

**MINUTES
MAULDIN CITY COUNCIL
JUNE 19, 2017
7:00 PM
COUNCIL CHAMBERS**

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

1. Call to order. – Mayor Raines
 - a. Invocation- Pastor Webb Belangia, Mauldin United Methodist Church
 - b. Pledge of Allegiance- Councilman Matney
 - c. Welcome- Mayor Raines

2. Proclamations and Presentations-Mauldin Chamber

Pat Pomeroy reported State Farm would have a BAH Thursday night. The new agent is very energetic and happy about being in Mauldin. St. Clair signs is having a grand opening on July 27, 2017.

3. Reading and approval of minutes.- Council minutes May 15, 2017; Special Called Council May 31, 2017; Special Called Council June 7, 2017

Councilman Matney made a motion to accept the May 15, 2017 minutes with Councilman Goodson seconding. Councilman Black did not vote as he was not present at the meeting. The vote was unanimous (6-0).

Councilman Merritt made a motion to accept the May 31, 2017 minutes with Councilman Black seconding. Councilman Matney did not vote as he was not present at the meeting. The vote was unanimous (6-0).

Councilman Merritt made a motion to accept the June 7, 2017 minutes with Councilwoman King seconding. Councilman Matney did not vote as he was not present at the meeting. The vote was unanimous (6-0).

4. Public Comment.

Bud Greer: I live at 318 South Main Street. It is time council developed guidelines for vehicle use and for employees to be charged for use based on IRS guidelines. The present procedure of providing car allowances should be eliminated. Employees can drive their own vehicles and be paid for actual mileage. Payments should be made based on IRS guidelines, which are frequently adjusted to reflect the increased costs of operating a vehicle. Taxpayers should not be paying for personal use or for mileage driving for anything other than city business.

Valerie Foote: I live at 101 Burning Bush Lane. I am here in support of clarifying the zoning ordinance for lot double frontage, lot corner, and fencing height requirements on busy streets. In Forrester Woods, there are 24-27 homes severely handicapped by staff interpretation of lot double frontage. I have no idea how many more homes are handicapped in the City of Mauldin by these definitions.

My husband and I recently redid our home and when it came to doing the back yard, we ran into some road blocks. There are another 48 homes on the interior of Forrester Woods that could also be impacted by these interpretations, with varying severity.

When Forrester Woods was built, the plat showed that each house had a front yard, a back yard, and two side yards. Now we are being told, defying common sense, that we have two front yards. It reduces our property values. The homes most severely affected are dealing with road noise from Miller Road and Hamby Drive, where vehicles exceed the 60 decibels, which the city deems to be high noise levels. We cannot sit in our yard without listening to semi trucks, motorcycles, and general traffic. Some lots, including ours, deal with privacy issues due to the grade of Miller Road. My teenaged son and teenaged daughter cannot sit on our deck without having truckers look over the fence. The neighborhood was built in the 1970s and 80s when Miller Road was not so heavily traveled. The best way to deal with the noise would be a noise fence, which we could have built if the City would have allowed us 14 months ago.

I also wanted to address some concerns about uniformity. There is no uniformity. Let's be realistic. We are not talking about commercial districts, these are residential homes. There are wood fences- 4 feet, six feet, 8 feet, chain-link, vinyl, brick and block, lattice topped. Some are picketed or dog-eared. With these ordinances, no one has the incentive to change out their dilapidated fences- mine being one of the worst unless we have the freedom to put them up as noise barriers.

Grant Durham: I live at 105 Pigeon Point. I am not a big speaker. I am here to support. I would like you to consider these zoning changes so that we can have a front and a back yard instead of two front yards. Thank you.

5. Report from City Administrator- Trey reported additional lighting has been put up around the amphitheater. Duke Energy helped and Hubbell Lighting donated the lighting for us.

The cultural center improvement project should be substantially complete by the end of August.

The Sunset Park perimeter fence will get underway next week and be completed by July 4th.

The concession building at Springfield Park is underway and will be complete 30 days from today.

Keira Kitchings reported that the Undiscovered South Carolina grant was received in the amount of \$125,000 from SC PRT. It is a matching grant and will be used for cultural center renovations. Lighting, flooring and ceiling tiles, and accessibility to the stage will be done as well as other projects.

6. Reports from Standing Committees
 - a. Economic Planning and Development (Chairman Matney)- The report is on file.
 - b. Building Codes (Chairman Black)- The report is on file.
 - c. Recreation (Chairman Merritt)- The report is on file.
 - d. Finance and Policy (Chairwoman King)- The report is on file.
 - e. Public Safety (Chairman Crosby)- The report is on file.
 - f. Public Works (Chairman Goodson)- The report is on file.
7. Unfinished Business
 - a. Consideration and action on dogs in parks ordinance (Rec)- Chairman Merritt made a motion to accept this ordinance on first reading. Councilman Matney seconded the motion. Councilman Matney said the ordinance needs the words "during hours of operation" added at Chapter 6-6-57 and Chapter 30-30-1. Councilman Matney made a motion to amend the original motion with Chairman Merritt seconding. The vote on the amendment was unanimous (7-0).

Chairman Merritt asked if the designation of service dogs that is in the ordinance should be placed in the guidelines as well. John Duggan said regulations are interpretation of the ordinance. We can make changes to the rules as well as the ordinance. Chairman Merritt made a motion to amend the motion to add the definition of service dogs in the guidelines just as they are in the proposed ordinance. Councilman Matney seconded the motion to amend. The vote was unanimous on the amendment (7-0).

The vote on the motion as amended was 5-2 with Councilman Black and Chairman Merritt opposing.

- b. Consideration and action on vehicle policy (Finance)- Chairwoman King thanked the members of her committee for their hard work on the policy. A vehicle policy is needed and has been worked on for almost a year. To highlight some of the important points, the policy calls for logo and lettering of the vehicles. It also provides for the return of a city vehicle if the employee is going to be out of work for more than two days. Procedures for inspections, accident reporting, and out of town travel are attached to the policy. Take home vehicles are now regulated. There is a 10 mile radius and no more than three take home vehicles per department.

Under the take home vehicle policy, if an employee meets the qualifications to take the vehicle home, they do not have to take it. The employee can drive his/her own vehicle and be reimbursed for mileage.

Chairwoman King made a motion to approve the vehicle policy with Councilman Black seconding. Councilman Matney thanked the committee for their work on what is overall a really good policy with a lot of accountability. On page 3 of the policy, there is an exception to the alcohol and narcotic section regarding police on official police business. Councilman Matney would like for that wording to also be in the section regarding cell phones and other electronic device. Police use those devices in their investigations in their vehicles.

Councilman Matney also said he would like the words "judicial and" inserted on page 2 under exceptions for vehicle logo and lettering. He is concerned for the safety of the judicial employees, especially with what is going on in the world presently.

He asked to make both of his comments amendments- one adding the police exceptions regarding cell phones and computer equipment, and the other adding the judicial vehicle to the logo and lettering exceptions.

Mayor Raines asked that the two motions for amendments would be separate. Councilman Matney made a motion to add the police exceptions for the computer equipment and technology use in vehicles. Councilman Crosby seconded the motion.

Councilman Merritt said public safety was not addressed too much in the policy because they have their own operating procedures and general orders.

John Duggan asked if this policy says that the general orders of the police governs the police vehicles. They said that is in the second paragraph under scope. John Duggan said that addresses the question. Councilman Matney withdrew his motion regarding that item.

Councilman Matney made a motion to amend the policy to add the wording "judicial and" to page 3 for exceptions to logo and lettering. Councilman Crosby seconded the motion. Councilman Merritt read a statement saying that a lot of research and calls to the municipal association, other municipalities, searches on Google, and other efforts led to the creation of this policy. What seemed like

an inconsistent process and disregard for the existing policies forced committee to develop a new policy. Police and Fire were not specifically mentioned in the policy because they have their own operating procedures. Councilman Merritt read a statement saying he is confident that the policies provide protection for the police men and women who protect and patrol our city. They place their lives in danger even sitting in a marked police car. The same dangers cannot be said to exist for others who perform mainly administrative and business functions. The City Attorney was asked in a previous meeting and he said judicial was not considered adversarial. The finance committee has not been provided with documentation of danger, stalking or threats that would support a danger to anyone driving a car with a city logo, name and municipal tag.

There are two options, If there is an undercover vehicle available without lights and sirens, this person could take the car and drive up to the County facility. They also could take their personal vehicle and receive mileage reimbursement. Councilman Merritt said he has wanted to chase down the brush truck before, but that is another matter. This policy demonstrates that the employees take pride in their City in driving a car with the logo, stewardship of city equipment, accountability, proper documentation of usage, and consistent application of usage of city assets.

Councilman Merritt said there are many reasons why the policy has specific wording in it. These reasons cannot be discussed in open session because they deal with personnel, but he would be glad to document the reasons in an executive session.

Councilman Goodson thanked committee. The policy was thoroughly researched and not taken lightly. This is not meant to be adversarial, but a policy for usage of the vehicles. There are several options if you do not feel safe in a marked city car. Either a police car can take someone to the LEC or a personal vehicle can be taken with mileage reimbursement.

Mayor Raines said for him, the most important thing is that when the employee was asked if she would feel safe in a marked vehicle driving to the county, she said no. She is going to the LEC all times of the day and night 7 days a week. Mayor said he has a problem with the mileage reimbursement, as he thinks it would cost the City more money over the years.

Councilman Crosby said he agrees with Mr. Matney's motion. No one expected someone to shoot a baseball team because of their day job. We would only find out this was really needed when there was bad news. The mileage logs would show abuse if there was any, so he doesn't think that is a problem. Councilman Crosby said using an unmarked vehicle would not stay within the intent of the law. He sees a possible conflict of interest in using a police vehicle.

Councilman Black said this policy makes things fair and equitable, we will have concrete documentation of vehicle use. It is not against any one employee. Councilman Black said a personal vehicle could be used and reimbursed for mileage. If the employee wants to go somewhere else after the city business is done, they are free to do so and not have to come back and switch out vehicles. How many people in the audience are furnished vehicles to drive to work?

Councilman Merritt said an unmarked vehicle can be used as long as the lights and sirens are disabled. Chief Turner confirmed that usage. Chairwoman King mentioned that a lot can be done through a teleconference. Some of the late night trips to the County could be avoided by conducting hearings over the computer.

The vote on the amendment regarding not marking the judicial vehicle was Councilman Matney- yes, Chairwoman King- no, Councilman Merritt- no, Mayor Raines- yes, Councilman Crosby- yes, Councilman Black- no, Councilman Goodson- no. The amendment was defeated 3-4. The judicial vehicle will be marked with the city logo.

Councilman Merritt made a motion for an amendment on page 2 under Section 3, currently reads "removable stickers and exceptions shall be approved by the city administrator." That statement refers to additional slogans like "All Lives Matter," "Welcome to the City of Mauldin," and other temporary words. The motion is to amend the sentence as follows "removable stickers, slogans, departmental IDs other than city logos and numbering shall be approved by the City Administrator." The amendment was seconded by Councilman Black and the vote on the amendment was unanimous (7-0).

The original motion to approve the vehicle policy as amended regarding removable stickers other than city logos or numbering was unanimous (7-0).

- c. Consideration and action on FY 18 budget (Committee of the Whole)- Councilman Merritt made a motion to consider this item informally for action. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

Chairwoman King said 4 budget workshops have been held on the FY 018 budget. The first reading was done May 15, 2017. There were two amendments made during the June Finance committee meeting. The Sports Center Manager position has been eliminated and the capital lease for the fire safety equipment has also been eliminated. The equipment will be bought outright and the new Recreation Director when hired will be qualified to manage the Sports Center. With these two amendments already reflected in the ordinance given council tonight, Chairwoman King made a motion to accept the budget ordinance on final reading. Councilman Goodson seconded the motion.

Councilman Matney said he was not going to vote against the budget. Overall, it is solid and Chairwoman King has done a fantastic job. He is, however, concerned about the elimination of the Sports Center Manager position. If we want the Sports Center to quit bleeding, we need someone who has businesses background that can run it as a business. Members need to be attracted and retained and the Center needs to be marketed. Next budget year, Councilman Matney would like this issue looked at again and added.

Councilman Goodson thanked all Department Heads and the City Administrator on their hard work and their fiscal management. It is not easy to manage a budget this large. He said Holly does a fantastic job and would like to see her have a little more say in the process.

Councilman Merritt concurs with Councilman Matney. He is going to make sure that when the Recreation Director is hired, they will have business and management skills and the ability to meet the public to tell them about our recreational facilities. Basic management and accounting skills will stop the bleeding. Over 64% of the sports center budget is subsidized by the City. He can't look the citizens in the eye to say another \$60,000-80,000 needs to be spent to turn the place around. It is one of our best kept secrets and can be taken to the next level. Councilman Merritt agreed with Councilman Goodson on the work Holly and Trey have done on the budget. He said he is not happy with everything, but the majority of it is great and he supports the budget 100%.

Mayor Raines said there is no tax or fee increase in the budget. He asked if the two amendments are in the current ordinance. Trey answered yes.

Councilman Black thanked council and staff as well on this budget. He doesn't like transferring funds to the general fund to balance the budget. He would like to see the City run a little more efficiently than currently. There are things in the budget he cannot support.

Councilman Crosby said we are the City with the lowest fee structure and taxes in the County. He thanked staff for their hard work.

Chairwoman King reiterated that Council has moved in the right direction. The capital fund was set up years ago with money in there. Committee recognized that money was there in the fund and why were we not paying for the capital equipment instead of doing a lease. That shows fiscal responsibility.

Councilman Merritt asked if all the budget numbers have been changed to reflect the two changes from committee. Trey said yes, all the numbers are updated. Councilman Merritt said this will lower the fund balance and get us closer to a real balanced budget.

Chairwoman King said it worked well this year to run capital through committee. This procedure helped the process be quicker and easier.

The vote on the budget ordinance final reading was as follows: Councilman Matney- yes, Chairwoman King- yes, Councilman Merritt- yes, Mayor Raines- yes, Councilman Crosby- yes, Councilman Black- no, Councilman Goodson- yes. The vote was 6-1.

8. New Business

- a. Consideration and action on annexation of 2.85 acre parcel on West Butler Road(Building Codes)- This is contiguous to Shanks. It is a small portion in the back. The owner wants to combine this portion with the existing 44 acres. This is for a new development. Chairman Black made a motion to approve this ordinance on first reading. Councilman Goodson seconded the motion. The vote was unanimous (7-0).
- b. Consideration and action on board and commission appointments (Building Codes)- Council appointed Ray Atchinson, Elizabeth Wiygul, Jonathan Paulsen and Dean Oang to the Planning Commission and Laura McCullough and Patrick O'Shields to the Board of Zoning Appeals.
- c. Consideration and action on rezoning at 1016 West Butler Road (Building Codes)- This is the property adjacent to the 2.85 acre that just had first reading. The zoning requested is RM. Councilwoman King seconded the motion and the vote was unanimous (7-0).
- d. Consideration and action on rezoning at 215 and 255 Service Bay Road (Building Codes)- This is a zoning request for the After School Plus building for a change from S1 to C2. Chairman Black made a motion to accept this on first reading with Councilman Goodson seconding. Councilman Merritt asked if the current property as well as these two parcels will all go to C2. Trey said Mr. Britt wants all of the property to be C2. The vote was unanimous (7-0).
- e. Discussion on fencing (Building Codes)- Chairman Black asked that council look over the information given on this item and that this item be sent back to committee.
- f. Consideration and action on Lion's Club dedication (Rec)- The Mauldin Lion's club would like to purchase an existing swing near the amphitheater and place a plaque in honor of Blair Tidmarsh. This came through the Recreation Committee unanimously. The cost is \$1400 without the stone base and the club has approved that cost. Committee has asked that the plaques be uniform. The additional cost for a stone base is \$100. The club has to meet again to approve the additional expenditure. If the club cannot pay the \$100, the City will approve the expenditure out of the hospitality and accommodations tax fund.
- g. Consideration and action on Sunset Park expansion(Rec)- There is an additional seventeen acres that we would like to do something with. We are thinking about putting in "rectangular fields," which would be for football and Lacrosse. A Lacrosse field is a little larger than a football field. It is 120x80 yards. There are two drawings from Arbor Engineering- one has two entrances and one only has one. Chairman Merritt made a motion to allow Arbor Engineering to draft conceptual drawings and get some numbers for fields that will be long enough for Lacrosse. Councilman Matney seconded the motion.

Councilman Black asked if there was a conceptual drawing when we first obtained the property. Trey said there was one shifting utility lines, and one that accommodated the lines where they are. He will find the drawings and send them to Council. Councilman Black said he hates to restrict ourselves to

rectangular fields and would like to look at all the options. Councilman Crosby asked if the electrical lines will be rerouted. Trey said yes. Chairman Merritt said Arbor will talk to Duke about rerouting the lines. Councilman Black said there is a setback for high tension lines. You can't have playing fields within the setbacks to keep people from getting hurt.

Chairman Merritt stated that the SFA/SFM study reported the current market and demand for additional baseball fields were not needed. The area is saturated with baseball facilities.

Councilman Goodson asked about kids playing on the soccer fields. Councilman Matney said the big field is broken up into three smaller fields for practices. Councilman Goodson asked if the outfields of fields 11 and 12 could be used for Lacrosse and not baseball. Councilman Matney said Lacrosse and baseball are played at the same time and baseball needs their fields. You don't want to shut one down for the other.

Councilman Matney said the MHS Lacrosse coach, Brian Schram, was talked to and he was hoping to use the field at Springfield Park for the high school Lacrosse games, but the field is not big enough. Sunset Park could have a field that is big enough. We also host the Greenville Rugby Club. It would be a multi-purpose field. John Duggan said the contract included a limitation of liability of Arbor Engineering. This provision restricts Arbor's exposure to \$5,000. All they are doing is laying out fields, no one should get injured by the process. John said normally he would not recommend signing this document, but there should be no liability.

Chairman Merritt said Arbor is doing our cultural center improvements and that we should check the contract for that work to see if we missed something and the same wording is in that document. Trey said he would check.

Councilman Goodson said he would like the Sports Center focused on right now and would hate to see us start this project and neglect everything else. There are a lot of projects we are working on.

The vote on approving Arbor Engineering to draft some conceptual drawings for an amount not to exceed \$5,000 was 6-1 with Councilman Goodson opposing.

- h. Consideration and action on FOIA policy (Finance)- The Governor signed into law some new FOIA provisions which need to be included in our FOIA policy. The changes have to do with time to response and fees that may be charged. Chairwoman King made a motion to accept the FOIA policy. Councilman Black seconded the motion. The Mayor asked if John Duggan had looked at our policy to make sure it complies with state law. Mr. Duggan said he has and would sign off on it. The vote was unanimous (7-0).
- i. Consideration and action on mutual aid agreement for police department (Public Safety)- Chairman Crosby made a motion to approve this mutual aid agreement

with the Greenville County Sheriff's Office contingent on the City Attorney's approval . John Duggan said he would double check that the agreement was looked at by Daniel Hughes. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

- j. Consideration and action on mutual aid agreement for fire department (Public Safety)- Chairman Cosby made a motion to accept the mutual aid agreement for the fire department. This is a statewide agreement. Councilman Matney seconded the motion and the vote was unanimous (7-0).
- k. Consideration and action on municipal facility lighting (PW)- Mayor Raines recused himself from voting on this item due to a possible conflict. Chairman Goodson said Brian Lawrence was available from NetZero to make a presentation.

Mr. Lawrence talked about LED lighting and possible energy savings the City could realize. The company would come in and replace all of the lighting we currently have. That technology is obsolete and cannot be serviced anymore. Councilman Black asked about the lease on our current lighting and was advised we still have one more year to pay on what we currently have. The new lease is estimated to be \$197,403.00 over the five years.

Mr. Lawrence was asked about guaranteed savings. He said he could not guarantee the savings because there are other things that are run through the same power source. Chairman Goodson said if a building has an old HVAC unit, it could drive up the power bill even though the lighting was low energy. There are no guarantees on what, if any, savings the City could realize.

Chairman Goodson asked that information from the previous lighting project be sent to committee and also contact lighting companies so we could have a bidding process. We have options. This item will be sent back to the Public Works Committee.

- l. Consideration and action on sewer pump station fee and development agreement (PW)- Chairman Goodson said this is first reading. Our Bond Counsel, Brad Love, proposed an option of establishing a sewer pump station fee versus establishing a MID. The sewer fee would be on the tax notice. There is also a development agreement at the Bethel and Bridges Road development that is operating under an MID that will become a sewer pump station fee instead. The development agreement needs to be amended. Chairman Goodson made a motion to recommend approval of the ordinance establishing the sewer pump station fee on first reading and recommend authorizing the Mayor to execute the amendment to the development agreement. Councilman Black seconded the motion.

Chairman Goodson asked if this item was time sensitive. They said the developer has been notified and they are pleased because this saves time and money for them. The July council meeting will be early enough to have second reading.

When a person buys a home in the development, this is part of the paperwork. They will have to pay the fee. If the home is not purchased, the developer will pay the fee until it is sold. The vote on the sewer pump station fee ordinance and amending the development agreement was unanimous (7-0).

9. Public Comment-

Leo Joyce: On the vehicle policy, I think you did a great job on it that shows action. My only feeling is on the judicial vehicle. I got an impression of a reaction. You are going to wait until something happens. With what is going on today, worldwide, I think you should think again.

10. Council requests- None

11. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk