

**MINUTES
MAULDIN CITY COUNCIL
SEPTEMBER 19, 2011
7:00 PM**

Members present were Council members Bob Cook, Gabe Hunter, James Kennedy, Dale Black and Michael Reynolds. Councilwoman Gettys came in late to the meeting. City Attorney John Duggan and City Administrator Trey Eubanks were also present.

1. Call to order.- Mayor Godbey
 - a. Invocation- Councilman Cook
 - b. Pledge of Allegiance- Councilman Hunter
 - c. Welcome- Mayor Godbey

2. Proclamations and Presentations- Pat Pomeroy, Mauldin Chamber; George McLeer, Mauldin Cultural Center; Constitution week proclamation

Pat Pomeroy reported on Memberfest, which will take place on Tuesday at 5:30 p.m. at ICAR. The annual meeting is November 17th and the Christmas Parade will be November 27th.

George McLeer reported on the events and activities planned for the cultural center. There is a fundraising effort underway for the cultural center. A birthday party is being held for anyone who went to school in the building. This is the 75th birthday of the building. It was a WPA project and finished in 1937. Tickets are on sale now.

Other events, classes, etc., are being worked on for next year.

Mayor Godbey read the Constitution proclamation.

3. Reading and approval of minutes.- August 22, 2011
Councilman Kennedy made a motion to approve the minutes with Councilman Black seconding. The vote was unanimous (6-0).

4. Public Comment.

Joel Ann Chandler: I live at 125 Bridges Road. I own and operate the Open Air Market. I have copies for each one of you of a letter I have faxed to Governor Haley. I also have some information about GPATS. This project was requested in 2004 by the former Mayor of Mauldin. I am the primary property owner that this project is being focused on. They are talking about taking 45 feet of my property on the corner. They want a driveway on the back of my property for my

tractor trailer. There is sloping 6 foot embankment back there. I feel this is detrimental to my business which is a landmark. We support local farmers, businesses, and are open year round. I want to stop the DOT action on this corner completely. I have 2800 signatures of people who want the market to remain the way it is. There has never been an accident there. There have been 40 minor accidents in the surrounding area and is a minute number. No fatalities. I want to stand up for God first and foremost, our Country, and our rights as taxpayers and property owners.

I would like to present each one of you with copies of all of this in case you are not familiar. I have copies for all the members here. I appreciate your time. Like I said, I feel like this project will be detrimental to my business. The two houses across the street will have property taken from them and make it unsafe for them to get out into the road. If they can do a left turn lane, they can make a right turn from Bridges and not take anyone's land. This just denies my customers access to my business. I am totally opposed to what they are talking about doing.

Mayor Godbey: I advocated on your behalf at the GPATS meeting to our highway commissioner and to Tommy Elrod and changing the radii from 70 feet to 40 feet. I wish a good outcome for you and the public good.

Joel Ann Chandler: People park in the field and I allow students to park over there sometimes. City park is blocked when parents are picking up their children. The Senior Center parking lot is blocked. I have had as many as 60 people in my lot. I shouldn't have all the burden on me.

Michael Reynolds: I want to take the opportunity to thank you for being civil and going about this in the right way.

Joel Ann Chandler: I am sure everyone knows what happened in Abbeville. They were in the process of taking those people's land. Violence and vulgarity never gets you anywhere.

Bud Greer: 318 South Main Street. I support Ms. Chandler and what she is doing. Her property is unique and is good for Mauldin. It is not just another strip shopping center. It is kind of coincidental that the Sunday's Greenville News says the committee that oversees DOT does not want to see another new road until they get a handle on current maintenance needs. I am concerned about that because earlier DOT said accept less maintenance or expect to pay more taxes. The third alternative as I see it is to not do projects such as these. I am not sure who this is, but...

Mayor Godbey: He is a low country Senator and was going to run for governor.

Bud Greer: I think this is food for thought and a significant amount can be reduced by not doing this.

Chancey Lindsey-Peek: I am a supporter of Joel Ann. She is a supporter of local businesses. I am a local vendor and I own Banana Manna Banana Breads. I am SC Certified. This is one of the ways I support my family. If anything

happened to the Mauldin Open Air Market, it would hurt me and my family. She is a big part of helping me and I thank her for the heart she has.

Mayor Godbey: Consider moving to Mauldin. Thank you.

5. Report from City Administrator

a. Cultural Center project report

Trey gave an update on the auditorium. We have a lot going on at the cultural center. The Veteran's Memorial flags had to be shifted about 8 feet, but it is an improvement to accommodate ceremonies and things in the future.

The auditorium renovation is going well. With the removal of the old ceiling, the room is opened up and will look great. A new coat of paint will be put in the auditorium. The ceiling will be raised to 16 feet, which is above the existing windows. The stage has been shored up. The project should be wrapped up in a couple of weeks.

The landscaping is going well also. We have had a problem with the parking area in the front where there was some bad soil. Mitigation of the problem took all of the contingency we had set aside for the project. The project is on budget and still on time, however. This landscaping should be completed by the end of next month.

Tom Keith of Arbor Engineering was present. Over the next week, some grading will be done to get ready to lay grass. Tom said undercutting will be done tomorrow to fix the parking area. It may have been a spring, we just don't know, but it has to be fixed. A geo grid will be put down.

Councilman Black: I have two concerns. One is the concrete stage being taken out.

Tom Keith: We had to deal with some issues with ADA. We are trying to maintain a 5% grade throughout the whole site. That is a maximum without doing handrails. 5% is our guiding element. We started to make connections, and there is a transformer pad, we worked out the grade and established base elevations and when they were overlaid with the existing pad, we were off 8 to 10 inches. Even though that doesn't sound like much, if you try to make that up in a walkway, you are talking 15-20 feet. We just don't have that luxury throughout the whole site. You don't realize that getting up from the lower area to the stage that was the controlling element. That is the history of that.

Councilman Black: It was council's wishes to keep that...

Trey Eubanks: Tom was here at both meetings in February and March. The design was approved in February. The cost for a new stage was included in the proposal that was approved. It was included in the design adopted by council and the plan the contractors bid on. Complying with ADA was in the project cost.

Councilman Black: It was council's wishes if I recall that the stage be left in so we didn't have to spend money twice. I don't understand why, during this process, someone might have noticed this would pose a problem and let council know before now. I wasn't aware. The drawings didn't show this demolition. I don't know if Council had knowledge of this.

Mayor Godbey: My recollection is this is potentially temporary and we didn't want to put a lot of money into it. That is why it is a concrete pad. George needed something to have concerts on. I also remember you mentioning that you have a relative in a wheelchair, and that you have a sensitivity to the ADA. It has been a prominent feature in your arguments for doing this correctly. If Mr. Keith says 5% grade complies with ADA, that is what we need to do.

Councilman Black: I understand that, Mayor, but according to the drawings, this was not for demolition, correct?

Trey Eubanks: The design that was approved by council had the stage highlighted for demolition and that is what was bid on. The price of the demolition of the stage is included in this. The goal was to try to retain it, but we were unable to because of ADA requirements.

Councilman Black: I only found out about this because I went over there to look at the progress. I called Mr. Cook and asked him if we had not said to keep it, and he said yeah. I think he called you and then called me back. It was council's wishes to keep this. This wasn't reported to me. I did not see the drawings. The only thing I have is what Ms. Miller put into our packets.

Trey Eubanks: I will keep you updated as we go through this project. We will have onsite visits. I am available to you and Tom is down there most days. I will apprise you as things come up. The presentation that Tom provided earlier this year does include demolition of the pad.

Councilman Black: I would like whoever is responsible for the drawings to explain it to us and ask if we have any questions. This will save us some confusion.

The other question I had was on the retention pond. It was my understanding that the retention pond was supposed to service the entire property. Now we find out that it will not serve all of it. You went to the City, who told you it was not theirs, the County, who did not have jurisdiction, and finally the State who told you that another pond was needed. If we thought we might need an additional pond, why wasn't this included on any of the drawings? This didn't come to light until I read the Recreation Committee meetings.

Tom Keith: We were under the impression, just like you were, that the pond would serve the property. Everyone was saying the pond was for the entire site. We tried to get the permit and were told that it didn't have the capacity for the whole property. We found a copy of the permit in Columbia and that was when we were told. We redesigned this, at our expense, to comply with their requirements. Once we found that out, I advised Trey that we needed to allocate funds when this goes out to bid for whatever they come up with. An estimate for the cost was included in the project budget.

Councilman Black: What is the cost and site?

Tom Keith: The site will be near the Veteran's Memorial. We are not sure what side of the sidewalk it will be on. It was originally on the street side before you get to the memorial. The challenge is that there is a gas line that goes through. We don't know if we can go over or under it. The estimates are about \$7000 for the excavation. There are two types of stormwater- storage and treatment. This is a treatment. It is more of a rain garden as opposed to a pit. There is a second one in the next phase in the other parking lot.

Councilman Black: I don't mean to put you on the spot or Mr. Eubanks. I didn't see the drawings before this happened. I would like to sit down and discuss this before council approves these projects. If I am wrong, I apologize. I don't like surprises. I am not holding you responsible, but I wanted to know.

Tom Keith: I want to educate council. I will let you know about the gas line, too.

Councilman Reynolds: Is it not an option to dig the other pond deeper?

Tom Keith: No, it is another type of pond. That is what I am saying. The idea is to capture the water and infiltrate it into the soil.

Mayor Godbey: The rain garden is not as unsightly as a retention pond.

Trey Eubanks lastly reported that a lunch and learn was held Friday and we had record attendance this time. This is something for the City to be proud of. The benefits fair is October 18th from 7:30 a.m. to 11:00 a.m.

Councilman Reynolds pointed out the cultural center funds for the renovation are hospitality tax funds. He then asked if we needed to do anything to preserve the murals at the cultural center. He asked if they needed to be sealed.

Trey Eubanks said we would look into this.

Councilman Black mentioned that some digital photos were taken of all the murals in the school if they needed to be reproduced at a later date.

Mayor Godbey mentioned the 911 service at the Methodist Church here in Mauldin. Public servants were thanked during the service.

6. Reports from Standing Committees
 - a. Recreation (Chairwoman Gettys)
 - i. Reports and Communications from Recreation Director
Van reported 2500 Seniors participated in programs last month. Approximately 2500 people came to the Summer Bash.
 - b. Fire (Chairman Black)
 - i. Reports and Communications from Fire Chief
Chief Sapp showed some pictures of the fire station progress.
 - c. Police (Chairman Cook)
 - i. Reports and Communications from Police Chief.
Chief Turner spoke about CALEA and the progress the department is making. The examiners will be here on October 16th.
 - ii. Reports and Communications from Municipal Clerk of Court / Administrative Judge- The judicial report is on file.
 - d. Public Works (Chairman Kennedy)
 - i. Reports and Communications from PW Director
Greg Fincher advised council that as of today 6000 pounds of E-waste has been picked up.
Mayor Godbey said that is another example of an unfunded mandate. This waste has to be gotten rid of at a cost to the City.
PW is busy with the cultural center, fire station, and summer bash. Richard Upchurch lost his daughter-in-law to cancer a couple of weeks ago.
 - e. Finance and Policy (Chairman Reynolds)
 - i. Reports and Communication from Finance Director
Holly Abercrombie reported the auditors will be here starting October 17th .
She said she went to a seminar last week and GASB will have more standards coming out soon.

- f. Planning and Economic Development (Chairman Hunter)
 - i. Reports and Communications from Building and Zoning Director.

Peter Nomikos gave the building department report. Permit activity is increased but the revenue is lower because it is on less expensive jobs. Commercial and larger residential permits should come in soon.

- 7. Unfinished Business
- 8. New Business

- a. Consideration and action on rezoning of 307 Murray Drive from C2 to RM (PEDC)

Chairman Hunter made a motion to accept this rezoning on first reading. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on B2B business license appeal (Committee of the Whole)

B2B was sold in February and the new owners did submit the fee but it was not the correct amount. The fee was returned for correction. A business that is not properly licensed is subject to a 10% late penalty. The due date is April 15th, the incorrect fee was sent in on April 13th, and the corrected amount was sent in June 22nd.

The penalty amount is \$523 and that is what B2B is asking to be refunded. B2B's payment history under the old owners has been fine. This is the first problem and is with the new owners.

Councilman Hunter made a motion to refund the penalty back to B2B. Councilman Black seconded the motion and the vote was unanimous (7-0).

- c. Consideration and action on appointment of election commissioner (Committee of the Whole)

Sue Campbell submitted an application for the election commission. Councilman Reynolds made a motion to accept her as the newest member of the commission. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).

- 9. Public Comment.

- a. Joel Ann Chandler: There is \$3.2 million dollars tied up in the project in this half mile stretch of road.

Mayor Godbey: This is the initial phase. The second phase will go to Laurens Road.

Joel Ann Chandler: They are going to widen East Butler to Laurens? They said they were not going to do that.

Trey Eubanks: There will be a corridor study. There are questions on whether it is necessary to widen and what the widening would do to the corridor.

Joel Ann Chandler: GPATS is made up of Mayors of the affected town, DOT representatives, Senators from the area and the Mauldin Planner. This is a powerful committee. This project is the most important project they have going on right now and I am very concerned about all of this.

- b. Pat Taylor: I live at 311 Poplar Lane. It is hard to hear people who are speaking up here. The sounds bounces off this way. At Greenville County, the podium is turned to the side so it is easier to hear.
- c. Greg Jokely: You may not let me speak anyway. I live in Simpsonville at 412 Pulaski Court. You don't have to hear from me, so I appreciate that. I shop at her store and appreciate what she had to say. The land has been in her family since 1920 or something like that. I imaging all of you have bought produce from her, gotten jobs there, or paid a mortgage payment or two by working there. DOT is running out of money and can't take care of what needs to be done. I don't want to play the race card, but there is an accusation that streets in poorer or black neighborhoods are being neglected. If there are other projects they could be doing, you should put your weight behind your neighbors and stop this thing.

10. Council requests.

11. Adjournment. – Mayor Godbey adjourned the meeting at 8:30 p.m.

Respectfully Submitted,

Cindy Miller
Municipal Clerk