

Chester City Council Meeting

April 8, 2019 6:30 pm

Minutes

PRESENT: Mayor Caldwell; Council Members Angela Douglas, Betty Bagley, Linda Tinker, Annie M. Reid, Susan Kovas and Carlos Williams; City Attorney Edwards; City Administrator Stephanie Jackson and HR Director Carla Roof.

ABSENT: Councilman Killian and Councilman King,

Call to Order: Mayor Caldwell called the meeting to order at 6:30 pm.

Prayer: Councilman Williams led in prayer.

Pledge of Allegiance: Mayor and Council recited the Pledge of Allegiance.

Citizens Forum: Ken Lebbon spoke concerning DataMax and he feels there was some misleading information concerning conflicting information. Mr. Lebbon questioned was procurement going to take place since there are other companies that offer the same business.

Approval of Minutes – Councilwoman Tinker made a motion to approve the minutes of the December 1, 2018, January 14, 28, February 25, and March 11, 2019 as presented. Councilwoman Douglas seconded the motion. The motion carried with no objections.

Administrative Report –2019 -20 Budget workshop dates and time. Mrs. Jackson proposed April 23 and 24, 2019 at 5:30 to 8 pm. No objection was made.

Chester Economic Development Plan – Mrs. Jackson discussed with Council the plans for the Chester Economic Development Kick-off-Meeting scheduled for April 30, 2019, 6 pm. The location will be at the Market Building. Mrs. Jackson reviewed the form that was provided in the package and requested that Council appoint 20 people to serve on this Focus Group. Please return completed form to Mrs. Jackson this evening, if possible.

Unfinished Business - MOU – Catawba Brownfield Coalition Assessment Program – Mrs. Roof informed Council the property is not covered under the City of Chester liability coverage, due to the policy will not cover unimproved land. Catawba COG has verified and provided a certificate of insurance of coverage on the property during the project. After discussion, Councilwoman Douglas made a motion to approve the MOU with the necessary changes as noted. Councilwoman Bagley seconded the motion. The motion carried unanimously.

Rental Registry – Councilwoman Douglas provided a PowerPoint for Council. Councilwoman Douglas stated this was a proposal from the Public Works Committee. Discussion took place concerning the \$25.00 fee for the property owner that will be required to pay for every rental property. The fee will be to absorb the administrative fee. Attorney Edwards spoke concerning the \$25.00 fee that can be

charged. If an inspection is requested or if code enforcement or if it is required. Mr. McBeth reviewed the inspection form with Council. Councilman Williams spoke in favor of this proposal and how important this is to our City. We need code enforcement in our city. This Council is responsible for leadership and this is what we need. Councilwoman Douglas stated this is not a way for the City to make money. Much discussion took place, Council requested that a draft ordinance be provided for Council. Attorney Edwards stated she can have an ordinance at the first meeting in May.

Rental Registry & Code Enforcement Support Ordinance

A PROPOSAL BY THE PUBLIC WORKS COMMITTEE



THE REALITY

Real Case:

Single Family Residence, 3bdrm 1.5
baths

Occupants – 4

Occupation – Medical Disability
(Battling Cancer), single
mother/grandmother

Rental dates – 2 years

Rental Amount - \$630/month

American City Survey, 5-year estimates 2013-2017 (in 2017 dollars)

Median Household Income - \$23,919

Per Capita Income - \$17,604

Median Gross Rent - \$546

Renter-occupied housing rate – 47% (up from 44.7% in 2010)

Chester Metro Fair Market Rental Rates (according to HUD – 2019)

\$526-941

SC Code of Laws

Title 27, Chapter 40: Residential Landlord & Tenant Act

LANDLORD OBLIGATIONS 27-40-440

1. Comply with applicable building and housing codes – health and safety
2. Make all repairs to keep premises fit and habitable
3. Keep common areas safe and clean
4. Make available water and hot water at all times; and reasonable heat
5. Maintain in good and safe working order and condition: electrical, gas, plumbing, sanitary, HVAC, facilities, and appliances

TENANT OBLIGATIONS 27-40-510

1. Comply with applicable building and housing codes – health and safety
2. Keep unit and premises safe and clean
3. Dispose all ashes, garbage, rubbish, waste in clean and safe manner
4. Keep plumbing fixtures clean
5. Use in reasonable manner: electrical, plumbing, sanitary, HVAC, appliances, facilities
6. Not deliberately or negligently destroy, deface, damage, impair, or remove any part of the premises or knowingly permit anyone else to do so
7. Conduct him/herself – require others to conduct themselves in a non-disruptive manner – other tenants peaceful enjoyment
8. Comply with lease; rules and regulations



THE LAWS

Single family – tenants can commit to maintain property if:

1. Good faith and not to relieve to landlord of his and her duties
2. Work is not necessary for remedying noncompliance
3. Agreement does not diminish or affect obligations of the landlord to other tenants.

27-40-340: Separation of Rents & Obligations to Maintain Property Forbidden

Rental agreements may not permit the receipt of rent absent the obligation to comply with 27-40-440.

27-40-120: Exclusions

Medical, religious, educational, Fraternity/Sorority houses, transient housing, shelters, agricultural and other employee housing, owner-occupied condos, owner-occupied.



Rental Housing in the US

1986 – Landlord and Tenant Laws

2016 – US 1 million eviction filings

- North Charleston - #1; 35.6% in eviction filings, 16.5% in evictions
- Many people do not show up for court
- Many people do not have back rent
 - Escalated rents
 - Repairs made in lieu of rent – w/o agreement from Landlord
 - Overwhelming and sense of automatic defeat
- Rep. Marvin Pendarvis (SC House – 113; North Charleston) seeks to upgrade Landlord and Tenant Laws
- Recent successful tenant suits in North Charleston for negligence

2009-2018, registration ordinances became popular across the country:

- Baltimore, MD
- Portland, OR
- Watertown, NY
- Sioux City, IA
- Leavenworth, KS
- Stafford, TX

A few SC cities have same/similar options to protect rental properties:

- City of Columbia
- City of Newberry
- City of Clemson
- City of Woodruff



3 MUNICIPAL EXAMPLES – COMPARISON

Item	Description	Clemson	Columbia	Newberry
Registration Required	Residential rental unit owners must register the property and obtain a permit issued by the City in order to rental it.	All	All	All
Registry Permit Fee	Cost of the permit per unit.	\$0/ \$5 replacement Occupancy Label	\$25/unit; waived if business license	\$0/ unit
Registry Permit Dates	Annual dates for permit registry and the initial registration required.	Annual registration July 1 - June 30. (August 31st, penalties begin)	Annual registration July 1 - June 30, initial registration required by 10/1/16 - 90-day grace period	Annual registration April 15 - April 14. Initial registration required by 4/14/18
Late Registration Dates/Costs	Costs associated with late registration	\$50 per month		Annual Fee schedule
Business License Requirements	Requirements for business license for rental units		Required 5 or more rental units	\$10,000 in annual rental income or 2+ rental units
Inspection Required	Whether an inspection is required prior to renting the unit.	Required	Self-certify to meet laws	Reserves the right to inspect.
Inspection Fee	Inspection fees associated with rental housing inspections	\$100 (1 inspection and 1 re-inspection if necessary), 3rd time = \$50, 4th or more \$100 each	Annual fee schedule	Annual Fee schedule
Local Agent Required; proximity	A person designated to be the agent responsible for operating the property and for compliance and legal notices; distance considered "local"	Yes; 50 miles	Yes; 45 miles	Yes; within County

PROPOSED ELEMENTS

Item	Description	Chester
Registration Required	Residential rental unit owners must register the property and obtain a permit issued by the City in order to rental it.	All
Registry Permit Fee	Cost of the permit per unit.	25/unit
Registry Permit Dates	Annual dates for permit registry and the initial registration required.	Align with business license deadline and dates, initial registration required by 2020
Late Registration Dates/Costs	Costs associated with late registration	
Business License Requirements	Requirements for business license for rental units	\$10,000 in annual rental income or 2+ rental units
Inspection Required	Whether an inspection is required prior to renting the unit	Hybrid: self-certify, request inspection, reserve right to inspect, landlord complaint form
Inspection Fee	Inspection fees associated with rental housing inspections	Annual Fee schedule
Local Agent Required	A person designated to be the agent responsible for operating the property; assumes responsibility for compliance and legal notices	Yes
Local Agent Proximity	The distance by which a "responsible local agent" is considered local	within County

DataMax – Councilwoman Reid stated she requested to add this item back to the agenda for discussion. After discussion, Councilwoman Tinker made a motion to reverse the decision previously made by Council and cancel the contract agreement concerning DataMax. Councilwoman Bagley seconded the motion. Mrs. Jackson answered the question previously given by Mr. Lebbon, stating this process was not required to be bided. Councilwoman Douglas discussed this is as a tool to help our staff enforce our ordinances. There is a lot of bad information out there. I apologize that the city did not communicate this better. There was a question that generated by Mr. Jeff Loftis, which he stated, “Is this a way for Council to line their pockets”? I can inform you that Council does not have any personal interest in DataMax and your comment is defamatory. Also, it was brought to me today that she brought this to the administrator. This is her project. I assure you I don’t need anyone to stand for me, I can for myself. I want to be very clear that this is out there and make sure we do not receive slanderous and defaming response.

New Business

First Reading Ordinance 2019-03 Policy and Procedures Pertaining to Travel and Training for Mayor and Council – Councilwoman Reid read as presented. Councilwoman Reid made a motion to approve. Councilwoman Bagley seconded the motion. Mayor Caldwell stated that we are trying to fix something

that is not broke. Mrs. Jackson stated that she brought the ordinance to Council and stated that the State Statute requires that you are to be reimbursed what you spend, that is why you bring receipts. Hotel and registration is paid by the city. There is no option here, this should be done. Much discussion took place. The motion carried with Mayor Caldwell opposing.

With no further business, Councilwoman Tinker made a motion to adjourn. Councilwoman Bagley seconded the motion. The motion carried unanimously.

Respectfully submitted,

Carla Roof