

**Budget Public Hearing at 7:00 p.m. before the regular council meeting.**

**Trey reported on the budget. We have a proposed budget of \$19,277,439. Four public workshops have been held on the FY 2018 budget.**

**MINUTES  
MAULDIN CITY COUNCIL  
MAY 15, 2017  
7:00 PM  
COUNCIL CHAMBERS**

**Members present were Mayor Dennis Raines, Council members Taft Matney, Carol King, Terry Merritt, Larry Goodson and Scott Crosby. Dale Black was out of town.**

1. Call to order. – Mayor Raines
  - a. Invocation- Councilman Goodson
  - b. Pledge of Allegiance- Councilman Goodson
  - c. Welcome- Mayor Raines
2. Proclamations and Presentations-Mauldin Chamber; Lacrosse proclamation; Building Safety Month proclamation; MHS principals

Pat Pomeroy reported on the chamber's activities. She said the golf tournament was the best one yet. St. Clair Signs will be holding an event on July 5<sup>th</sup>.

3. Reading and approval of minutes.- Council minutes April 17, 2017; Special Called Council April 25, 2017; Special Called Council May 1, 2017

Councilman Crosby made a motion to accept the April 25, 2017 minutes with Councilman Matney seconding. Councilman Merritt found a few typos and made some changes to the minutes. With those changes, the minutes were approved unanimously (6-0).

Councilman Merritt made a motion to approve the Special Called April 25, 2017 and Special Called May 1, 2017 Council minutes together. Councilman Matney second the motion and the vote was unanimous (6-0).

The MHS Varsity Boys Lacrosse team was present to receive a proclamation in recognition of a very successful season.

Outgoing Mauldin High School Principal Scott Rhymer and new Principal Mike Peake were introduced.

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

There are several economic development projects underway- BB&T Mortgage, Verizon, Merley, Anyone Home, Carostrap, MP Husky, are all locating in Mauldin. A

hotel may be locating near Millport. A handful of restaurants are looking at moving into Mauldin. The Social Security building on Main Street has dirt moving.

Councilman Goodson said we are so fortunate that previous councils spent money to put the sewer in around Brookfield and Millport. We are reaping the benefits of that decision now.

Councilman Merritt asked about the cultural center parking improvements. They said the permit process has been frustrating. The City was told initially that we could operate under an existing permit, but this is not the case. DHEC has this permit now and we are waiting for a response from them so we can get started.

Councilman Merritt asked how many easements were necessary for the Forrester Woods storm water permit. They said he didn't have an exact number. He will let council know once he gets that information. Easement acquisition work has been started. The contractor will be selected by council brought on board after we have the easements and put the project out to bid, and then a public meeting will be held on the project.

#### 6. Reports from Standing Committees

- a. Public Works (Chairman Goodson)- The report is on file. Chairman Goodson asked if he could get a storm damage progress report from Public Works. He also asked if Goodwyn, Mills and Cawood could get a progress report on the Forrester Woods drainage project at the Public Works Committee meeting. Councilman Crosby commended the Public Works Department on the work they did cleaning up after the storm.
- b. Economic Planning and Development (Chairman Matney)- The report is on file.
- c. Building Codes (Chairman Black)- The report is on file
- d. Recreation (Chairman Merritt)- The report is on file. Chairman Merritt said the block walls are up for the concession stand. Tournaments are ongoing. Councilman Matney said the three year old Lacrosse team competed in a tournament. The 9 year old team lost the championship. The 11 year old team was one goal away from making the championship game, and the 13 year old team won everything. In three years, our program is competing at a southeastern championship level and winning.
- e. Finance and Policy (Chairwoman King)- The report is on file. Councilman Merritt

asked about the 150 special project fund. What is it and is that money reserved for something special. Holly said that is the capital project fund. The County Recreation money is in there.

- f. Public Safety (Chairman Crosby)- The report is on file. Chairman Crosby reported that the fire department was given a \$500 grant from MUSC. 37 smoke detectors will be purchased and installed in homes. To date the fire department has installed over 750 smoke detectors in the community. Councilman Merritt said this is the first time in his two and a half year tenure on council that the judicial department disposed of more cases than were filed. Mayor Raines thanked the police department for the great job they did a couple of weeks ago in an incident near Mauldin High School.

7. Unfinished Business- None

8. New Business

- a. Consideration and action on sewer pump station fee (PW)- This ordinance will have first reading in June. The item is for information only. Council approved a development agreement whereby the city will accept a lift station allowing the Bethel/Bridges project to have sewer service provided the developer pays for the cost of establishing a Municipal Improvement District to fund the cost of the lift station. Our Bond Counsel, Brad Love, proposes another option – establishing a sewer lift station fee versus establishing a MID. This fee will be added to the County tax bill. If the fee is not paid, a lien to be placed on the property. Councilman Merritt asked if this change would require an amended development agreement. They said yes, there is a section that references a MID that will need to be changed. Councilman Merritt asked if these homes would also continue to see a Mauldin sewer charge on their water bill. Chairman Goodson said yes.

John Duggan said to make sure that the development agreement is placed on the agenda so that council can authorize the change from MID to fee. Councilman Merritt said it should be placed on the agenda before the ordinance. They said the ordinance and revised development agreement will be ready for the June PW committee meeting.

- b. Consideration and action on lease for use of cultural center cabin (EPD)- The cabin as it is now has very little foot traffic. The Ice Cream Station has requested that we lease the cabin for a location in Mauldin. A draft lease is attached. Chairman Matney made a motion to authorize the Mayor to enter into a lease with the owner of the Ice Cream Station for the use of the log cabin. Councilman Crosby seconded. Councilman Merritt made a motion to reword the section regarding free rent until June 1, 2018 to say the rent payments would be waived until June 1, 2018. Councilman Matney seconded the amendment. John Duggan said it could say waive rent due to the improvements being made by the Lessee. Councilman Merritt asked if there were any regulations that would require a restroom at the facility. There is no regulation. There is no restroom at the Simpsonville location either. Councilman Merritt said high school kids working there should be able to use the restroom. The cultural center will be open some of the time. Kim said the restroom would have to be handicapped accessible. The vote on the amendment was unanimous (6-0).

Councilman Goodson asked where the rent amount came from. David Dyrhaug said that is the rent payment Ice Cream Station remits to Simpsonville and to make it easier to keep up with, Mauldin is charging the same amount. The two facilities are roughly the same size. Councilman Goodson said the front porch will be lowered for the ice cream shop, which is great. As it is now, it is not safely attached. Councilman Goodson said this will be a positive for the City. . The vote on the motion as amended was unanimous (6-0).

- c. Consideration and action on Rotary Club and George Bomar appreciation (Rec)- The Rotary Club has donated \$9500 towards the cultural center grounds. An arbor over a swing, an arbor over a picnic table, two picnic tables, and two trash cans will be in a designated area. A plaque will recognize the Rotary's donation. The equipment will cost approximately \$7800. The amount pledged exceeds the cost of the equipment, so another bench or something can be added. George Bomar has donated \$10,000. There is a new picnic shelter along City Center Drive going toward Murray Drive. Mr. Bomar said he would like his money to go toward that shelter. The shelter would cost about \$32,600. The not to exceed expenditure from H and A is \$26,410. With the additional Rotary donation, the amount expended would be around \$24,410. John

Duggan said working for the City has been a pleasure. His partner, Daniel Hughes, and he would like to make a \$1000 donation towards the cultural center project. He said that is a small way to thank council for letting Duggan and Hughes serve them.

Chairman Merritt made a motion to accept these donations and to expend an amount not to exceed approximately \$24,000 from the hospitality and accommodations fund. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- d. Consideration and action on Sunset Park fencing (Rec)- A border fence will be put up around the 17 acres adjacent to Sunset Park. There is a pond on the adjacent property that needs some protection from anyone who might want to jump in. Chairman Merritt made a motion to install a black vinyl fence at a cost of \$22,166. Seegars Fence is the low bidder. Councilman Matney seconded the motion and the vote was unanimous (6-0).
  
- e. Consideration and action on dogs in parks ordinance (Rec)- There have been many discussions on this item. Staff has developed some guidelines so if dogs are allowed, owners must follow the rules. Chairman Merritt said he would like to add to the guidelines that staff may remove a dog that becomes unruly. This is not unanimous from the Recreation committee, but Chairman Merritt made a motion to accept the ordinance on first reading to allow dogs in designated city parks. Councilwoman King seconded the motion. Councilman Goodson asked about signage. Councilman Matney said signage does not need to be addressed in the ordinance- it could possibly be addressed in the guidelines. Councilman Matney said the guidelines for dogs in parks would be a living document that can change. The ordinance allows dogs to be permitted in the City parks. Chairman Merritt said the rules are not part of the ordinance, but are referenced in the ordinance so that the rules may be changed.

Mayor Raines asked what would happen if the situation gets out of control and the police need to arrest an owner, would this ordinance allow for that?

Councilman Matney said if the situation escalates, that becomes a police matter with a whole separate set of laws and penalties. Councilman Matney made a motion to amend the guidelines to add that staff would have authority to remove

a dog that becomes unruly. Councilman Crosby seconded the motion and the vote on the amendment was unanimous (6-0).

Chairman Merritt said he would like the dogs in parks ordinance and the guidelines to come back to committee. The ordinance states dogs are allowed at any time at any public park. The parks are not always open. Do we want to change the wording? Councilman Goodson asked if dogs would be allowed at the barbecue or Beachin' Fridays. Chairman Merritt said it is a concern. The cultural center grounds is not a park. City Center Drive is a city street where dogs can be walked. Chairman Merritt said this issue could be taken up in committee as well. The vote for first reading was 5-1 with Chairman Merritt dissenting.

- f. Consideration and action on HR position description (Finance)- Council approved an HR Department. Now we need a position description. Chairwoman King made a motion to accept this description as written. Councilman Matney seconded the motion. Councilman Merritt amended the motion to add under essential functions to give notice to relevant departments of status changes such as when someone leaves or is terminated or on a leave of absence. When someone is terminated, the sports center is not notified and does not know to turn off their membership. Councilman Crosby seconded motion on the amendment. The vote on the amendment was unanimous (6-0). The vote on the motion as amended was unanimous (6-0).

The classification and grade for the position needs to be posted.

- g. Consideration and action on Engineer position (Public Safety)- Public Safety sent this item to Council during their May 1, 2017 committee meeting. This position is proposed to be a Pay Grade 7. The financial impact should not be significant. It will take several months to complete additional training for candidates, develop and validate testing procedures. The target for completing the promotions will be February 2018, which is later in the fiscal year. There will be one position per shift per station. This position will include operation and maintenance of fire apparatus, water supply, and accountability for emergency situations. They will also function as the acting Lieutenant in case of an absence. Implementing this position would be a morale booster for the

department. Chairman Crosby made a motion to adopt this new position. Councilman Goodson seconded. Councilman Goodson said he would like to see everyone who can pass the qualifications for the position be paid the same. The vote was unanimous (6-0).

- h. Consideration and action on FY 18 budget (Committee of the Whole)- Councilman Merritt made a motion to consider this item. Councilwoman King seconded. The vote was unanimous (6-0).

The budget requires two readings. There have been four budget workshops. Councilwoman King made a motion to adopt the budget ordinance on first reading. Councilman Crosby seconded the motion. Councilman Goodson does not understand why we are transferring \$1.5 million into the capital fund instead of the amount we believe we are going to spend. He would like to work on this for next year. \$1.5 million seems like an arbitrary number. Councilwoman King said we have \$1.5 in capital and a budget of \$1.2 million. Councilman Goodson wants to know why we are taking a typical lease. Why don't we just pay it out of capital? Councilwoman King said we don't want to completely deplete the fund in case we have an emergency and need it. We may not always have good years.

Trey said the auditor recommended a capital fund. Whatever amount is put in is up to council. Every expenditure out of the fund must be approved by council. We may have additional projects come up or we may need to match a grant, so those are examples on why we may not want to completely draw down the fund. Councilman Goodson said we could target a number instead of just coming up with \$1.5 million. We can change the number each November.

Councilman Merritt said we are going to have 1.9 million.

Councilman Merritt said this is not a balanced budget. Expenditures exceed revenues by \$360,520. The money had to be taken out of unallocated general fund to balance the budget. He does think this budget will put the City in good stead and that council and staff have done a good job on it. Councilman Goodson thanked staff for their help.

Councilwoman King said Councilman Goodson had a great idea to put the capital through the appropriate committee. It was extremely beneficial and saved some time. She also said we do a great job with the 5 year projections. Councilman Merritt said this is open for amendment before second reading and will propose his amendments at a later time. Councilman Matney thanked Holly.

The vote was unanimous (6-0).

## 9. Public Comment

Brian Patton: I live at 123 Kingsley Drive. Directly behind the social security dirt pile. We have had issues over the past ten or twelve years with the noise level at the former Motown on Main, now Club Epic. 5-6 times last year we called the police.

They came out and said the levels were within the noise ordinance. Two officers came out on two separate occasions and could hear the plates rattling from the bass. In reading the noise ordinance, they seem to be under the levels. It is the bass that is the problem. Under Sec. 18-93. Prohibited noise generally.

(b) No person shall make, continue, or cause to be made or continued: (1) Any unreasonable loud or raucous noise or (3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which to noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors and their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business. Section 18-94 allows for the measuring of sound. The measurement currently being used is Dba, which is volume. Dbc is seismic noise, which is bass. We are still hearing the boom. We are on Kingsley, Knollwood can hear it, and I can't imagine what it is like for the poor lady who lives behind the club at the railroad tracks.

I don't know how difficult it would be to amend the ordinance to allow measurement of Dbc or the nuisance. Do we just call it a nuisance complaint instead of a noise complaint?

Councilman Matney said with the land being cleared, there is nothing blocking the noise. The plan we have seen for the social security building shows a berm. When is that going to be constructed? Kim said that would be toward the end of construction. She said when the building starts going vertical, the noise should be more tolerable and will be blocked. Councilman Matney asked if there was a provision in the ordinance as it is now that would allow the City to measure some of the seismic noise. Kim and Chief Turner both said no, they don't believe so. They said we would review the ordinance.

Mr. Patton said the problem is around 2am when you are still trying to sleep. The police department has witnessed it. They said the police department is sometimes successful in getting a business to comply. If they will not, staff can come back with some additional language to help address this issue. John Duggan said the ordinance could be bifurcated to allow certain noise at one time and at another time, the noise has to be at a lower level. Councilman Crosby said concerts are stopped at the cultural center at 10:00 p.m. He would like a report regarding Dba and Dbc. He

would like to know what levels the noise is. Councilman Crosby said it used to be that Led Zeppelin concerts were 125 decibels and that was the maximum level. He would also like to know if there was a d, b e, f, or g. What happens when a train goes by? The decision has to handle the railroad.

Leo Joyce: 114 Old Bridges Road. I am confused about the engineer position. What constitutes the position? Classes they take?

Councilman Crosby said there will be requirements defined by the Chief.

Leo Joyce: Why are we creating the position? Drive and operate the pumpers? What happens if one of them is injured, takes a vacation or quits?

Councilman Crosby: There are also other people who are qualified.

Leo Joyce: Are they? But they are not getting paid. Is the position because of the qualifications and don't those qualifications demand that they be paid?

Trey Eubanks said the Lieutenants are paid and so are the Captains. They can step into the job.

Mayor Raines said tonight the number of positions was not included in the motion.

Councilman Crosby said you may be perfectly qualified, but if there are not enough positions, you have to compete for them.

Leo Joyce You are talking about the safety of the citizens of Mauldin. You have to remember that. If there is an accident and an unqualified person is driving, that is going to cost.

Councilman Crosby said an unqualified person would not drive a vehicle. Just because someone can drive a vehicle, doesn't mean that they are qualified to be an engineer.

Leo Joyce: A police officer is disqualified in rifle and pistol. Do you put them on the street?

Mayor Raines said most firefighters have the minimum qualifications. Engineers would handle the pump panel and water pressure.

Councilman Crosby said this says you are responsible for maintaining the truck as well as having additional responsibilities.

John Duggan said a Captain or Lieutenant would have engineer capabilities and could step in if someone was out.

Leo Joyce: So at no time will someone who has the qualifications, but not the job, be asked to step in and do the job of an engineer while that person is out?

Trey said our police department has Sargent positions that employees compete for. They go through a written exam, interviews, performance appraisals. The training and certification continues for other employees and then they have the opportunity to come back and compete again. This engineer positions creates an additional layer.

Leo Joyce: I understand. I just don't want someone who is not being paid for the position to take the responsibility.

Tommy Shaleuly: Mr. Goodson, hold your guns. You have a good point. The HR person, is this full time or part time? Ok, full time. Good. Who would this person report to?

Mayor Raines said the City Administrator.

Tommy Shaleuly: Do you think that is a good idea for the HR Director to report to the City Administrator?

Mayor Raines: That is the way cities are structured.

Tommy Shaleuly: Maybe that is the way cities do. They are different than corporations. The Sports Center- Who is the manager going to report to? The department head? Is this person going to be able to do this? Will they know about the sports center? Are we going to waste the money to hire someone?

Councilman Merritt said this person would be a sports center person who is qualified. He wants to make sure this person knows accounting and how to run this facility, Tommy Shaleuly: You have to give the person the tools to do it. If you have that person report to someone who has been running the Sports Center, and it gets worse and worse, that doesn't help.

10. 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.- personnel

Councilman Merritt made a motion to move into executive session with Councilwoman King seconding. The vote was unanimous (6-0).

Councilman Matney reported from executive session that no decisions were made and no action was taken.

11. Possible action on items discussed in executive session- None
12. Council requests- None
13. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk