

**MINUTES
MAULDIN CITY COUNCIL
OCTOBER 15, 2018
7:00 PM
COUNCIL CHAMBERS**

Members present were Mayor Dennis Raines, Council members Larry Goodson, Dale Black, Scott Crosby, Taft Matney, Carol King and Terry Merritt. City Attorney John Duggan and Interim City Administrator Bryan Turner were also present.

1. Call to order.- Mayor Raines
 - a. Invocation- Councilman Black
 - b. Pledge of Allegiance- Councilman Black
 - c. Welcome- Mayor Raines

Josiah Mackey from Scout Troop 519 was present.

2. Proclamations and Presentations-Mauldin Chamber; Red Ribbon proclamation; Native American proclamation; Fire ISO report

Pat Pomeroy reported over 200 attendees attended Memberfest at CU ICAR. The Mayor gave a speech about Mauldin and Pat said she has had more people asking questions about what is happening in Mauldin. Butler Parc has a ribbon cutting next week. The chamber is working on the tree lighting, Breakfast with Santa and the Christmas parade. The annual banquet is November 15th.

Seth Vaughn with ISO was present to advise council that Mauldin Fire Department is now an ISO class 1. Depending on the insurance carrier, this classification may help to reduce homeowners and commercial premiums beginning January 2019. Only about 10% of fire departments in the nation have this classification.

3. Reading and approval of minutes.- City Council minutes September 17, 2018

Councilman Crosby made a motion to accept the minutes with Councilman Matney seconding. Councilman Merritt pointed out on page 2, third paragraph, it should be Old Mill and Miller, not Old Miller and Miller. With that change, the minutes were approved unanimously (7-0).

4. Public Comment.- None
5. Report from City Administrator

Bryan reported we had another issue with weather this week. The impact was a little greater than the last weather event. He was on the road around 3:00 a.m. and saw a public works employee out checking to see if the City needed anything. He was not called in, but wanted to make sure everything was ok.

The Fall Festival will be Saturday at Carolina Fashions from 10am-2pm. The Greenville Concert Band will be at the Cultural Center on October 28th. The employee health fair is tomorrow from 8am-11am.

Bryan met with GCRA today on the project at Old Mill and Miller Roads. They are going to complete all nine units and then have people start moving in. The project should be finished by early Spring.

6. Reports from Standing Committees- The reports are on file.
 - a. Finance and Policy (Chairwoman King)
 - b. Public Safety (Chairman Crosby)
 - c. Public Works (Chairman Goodson)
 - d. Economic Planning and Development (Chairman Matney)
 - e. Building Codes (Chairman Black)
 - f. Recreation (Chairman Merritt)- Chairman Merritt said page 5 of the Mauldin report looks like the business license numbers are reversed or the chart is wrong.
7. Unfinished Business
 - a. Consideration and action on telecommunications ordinance and franchise agreement (Building Codes)- This will allow Verizon Access to be able to use the city's rights of way to run their facilities much like other utility companies. They would pay \$1000 to the City annually. Chairman Black made a motion to pass this on second reading. Councilman Matney seconded the motion and the vote was unanimous (7-0).
 - b. Consideration and action on precious metal/ pawnshop ordinance (Building Codes)- Councilman Matney recused himself from this vote. Chairman Black made a motion to pass this ordinance on second reading. This would allow pawn shops to be able to buy and sell precious metals in the C2 zoning district as well as S1. The vote was unanimous (6-0).
 - c. Consideration and action on abandoned building tax credit- Britt Real Estate (Committee of the Whole)- Councilman Goodson made a motion to consider this item informally with Councilman Crosby seconding. The vote was unanimous (7-0). Councilman Black made a motion to pass this ordinance on second reading. This will allow Mr. Britt to apply for the state

tax credit by certifying this is considered an abandoned building even though the buildings have been torn down. Councilman Goodson seconded the motion. The vote was unanimous (7-0).

8. New Business

- a. Consideration and action on fire ventilation system grant (Public Safety)- The Mauldin Fire Department has been awarded a grant under the Assistance to Firefighters Grant (AFG) Program under the Operations and Safety category to install a PlymoVent® Source Capture Exhaust Extraction System in 3 of our fire stations. The cost of these systems includes a 5 year warranty on the equipment as well as semi-annual maintenance visits from the installing company. The total amount requested in the grant application is \$142,980.00. There is a 10% local match for this grant program of \$12,998.00. The fourth fire station on Bethel Road will not receive the system. Councilman Merritt asked where the \$12,998 would come from. Holly said it is not budgeted, but will come out of the grant fund.

Mayor Raines asked about the fourth station. Chief Stewart said we will need to look at this in the future. Councilman Goodson asked Chief Stewart to find out how much it would cost to put in the last station. Chief Stewart said he had some pricing from the contractor on the station but does not have it available at this meeting. Mayor Raines asked Chairman Crosby if he would take this item up at the next Public Safety committee meeting. Chairman Crosby said he would be glad to. Councilman Black asked if this would be something hooked up to the trucks at all times. Chief Stewart said yes, but they would automatically disconnect when the trucks pull away. Councilman Black said he was concerned that we would forget to disconnect it and the trucks would be dragging hoses down the street. Councilman Goodson said that happened with a hose one time and several mailboxes were damaged.

- b. Consideration and action on noise ordinance (Public Safety)- There are some proposed changes to our current noise ordinance. The changes are based on actual issues that staff has encountered. Chairman Crosby made a motion to adopt the ordinance on first reading. Councilman Merritt seconded the motion. Councilman Goodson asked counsel about this ordinance. John Duggan said there are a few suggestions they have that will come to council before the November committee meetings. He said due to their schedules, neither he nor his partner had a chance to look at this ordinance until today.

Chief Turner said there were no cities in South Carolina that had addressed the issue of bass in their ordinances. There are some in Georgia and a couple in Florida. This will be another issue that is looked at before the November committee meetings. The problem with bass is that it is a thump, but is not constant and doesn't register on the decibel meter. Councilman Matney said he would send his information on dbC to John Duggan. He

said it is kind of like the different between AM and FM on the radio. The frequency is sharp peaks and valleys. AM is slow and rolling like bass. Councilman Matney said he requested an executive session on this issue.

Councilwoman King asked about number 9 under the exemptions and said we may need to specify public school events. She said it is probably included in the exemption, but we may need to look at being specific about school events.

Councilman Merritt said on page 2 under Section 18-93, it says “two” noises and should probably be “the”. On page 18-17-100 the Chief of Police may have “or his designee” inserted to be consistent with the rest of the document.

Councilman Black asked about the penalty part of the ordinance. John Duggan said the ordinance refers to another section of our code for penalties.

The vote was unanimous to accept this ordinance on first reading (7-0).

John Duggan said this falls under public nuisance and council has the right to close down a business. Police records will have to be pulled and a trial conducted by council will have to take place before a business can be closed.

- c. Consideration and action on ordinance to annex 212 Adams Mill Road (Building Codes)- This is the horse farm property and is comprised of two parcels- one is 21.63 acres and the other is .04. The request is for City RM1 zoning. Chairman Black made a motion to accept this ordinance on first reading. Councilwoman King seconded the motion and the vote was unanimous (7-0).
- d. Consideration and action on ordinance to annex 1215 Miller Road (Building Codes)- This property is across from Thousand Oaks Boulevard and near the Pine Forest/ Oak Forest subdivisions. There are two parcels. One is a ten foot strip to be annexed and a piece of property .9 acres. They are requesting S1 zoning. David Dyrhaug was asked to talk about land use and comprehensive plan compatibility. David said the comprehensive plan would recommend RM zoning for townhomes on this property, so S1 is not an exact fit with our comprehensive plan. The property owner would like to turn the existing house into an office and have a live/work arrangement there. The City does not have a zoning district set up to facilitate a live/work office. S1 allows for an accessory dwelling as a special exception.

If they close on the property, they want to remodel the home and dress it up and also will tear down the current barn and rebuild. The property would have a country home feeling. This has been a tricky project and staff is still trying to work with the company to give them what they want. The business would be a marketing company for outdoor activities. They make trade show displays, general store displays, and do marketing for campgrounds and resorts.

Councilman Goodson said a gas station could go in S1. If the company leaves, any S1 usage could go into the property. David said one of our neighboring cities has a zoning district that allows for exactly this type of project. Councilman Crosby asked what the house next door was zoned as. He thinks they were using that home as a business for a while. David said that zoning is RS in the County.

Councilman Matney said he often gets nervous with the 10 foot strip annexation because he wants to make sure there are not annexation targets that we might lose or create a challenge by going this route. He then said David is very good at creating zoning districts like the Central Redevelopment District. He asked if David could work on a zoning classification like the neighboring municipality has. David said it is a timing issue and he is not sure when the closing of the property is scheduled. We can explore this option.

Councilman Black asked if they applied for a particular zoning and then changed zoning, would they have to apply again. John Duggan said council determines the zoning when it is annexed in.

Mayor Raines said he agrees with Councilman Goodson that S1 is the least restrictive zoning classification we have short of I1. He said we could deny this annexation and they would have to bring the proposal back.

Councilman Merritt said there are doughnut holes in the surrounding areas. There was a company working out of the house Councilman Crosby asked about. The man who owned the company also lived in the house. He pointed out the different zonings with the surrounding areas. Where the gymnasium was is S1 County. I1 County is across the street. Clearfield Road and Oak Forest subdivision is R12 City. The property we are looking at today is R12 County. The property next to that is R12 County. To the north of Berry Drive is R12 County. Just past the six foot privacy fence is I1 County. Further down Miller Road, in Plantation Green, to the left is City, to the right is the County. Councilman Merritt said in the staff report where it says S1 is compatible with the surrounding properties, he finds that a little disingenuous. He doesn't think the S1 zoning would be fair to the homeowners in the surrounding areas. That is spot zoning at its worst in his opinion.

Councilman Goodson said there is no sewer provided to the property. This property has a septic tank. David said he talked to the proposed owner about signing a hold harmless stating the City is not liable for the septic tank on the property. John Duggan said something could be provided to be filed with the deed document holding the city harmless from any septic tank issues.

David said coming up with a new zoning district would probably be the best way to handle this issue. Chairman Black asked David to check with the developer on the time line and start working on a new zoning district. Chairman Black asked that this item be sent back to committee. Councilman Goodson seconded the motion. The vote was unanimous (7-0).

- e. Consideration and action on ordinance for abandoned building tax credit for 502A North Main Street (Committee of the Whole)- Councilman Merritt made a motion to consider this item informally. Councilman Crosby seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to pass this ordinance on first reading. It is the old Powerhouse Gym. The building has been vacant for some time and there is a developer that is interested in redeveloping the property and would like council to certify this property as an abandoned building. Councilwoman King seconded the motion and the vote was unanimous (7-0).

- f. Consideration and action on cultural center grading project (Rec)

This is grading for the cultural center project playgrounds and shelter/restroom building. This is consideration of the bid award to Creamer Grading for \$13,200. On February 19, 2018, council approved \$387,254.30. Part of that was for site prep. On May 21, 2018, council allocated \$15,000 to Game Time for grading. What is up for consideration tonight is to cancel the \$15,000 allocated for Game Time through Cunningham Recreation and have Creamer do the grading project for \$13,200. Chairman Merritt made a motion to take the \$15,000 allocation for grading from Game Time through Cunningham Recreation and have Creamer Grading do the grading in an amount not to exceed \$15,000. Councilwoman King seconded the motion.

Councilman Black asked if there was contract between us and Game Time for the grading. Chairman Merritt said \$15,000 was allocated but there was no contract between us and Game Time. There was not a firm bid. The only contract that was signed was the portion with JonScot.

Councilman Matney said his concern is how much is this ultimately going to cost. There is a not to exceed \$15,000 on the grading, but the quote from Creamer Grading talks about a lot of things that are not covered when the grading is done such as bad soil, underground rock, etc. that might be unforeseen. He would like to know what the top end number would be. Joe said the original budget was not fully encompassed. The site has had some initial grading and there was no bad soil or underground rock found, so we do not anticipate problems of that sort. Soil compaction needs to be done first and will be done by a third party. The bids are coming in but should be low- around \$2500.

Chairman Merritt said he wants to make sure council understands that the project has a budget number and is a separate project from the Cultural Center and Springfield Park paving. Joe and Chief Turner have done a great job to try and quantify all of the aspects of the project. A major component too is the power.

Joe said Duke Energy has the plans for the power. They are about 4-6 weeks behind because of the hurricane. The cost for that aspect should be low because the building is designated as year round, so Duke Energy will be getting payment for power bills year round.

Councilman Goodson said this is heartburn that goes back over a year. No one is being held responsible for the completion of this project. We have had other projects from Burdette Engineering that were completed on time. We have had a sewer project overseen by Frazier Engineering that was done on time with money given back and then allocated for more sewer work. We need to get a project manager to oversee the entire project that will be responsible for getting all of this work done. Goodwyn Mills Cawood worked on the Forrester Woods drainage project and the work was done and \$80,000 was turned back in. What happened here? We have an architect that designed the building. We need a person who coordinates the contractors and gets the project done on time. Department heads should run their departments, not chase down bids.

John Duggan asked if we have a contract with anyone on the project. Chairman Merritt answered Jon Scot, and we will have to pay them more to pour the pad, because it needs to be bigger than originally anticipated.

Councilman Goodson said we have playground equipment that has been at Public Works since January and a shelter that is sitting behind the sports center. This has snowballed. Councilman Goodson said he rode by and asked about the shelter. The company wouldn't even unload the shelter; we had to do that. Councilman Goodson said he thought the architect would see the project through. This project needs to be finished as it is going to be an asset.

John Duggan said to address the work that would not be included in the grading contract, council can include a provision that if extra work has to be done, that work will be bid out separately. That way you can retain control of what you are spending. Mayor Raines said he had the concern also. Who will be doing the compaction? We are going to pour a slab and there is no compaction testing going on. In his full time job, he is working on a project that was supposed to cost \$200,000. They ran into a lot of rock, so now it is up to \$500,000. Here we go again with more money. Mayor Raines asked who is the manager of the project? Joe said there is not an official project manager. He and Bryan have been handling things as they come up. Project managers typically charge about 10-15% of the total project, so a project manager for this project could cost up to \$60,000. Mayor Raines said he will not support this item tonight.

Councilman Goodson said the part we were talking about used to be the cannery and then was the old fire department. He is not aware of any digging that has ever taken place. Where the sports center is located, that is where the softball field used to be. He doesn't think there will be a problem with compaction.

Councilman Matney said we are talking about reassigning \$15,000 from one pot to another. He feels uncomfortable going beyond the \$15,000 that is already budgeted. He then asked about the removal of trees. In the first note of what Creamer says is not included in the grading of the site, it says all materials will be left on site. Does that mean the trees will be taken down but left on site? Councilman Goodson said the proposal says removal of 13 trees as marked. Councilman Matney said removed could simply mean cut down. He wants to make sure the trees will be removed from the property.

Chairman Merritt reiterated all we are talking about tonight is site prep and reallocating \$15,000 from one company to another. The money has already been approved. He said he knows there are hard feelings and rubs on this project. Since July of last year he has been trying to get someone to keep council aware of what has been going on out there. Chairman Merritt said he made a comment a while ago that this project would probably cost \$500,000. We are not there yet, but are getting close.

Councilman Goodson said he wanted to reaffirm that we need to get this project under control with a project manager. John Duggan recommended to council that this be contingent upon city attorney review before execution of the contracts.

Mayor Raines also said the communication from Creamer Grading speaks to a silt fence not being included, only straw logs so all the soil is going to travel somewhere. No permits or cleanup is included. In his day job, there is absolutely no way he would sign off on this.

Councilwoman King said this is a bid, not a contract. It is a reallocation of funds. She doesn't disagree with the concerns raised, but the playground cannot be installed until the grading is done. Chief Turner said the correspondence from Cunningham Recreation is very similar to Creamer's. We are putting together pieces of a puzzle. The grading was agreed to be done in February but was not actually done. Everything was essentially put on hold. It is perfectly fine to hire a project manager, but we need to get the grading so we can at least get done what we have already been working on.

Councilman Goodson said once the grading is done, you can't leave it. You have to pour concrete, put in utilities. We need to know what the costs are going to be. You can't vote tonight to grade and then leave it for a year.

Mayor Raines asked if anyone had a ballpark figure of how much this is going to end up costing. Chairman Merritt said if we do everything that was committed to, we still need \$148,411.33. If we delete stone off of the exterior of the restroom and use cinder block, we can deduct \$19,200 and get down to \$129,211.33 above and beyond the \$387,000 from earlier this

year. Mayor Raines said he thought he heard Mr. Merritt say Jon Scot was asking for more money for the pad. Chairman Merritt said the city attorney had already looked at that contract. Daniel Hughes reviewed it. The total of everything including the stone on the restroom building, the extra needed money is \$148,411.33. Total project \$498,481.44, which is close to the \$500,000 Chairman Merritt mentioned at an earlier council meeting. Chairman Merritt said he understands the concerns, but we are not asking for more money tonight. The grading will stay a while. The housing grading was done for the project at Old Mill and Miller Roads and just now is starting construction. Chairman Merritt said what he was concerned about from the beginning is now coming to fruition, and he is glad council is finally on board.

Chairman Merritt said we also have a problem in Mauldin. It is tough to find people who want to work in the City. Mayor Raines said we have a half a million dollar project with no one overseeing it and watching the citizens' money. He is not comfortable with this.

Chairman Merritt said he is ok to start over. Send the shelter and the playground equipment back. He is ok with that.

Mayor Raines asked for a show of hands for the vote. The vote for reallocation of \$15,000 from Game Time to Creamer Grading was 4-3. Councilman Crosby, Mayor Raines, and Councilman Goodson voted against the motion.

g. Consideration and action on senior center gym floor vapor barrier (Rec)

Chairman Merritt said this project is over budget. In the early spring, we were going to replace the 1989 gym floor with a new surface. \$75,000 was allocated for replacement. The bid came in for \$49,000. Water was detected and the floor could not be installed. There was a water leak that Greenville Water had detected, but we couldn't locate it and that allowed 700 gallons a day to leak in the building. The water leak was finally found and repaired. There was still seeping water. We went to Southern Flooring, the contractor who would install the floor, and asked them for a recommendation on what to do. They recommended sealing the surface with epoxy. If the floor is sealed with the covering, they will then be able to put the new floor in and will the flooring warranty will be honored. We did put in a drain and black pipe that directs the water away from the slab under the gym floor.

\$14,275 is the price for the low bidder, Zefco Flooring, to seal the gym floor with epoxy. This would come from designated Recreation funds. A resolution would also be sent to GCRA requesting them to install and construct a drainage system and include it in the senior center renovation project. Chairman Merritt made a motion to accept the \$14,275 bid from Zefco for the moisture barrier. Councilwoman King seconded the motion.

Councilman Black asked if the epoxy would trap the water. Chairman Merritt said the water would not be able to seep up to the floor with this barrier. The barrier would allow the floor to be installed with the original warranty.

Councilman Black asked if we would have a written warranty. Joe Lanahan said Zefco is a different vendor with the same product recommended by Southern Flooring. Zefco will certify the product and the flooring will be installed after two days of curing. The floor will receive the same warranty it would have had originally. Councilman Black asked what the warranty period is. Joe said he believes it is 15 years, but he would double check. Councilman Black is worried this is just a band-aid and we will still have to come back later and fix the water problem. Joe said the storm drain is an option for the renovation of the senior center. The project will be added as an option so that there is no city funding needed for the project. Joe said when the drainage project is complete, the water will be piped into the creek and there will be no more standing water under the building.

Councilman Black asked when the drainage project will be started. Joe said it could be started as early as January. Councilman Crosby said if we seal the floor, what is to keep the water from coming through the wall. Joe said the engineer said the water is coming up, not through the walls. The vapor barrier would not allow water to come up. The drain that will be installed is going to pull the rest of the water away from the slab.

Councilman Crosby asked if there was a spring under the building. Joe said the geo-engineers took six different core samples through the concrete slab and there is no spring. Councilman Crosby said water always finds somewhere to go. If we seal the water up to the first mortar joint, the water will build up and come through the walls. Joe said the water will go somewhere else with the drainage project through GCRA.

Mayor Raines said there is no reference to the warranty in the paperwork. Joe said he would get that from Southern Flooring and from Zefco.

The motion to accept the low bid for the installation of a moisture barrier by Zefco in the amount of \$14,275 was unanimous (7-0).

Chairman Merritt asked Joe about the GCRA project. Joe said GCRA is the project manager for the senior center renovation. We have options on the original base bid. One of the options is the storm drainage. With the GCRA funding and the PIP grant from the Lieutenant Governor's office, we will be able to add the storm drainage renovation to the project. No City general funds will be needed for the storm drainage project. John Duggan asked about a contract. Joe said there is no contract we are involved with because we are not the vendor on the project. GCRA handles the contracts because it is their funding. It is the same relationship as the Miller Place project.

Chairman Merritt made a motion to have council forward a resolution to GCRA noting this drainage project as a priority one option for the renovation. Councilwoman King seconded the motion.

Councilman Matney said council cannot vote on a resolution that is not before them tonight. It would be more appropriate to direct staff to send a letter of support from the Mayor to GCRA asking them to add this drainage

project to the renovations at the senior center. John Duggan agreed this way would be a good way to handle it. Chairman Merritt said it is fine with him to do a letter of support instead of a resolution.

Councilman Black asked if we do the drainage project, what other items would we be giving up. Joe answered there might be something we would give up in the kitchen. All ADA accessibility items would remain on the list to be done. Because the building is being renovated, it is mandatory that we bring everything into ADA compliance. Joe said as an example, there are two bathrooms downstairs that could be removed and turned into storage closets. Something like that could be done now or later.

Chairman Merritt said the codes that Councilman Goodson has been concerned about will all be taken care of so that if someone wants to rent the building, the building will be in compliance.

The vote on sending a letter of support to GCRA naming the senior center drainage project as a priority one option for the renovations was unanimous (7-0).

9. Public Comment- None

10. Council requests- None

11. Consideration and action on executive session pertaining to SC Code 30-4-70 (a) (1)- Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee. – City Administrator position

Councilwoman King made a motion to go into executive session with Councilman Crosby seconding. Councilman Goodson asked if this session includes the item that the was requested during the committee meetings. Mayor said no, that other item was not advertised. The vote was unanimous (7-0).

Mayor Raines reconvened the meeting at 12:05 a.m. Councilman Crosby reported that no decisions were made and no action was taken.

a. Possible action on items discussed in executive session- None

12. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk