022 meeting – City Administrator Andy Blondeau presented the document with the language Council requested so that the respondents understood the intent. Council Member McGuire commented on the number of student housing that are still in the document. Council Member Fulmer made a motion, seconded by Council Member Brookover to approve the Uptown Framework Document that will accompany the RFP that was approved at the June 20, 2022 meeting. Vote in favor of this motion was Mayor Halfacre, Council Members Brookover, Ducworth, Fulmer, and Smith. Vote in opposition of this motion was Council Member McGuire. Motion passed 5 to 1.

Consider Bid award for rebranding to Arnett Muldrow & Associates in the amount of $17,332 – *(Council Member Brookover recused himself due to direct involvement with the firm.)* Assistant Administrator Allison Gantte presented the details of the bid and staff's recommendation of the local firm in Greenville with references throughout US. Council Member McGuire questioned the range of bids and Ms. Gantte responded that it is based on the scale of work and experience. The rebranding will include focus groups charrette style, community meetings, and a toolkit. Council Member Fulmer made a motion, seconded by Council Member Smith to approve bid award for rebranding to Arnett Muldrow & Associates in the amount of $17,332. Vote on this motion was unanimous.

Consider authorizing staff to partner with Blue Ridge Electric and Western Carolina Fiber to apply for funds from the Middle Mile Broadband Development Act – Assistant Administrator Allison Gantte presented the request as the first step of the partnership to build infrastructure for high-speed broadband service to the community with little to no cost to the City. Council Member Smith made a motion, seconded by Council Member Ducworth to approve authorizing staff to partner with Blue Ridge Electric and Western Carolina Fiber to apply for funds from the Middle Mile Broadband Development Act. Vote on this motion was unanimous.

Consider Bid award for the migration of the City GIS Systems and Data to a GIS Managed Cloud Environment to the firm as specified by the City IT Director – Lowell Arwood presented the recommended bid award for the budgeted migration plan. Staff received two bids and recommended ROK Technologies in the amount of $75,632. Council Member Brookover made a motion, seconded by Council Member McGuire to approve bid award for the migration of the City GIS Systems and Data to a GIS Managed Cloud Environment to ROK Technologies as specified by the City IT Director in the amount of $75,632. Vote on this motion was unanimous.

Consider authorizing the City Administrator to submit a funding plan letter with the City's SC Infrastructure Investment Program, SCIIP, application for the Pendleton/Clemson WWT Plant – Utilities Director Benjie McGill presented the request to submit a funding plan letter for two grants of up to $10,000,000 each in funding. The anticipated project cost for the 3.000 MGD expansion is $45,000,000. With a $20,000,000 grant the City would have a $25,000,000 balance to be funded by Anderson County (40% - $10 million), Pendleton (27% - $6.750 million) and Clemson (30% - $8.250 million). If the City only receives a $10,000,000 grant the percentages would equal Anderson County (40% - $14 million), Pendleton (27% - $9.450 million) and Clemson (30% - $11.550 million). The State Revolving Fund would be used for the City's balance of this project cost. Council Member Brookover made a motion, seconded by Council Member Ducworth to approve authorizing the City Administrator to submit a funding plan letter with the City's SC Infrastructure Investment Program, SCIIP, application for the Pendleton/Clemson

WWT Plant. Vote on this motion was unanimous.

Consider an Eagle Scout project for Mountain View Park – Urban & Park Land Mgmt. Director Tony Tidwell introduced Leam Chandler, Scout Troop 235 requesting approval to expand the disc golf course. The project is part of the requirement for Mr. Chandler to earn his Eagle Scout. An Eagle Scout developed the Disc Golf course in 2010 and Mr. Chandler is requesting approval to expand the nine holes to twenty. Mr. Chandler presented a site plan and details of the course throughout the park. The Corps of Engineers and City staff has approved the proposed plan and construction would start immediately. The cost for baskets is $4115 and would be funded through the Urban Land budget. Council Member Ducworth made a motion, seconded by Council Member Fulmer to approve the Eagle Scout project for Mountain View Park to expand the nine-hole disc course to a twenty-hole course. Vote on this motion was unanimous.

Mayor-Council reports/comments/new business

No reports

Executive Session

Council Member Brookover made a motion, seconded by Council Member Ducworth to enter into Executive Session for discussion of potential contractual arrangement; SC Code Section 30-4-70(a)(2) Discussion of negotiations related to proposed contracts. Vote on this motion was unanimous. After discussion motion was made, duly seconded and unanimously voted to exit the Executive Session and return to the open session. Vote on this motion was unanimous.

Following Executive Session, there was nothing to report.

There being no further business, a motion was made, duly seconded, and unanimously approved to adjourn the meeting at 9:06 p.m.

Respectfully submitted, Approved

______________________________ By: ______________________________

Beverly A. Coleman, MMC G. Robert Halfacre, Mayor

CITY OF
Clemson
SOUTH CAROLINA

CAPITAL ASSET POLICY

November 2024

V 1.0

TABLE OF CONTENTS

CHAPTER 1- INTRODUCTION

OVERVIEW

The City of Clemson wishes to establish accounting control and accountability for the City's assets. The Finance Department is the central accounting division for all audited capital assets. Assets under this classification follow specific accounting rules and are subject to annual audit requirements. The accounting and reporting policies of the City conform to generally accepted accounting principles (GAAP) applicable to state and local governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. Capital assets are real or personal property that have a value equal to or greater than the capitalization threshold for the particular classification of the asset and have an estimated life of greater than a single reporting period. They include: land, land improvements, buildings, building improvements, machinery and equipment, vehicles, infrastructure, leasehold improvements, works of art and historical treasures, intangible assets, and construction in progress (excluding projects from outside developers). A capital asset is to be reported and, with certain exceptions, depreciated in government-wide statements. In the government-wide statements, purchases that are not capitalized are expended in the year of acquisition.

PURPOSE

The purpose of this policy is to ensure adequate control of the City of Clemson's capital assets. The procedures are intended to define capital assets and to establish guidelines for the financial reporting, depreciating, and disposing of capital assets. The City's capital assets shall be used for appropriate City purposes and be properly accounted for and secured. It is the responsibility of the Finance Director to ensure capital assets are inventoried on a regular basis, and accounted for by fund and asset category. It is the responsibility of Department Heads to ensure that proper budgeting and purchasing guidelines are followed, that capital assets are adequately controlled and used for appropriate City purposes, and to secure such capital assets.

CHAPTER 2- ACCOUNTING AND FINANCIAL REPORTING

THRESHOLDS

In general, all capital assets, with an original cost of $10,000 or more per unit, except buildings and infrastructure which is $50,000, with a useful life of one year or more will be subject to accounting and reporting (capitalization). See chart below for specific thresholds. All costs associated with the purchase or construction should be considered, including ancillary costs such as freight and transportation charges, site preparation expenditures, installation charges, professional fees, and legal costs directly attributable to asset acquisition. Specific capitalization requirements are described below. Federal grant funded capital assets with an original unit cost of $10,000 and a useful life of one year or more shall be capitalized to comply with grant regulations.

Category	Capitalization Threshold	Useful Life in Years
Land	$1	Not depreciated
Buildings & Improvements	$50,000	40
Land Improvements	$50,000	10-50
Machinery & Equipment	$10,000	5-10
Vehicles	$10,000	5-12
Capital Project in Progress	$50,000	Not depreciated
Bridges & Culverts	$50,000	25-50
New Streets (grading, base, & paving)	$50,000	50
Sidewalks, Curb, or Ditch	$50,000	50
Asphalt Surface	$50,000	10
Storm Water System	$50,000	50
Water System	$50,000	50
Sewer System	$50,000	50
Leases	$250,000	Depends on contract length
Subscription Based IT Agreements	$250,000	Depends on contract length
Bulk Purchases	$250,000	Depends on asset

ACQUISITION & INVENTORY

Capital assets shall be acquired in conformance with the City of Clemson's Purchasing Policy. Department heads are responsible for safeguarding capital assets under their control from theft or loss. However, the Finance Department is responsible for establishing and maintaining systems and procedures that enable Department Heads to properly safeguard assets. The Finance Director will work with Department Heads to conduct a physical inventory and reconciliation of all capitalized assets every fiscal year. All assets must be accounted for and recorded in their current condition. Upon completion of the physical inventory, any useful lives may be adjusted based on their findings.

CHAPTER 3-DEFINITIONS

Amortization: Amortization spreads out the cost of an intangible asset over its useful life. These assets typically do not have any resale or salvage value. Amortization will be expensed on a straight-line basis. Examples of intangible assets are: patents, copyrights, ROW, easements, SBITA, leases, franchises, and trademarks.

Buildings: Buildings are purchased or constructed and also include such structures as pavilions and bath houses. Construction projects are initially capitalized to construction in progress. Subsequently, the capitalized expenditures are recorded as an asset. If a building is acquired by purchase, the capitalized cost should include purchase price and other incidental expenses incurred at the time of acquisition. If a building is constructed, the capitalized cost should include all reasonable and necessary costs incurred to construct the building and prepare it for its intended use such as engineering or architectural fees, permits, interest during construction, appraisal, or legal fees.

Building Improvements: Any change to the building which increases its future service potential and extends its useful life. Capitalized costs for building improvements include expenditures incurred to increase the service potential of the building including the contract price, engineering, architectural, and attorney's fees.

Construction In Progress: Expenditures that will be categorized upon their completion and placement in service. Costs to be capitalized include direct costs, such as labor, materials and transportation, indirect costs such as engineering and construction management, and ancillary costs such as construction period interest.

Components: The capitalization threshold will generally not be applied to components of capital assets. For example, a keyboard, monitor, and central processing unit purchased as components of a computer system will not be evaluated individually against the capitalization threshold. The entire computer system will be treated as a single capital asset.

Computers: When purchasing a complete computer unit, each component must be analyzed to meet the established thresholds separately. In most cases, no components will individually meet the $10,000 threshold unless it is for a server. Upgrades to computers would only be considered an asset if the cost exceeds $10,000 and extends the useful life.

Depreciation: Depreciation is computed using the actual months in service. Depreciation is computed in a straight line method over the useful life.

Donated Assets: Assets received in a voluntary non-reciprocal transfer from another entity such as gifts of capital assets. Donated assets are recorded at their fair market value or appraised value at the time of gift.

Estimated Useful Life: - An asset must have an estimated useful life greater than one reporting period to be considered for capitalization and depreciation. Assets that are consumed, used-up, habitually lost or worn-out in one year or less should not be capitalized. Estimated useful life means the estimated number of months or years that an asset will be able to be used for the purpose for which it was purchased. In determining useful life, the City should consider the asset's present condition, use of the asset, construction type, maintenance policy, and how long it is expected to meet service demands.

Equipment: An article of non-expendable, tangible personal property that is free standing, movable, is complete in itself, does not lose its identity when affixed to or installed in other property and has a useful life greater than one year. Any vehicle licensed by the State of South Carolina is included. The cost of equipment includes all expenditures incurred for the equipment and preparing it for its intended use. This includes the invoice purchase price, one-time charges for freight and handling, insurance on the equipment while in transit, cost of special foundations if required, assembling and installation costs, and blueprint and development costs if applicable. This category includes delivery equipment, office equipment, machinery, furniture and fixtures, factory equipment, tools and vehicles (autos, plow and dump trucks, fire vehicles). Equipment also includes self-constructed equipment where the total unit cost incurred to fabricate the equipment is $10,000 or more. Enhancement parts that materially and permanently increase the value or useful life of equipment is also included. A system with multiple components which cannot operate independently of each other and together cost $10,000 or more will also be capitalized. The rule-of-thumb is that for a component to be included in the original acquisition cost of a piece of equipment, it should be an attached or installed option which, as assembled, is expected to operate as one unit for the remainder of its life.

Exceptions to Equipment

- Assets purchased as repair parts for existing parts in previously tagged equipment
- Materials used in repair or replacement of assets in structures
- Household equipment (drapes, carpet replacement)
- Built-in equipment, such items become part of the building or structure after installation

and may be capitalized as building improvements. For example: built-in cabinets, garbage disposals, furnaces, and air conditioners. Please see the definition of Building Improvements.

Improvements: Improvements to existing capital assets will be presumed (by definition) to extend the useful life of the related capital asset and will be subject to capitalization only if the cost of the improvement meets the appropriate threshold.

Individual Units/Bulk purchases: The capitalization thresholds are applied to individual units of capital assets. For example, 50 meters bulk purchased through a single purchase order each costing $350 will not qualify for capitalization even though the total cost of $17,500 exceeds the threshold of $10,000. However, a single purchase of multiple units totaling $250,000 or more in aggregate will be capitalized. Items not meeting this unit cost threshold shall not be capitalized. Examples include, but are not limited to: Desks, Chairs, Cameras, Meters, Desktop Computers, Laptops, Tablets, Telephones, Radios.

Infrastructure: Infrastructure assets are long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets include roads, bridges, tunnels, drainage systems, fiber optic cabling systems, transit systems, water and sewer systems, dams, and lighting systems. Buildings, except those that are an ancillary part of a network of infrastructure assets, should not be considered infrastructure assets. In general, all infrastructure assets, including streets, roads, sewer lines, water lines, sidewalks, traffic signals, with an original cost of $50,000 or more, will be subject to accounting and reporting (capitalization). All costs associated with the purchase or construction should be considered, including ancillary costs such as design engineering, construction management, inspection, permits, insurance, freight and transportation charges, site preparation expenditures, installation charges, professional fees, and legal costs directly attributable to asset acquisition. Capital projects will be capitalized as "construction in progress" until completed. Costs to be capitalized include direct costs, such as labor, materials, and transportation, indirect costs such as engineering and construction management, and ancillary costs such as construction period interest.

Land: Land purchased or acquired by gift or bequest. All expenditures incurred to acquire land and to prepare it for its intended use are subject to capitalization. These costs include purchase price, closing costs, and assumption of any liens, mortgages, or encumbrances on the land. Land acquired by gift should be recorded at its fair market value. Land also includes easements. Land will not be depreciated.

Land Improvements: Land improvements (including excavation, ditching, grading, tree removal, and subgrade preparation) are to be recorded as capital assets, by year, and will not be depreciated. Land Improvements that are to be depreciated include fencing, athletic fields and courts.

Leases: A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. Examples of nonfinancial assets include buildings, land, vehicles, and equipment. Any contract that meets this definition over $250,000 will be accounted for under the leases guidance, unless specifically excluded in GASB 87.

Repairs and Maintenance: Expenditures incurred to maintain assets in operating condition. Repairs and maintenance do not usually make the asset more useful or add to the estimated life of the asset by more than 25%. Repairs and maintenance are not subject to capitalization. Replacing minor parts on equipment, replacing carpet, painting, or repairing a fence are examples of repairs and maintenance.

Subscription-Based Information Technology Arrangements (SBITA): These are information technology assets that are owned by the contractor but the city has a right to use. Forms of SBITA can be in the form of Software as a Service (SaaS), Platforms as a Service (PaaS), and Infrastructure as a Service (IaaS).

The cost of the SBITA will be spread over the SBITA's term. The costs of a SBITA that should be capitalized during this time frame will be the fixed payments, variable payments that depend on an index or rate, non-refundable upfront fees such as implementation or set-up costs, and other payments that are fixed in nature. A SBITA totaling $250,000 or more in aggregate will be capitalized.

CHAPTER 4-DISPOSAL OF SURPLUS PROPERTY

SURPLUS PERSONAL PROPERTY

From time to time there will be circumstances in which there is City property that is no longer needed or has reached the end of its useful life. The following will be used in managing surplus property:

1. Whenever a department in the City has identified personal property of the City that is no longer needed or used by the department, the department director having control of the property shall notify the Finance Director or designee.
2. The Finance Director or designee shall notify all other City department directors of the availability of such property. The City may transfer personal property of the City between departments at any time upon approval of the City Administrator.
3. If more than one department director submits a claim to the Finance Director for the personal property, the City Administrator shall have sole authority to determine the best use of such property.
4. If City personal property becomes surplus, unused, obsolete, unsuitable for public use, or otherwise no longer needed, the property shall be disposed of in accordance with this section.
5. City personal property that is included in the Fixed Asset Register with an estimated value of $10,000, shall not be disposed of, or traded, or sold through public auction, until such property is declared surplus by the City Council pursuant to its administrative authority. Once this property is declared surplus by the City Council, it may be sold to the highest bidder by the Purchasing Agent at an approved public auction.
6. All other City personal property may be disposed of, or sold through public auction, with approval of the City Administrator.
7. The Finance Director or designee, in consultation with the Procurement Coordinator, shall be responsible for conducting public auctions for City personal property. The Finance Director or designee shall have the right to reject any bids or offers for City personal property when he deems it to be in the best interest of the City.
8. If a surplus item remains unsold after reasonable attempts to sell it through public auction, the City Administrator or designee may dispose of the item in any way, including gifting or destroying the item.
9. City personal property or items, not subject to Fixed Asset Register, that are fully consumed in their use for official city business shall be disposed of in any reasonable manner approved by the City Administrator.

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City of Clemson
Agenda Item Request Form

Requested By: Allison Gantte

Date Submitted: December 5, 2024

Council Meeting Date: December 10, 2024

Type of Request: (check only one)

- [x] Report/Discussion
- [ ] Policy/Action
- [ ] Executive Session

Agenda Item Summary: (brief for public information and posted agenda)

Receive a report on the ACATS sub allocation funding formula for Clemson Area Transit.

Agenda Item Detail: (expand as necessary for clarification)

Please find attached the new ACATS sub allocation funding formula that will be used to allocate funding to Electric City Transit and Clemson Area Transit now that both parties have moved to the newly formed ACATS Metropolitan Planning Organization. Once approved, CAT will apply to become a FTA Direct Recipient and will then be able to start making draws.

MEMORANDUM OF UNDERSTANDING

BETWEEN THE ANDERSON-CLEMSON AREA TRANSPORTATION STUDY (ACATS), THE CITY OF ANDERSON AND THE CITY OF CLEMSON

BACKGROUND

1. The parties desire to enter into a Memorandum of Understanding for the purpose of detailing the factors and responsibilities of each, and to establish a basis for logistical and financial decisions.

2. The Anderson-Clemson Area Transportation Study intends to adopt a resolution to authorize a Memorandum of Understanding between Electric City Transit (ECT) and Clemson Area Transit (CAT) for the distribution of transit funding by an agreed upon formula.

3. Electric City Transit (ECT) is a department of the City of Anderson and governed by the Anderson City Council. Clemson Area Transit (CAT) is a department of the City of Clemson and governed by the Clemson City Council. Both provide mass transit services within the Anderson-Clemson Urbanized Area.

4. FTA regulations, 23 CFR §450.310 *et seq,* require "an agreement between the MPO and operators of publicly owned transit services which specifies cooperative procedures for carrying out transportation planning (including corridor and subarea studies) and programming as required,".

5. FTA Section 5307/5340 apportionment funding may be sub-allocated from the certified Designated Recipient to certified Direct Recipients.

6. FTA Section 5310 and 5339 apportionment funding may not be sub-allocated by the certified Designated Recipient.

THEREFORE BE IT KNOWN, that the following provisions of this Memorandum of Understanding are agreeable to all parties:

1) That the Anderson-Clemson Area Transportation Study (ACATS) shall apply to the South Carolina Department of Transportation (SCDOT) and the Federal Transit Administration (FTA) to be the sole Designated Recipient of FTA Apportionments for the Anderson-Clemson Urbanized Area for the purposes of allocating the FTA Section 5307/5340 apportionment funding to area transit providers.

2) That Clemson Area Transit will apply to FTA to become a Direct Recipient, at which time they will receive a portion of the Anderson-Clemson Urbanized Area Section 5307/5340 apportionment shared with the Electric City Transit Authority. ECT would be "Held Harmless" in the case in which CAT does not become a Direct Recipient.

3) That in order to facilitate a smooth sub-allocation process, a pre-determined formula shall dictate the sub-allocation split of Section 5307/5340 apportionments between the Electric City Transit Authority and Clemson Area Transit. This formula shall be used as the means of allocating funds throughout the Anderson-Clemson Urbanized Area and shall be evaluated every three years.

a) The agreed-upon formula and related matters are detailed in the attached **5307/5340 Apportionment Sub-Allocation Formula Worksheet.**

b) The formula, as set in the attached worksheet, shall remain unchanged annually.

c) CAT receives 100% of Section 5307 STIC (Small Transit Intensive Cities) funding allocated to ACATS. ECT receives 100% of Section 5340 Growing Cities funding allocated to ACATS. Both parties' allocation will be adjusted proportionate to the FTA allocation each year.

4) That for coordination and reporting purposes, the Anderson-Clemson Area Transportation Study (ACATS), the City of Anderson, and the City of Clemson agree to the following:

a) That both ECT and CAT will maintain active participation in the ACATS process, providing staff to meetings and sitting on the ACATS Study Team, and that ACATS will in turn maintain active participation in the processes of ECT and CAT.

b) That ECT and CAT will be prompt in any required reporting to ACATS

c) That ACATS will include all planning activities by ECT and CAT into the Long-Range Transportation Plan

d) That ECT and CAT will provide ACATS with yearly 10-year budget projections for both operations and capital for use in the ACATS Transportation Improvement Program.

e) That ECT and CAT will provide ACATS with its yearly Program of Projects for ACATS Approval.

Agreement to this Memorandum of Understanding entered into this 26 day of November, 2024.

Anderson-Clemson Area
Transportation Study
BY:________________
ITS:________________

City of Clemson
BY:________________
ITS:________________

City of Anderson
BY: David McCron
ITS: City Manager

Proposed Formula

FTA/State Apportionment Breakdowns

ACATS UZA Overall	FY 2023/GPATS	Proposed FY 2024	Estimated FY 2025	Estimated FY 2026	Estimated FY 2027
Section 5307/5340	**$ 4,460,279**	**$ 1,983,672**	$ 2,043,182	$ 2,104,478	$ 2,167,612
Section 5307 STIC - Small Transit Intensive Cities	**$ -**	**$ 1,510,158**	$ 1,540,361	$ 1,586,572	$ 1,634,169
Section 5340 - Growing Cities		**$ 174,751**	$ 178,246	$ 181,811	$ 185,447
Total	**$ 5,726,452**	**$ 3,668,581**	$ 3,761,789	$ 3,837,025	$ 3,913,766
	ECT				
		54.73%			
Section 5307 - 67%	**$ 1,293,625**	**$ 1,332,434**	$ 1,372,407	$ 1,413,579	$ 1,455,986
Section 5307 STIC - 0%	**$ -**	**$ -**	$ -	$ -	$ -
Section 5340 - 100%	**$ -**	**$ 174,751**	$ 178,246	$ 181,811	$ 185,447
Total	**$ 1,385,748**	**$ 1,507,185**	$ 1,550,653	$ 1,595,390	$ 1,641,433
		$ 121,437	$ 43,468	$ 44,737	$ 46,044
	Clemson Area Transit				
	33.87%	**45.27%**			
Section 5307 - 33%	**$ 1,510,478**	**$ 651,238**	$ 670,775	$ 690,899	$ 711,626
Section 5307 STIC - 100%	$ -	**$ 1,510,158**	$ 1,540,361	$ 1,586,572	$ 1,634,169
Section 5340 - 0%	$ -	**$ -**	$ -	$ -	$ -
Total	$ 1,871,547	**$ 2,161,396**	$ 2,211,137	$ 2,277,471	$ 2,345,795
	Increase over PY	$650,918	$49,740	$66,334	$68,324

CAT Bus receives 100% of 5307 STIC

ECT receives 100% of 5340