

6:45 p.m.- GCRA presentation by Martin Livingstone. He reported on HOME Funds as well as CDBG funds. Councilman Cook asked if some funds could be used for our senior program. Martin said there were funds available, but there are spending limits as well as other restrictions.

**MINUTES
MAULDIN CITY COUNCIL
FEBRUARY 20, 2012
7:00 PM**

Members present were Mayor Pro Tempore Dale Black, Council members Patricia Gettys, Bob Cook, Gabe Hunter, Scott Crosby and Larry Goodson. Mayor Raines was out sick. John Duggan, City Attorney and Trey Eubanks, City Administrator were also present.

1. Call to order.- Mayor Pro Tempore Black
 - a. Invocation- Rev. Wade Leonard, Mauldin First Baptist
 - b. Pledge of Allegiance- Councilwoman Gettys
 - c. Welcome- Mayor Black
2. Proclamations and Presentations- Pat Pomeroy, Mauldin Chamber; George McLeer, Mauldin Cultural Center; CDBG resolution; National Day of Prayer Proclamation; MASC Legislative agenda proclamation; Disabled American Veterans; Swearing in of police officers; Beverly Hunter
Pat Pomeroy reported there will be a ribbon cutting tomorrow at Voodoo BBQ and Grill. The Chamber Board president thanked the City for its help with the Chamber.

George McLeer reported that things were going well at the center. The summer and fall festivities are already planned.

Councilman Hunter read the CDBG resolution and made a motion to accept it with Councilwoman Gettys seconding. The vote was unanimous (6-0).

MPT Black recognized former Mayors RC Jones and Wayne Crick, former Councilman Reynolds, and former Fire Chief Moore.

Jerry Smith read the National Day of Prayer proclamation. He also advised council that Raydee Wyatt, who was instrumental in making Mauldin a Daffodil City had passed away yesterday.

Councilman Hunter read the MASC proclamation.

Jerry Hadley, Vernon Moon and Ken Richards were present from the Disabled American Veteran's Association. He thanked the City for the Veteran's Memorial at the Cultural Center. The DAV did give some money for the Memorial.

Mayor Pro Tempore recognized Beverly Hunter for the award she won from the Southern Early Childhood Association.

Adam Wilson was introduced as the new Business Liaison Officer. Ralph Bobo was sworn in as a new police officer.

3. Reading and approval of minutes.- January 9, 2012

Councilman Hunter made a motion to approve the minutes with Councilman Crosby seconding. The vote was unanimous (6-0). The votes tonight will be made by raising hands.

4. Public Comment.

RC Jones: I know most of you know me. I didn't have the pleasure of serving with Mrs. Gettys or Mr. Crosby, but for 1986-1987 I sat over here, 1988-1991 I was in the middle seat, and from 2003-2007 in the middle seat. I am here tonight, not to ridicule you or condemn anything you did, but in 10 years, all you know that I get to the point and am very particular.

For years, I have not looked at the minutes or on the web, because I didn't have any question on what you have done or that you were doing what you were supposed to do, and I still don't have any problem with that, but, I am here to make a suggestion to you. I called Mayor Raines, the administrator and the MASC about the property that was bought by the city. Mr. Schaffer told me that what you did was not illegal, that the Manager has the authority to do what he

did. I said that was ok, but he is not a Manager, he is an Administrator. I don't think it was illegal, but it was not right. You had the right to buy the property, and maybe the city needs it, but I want to suggest that you get it on the record. There is no record that the city has this. On August 22nd, a recommendation was made out of executive session that the Mayor, Administrator and Mr. Reynolds had the authority to pursue the acquisition of property. This does not constitute buying the property.

When I was in the middle seat, we bought the cultural center, Jenkins Street, and McDougal Court. We had several meetings on it and discussed what was happening. We also had appraisals done. I don't think there was another meeting, and if I am wrong, please tell me. Am I wrong?

Trey Eubanks: August 22nd was the meeting. That's correct.

RC Jones: You open it up for discussion, talk about how much it will cost, condition of the property, etc. Unless I missed something, it is not on the web. What did you buy? Blockbuster, Burger King? There was never a meeting and no discussion.

I have gotten a lot of calls. There are 5 people behind me who have called me. You have the authority to do this. You are the custodians of the money, but you need to describe what you have done. This has to be on the record. Describe the purpose it was purchased for. I am not pointing fingers, but I am a concerned citizen. By the way, when I was Mayor, I never missed a single council meeting in 10 years, but that is beside the point. I hope that this council will not let another piece of property be bought without discussion on it.

5. Report from City Administrator

Trey reported that on August 22nd, the Taco Bell property was acquired for \$234,042 from the general fund. There has been discussion about the transparency and it is an option to come forward and discuss the price when property is bought.

Our health insurance loss ratio for 2011 was 87.6%. We would like to have a 80% loss ratio or under, but this is better than we thought we would end up. Our premiums increased 8%, which is lower than the national average. The City partially self-funded dental and vision insurance. We realized a savings of about \$600 on vision and \$18,000 on dental. This was a good move.

MPT Black thanked Trey Eubanks for getting the Taco Bell property on record. He asked the purpose for the acquisition. Trey said the two primary purposes directly relate to two city council goals: property acquisition and development of a city center.

6. Reports from Standing Committees
 - a. Building Codes (Chairman Crosby)
 - i. Reports and Communications from staff.

Peter Nomikos has resigned as Building and Zoning Director. Trey Eubanks referred to the monthly report. Permit and business license activity is starting to increase slightly. The budget is 7% under currently. Numerous meetings have been held with the building department staff, and things are going smoothly. Chief Sapp is helping to support with inspections, if needed. This is an opportunity to make some changes to become more business friendly.

- b. Recreation (Chairwoman Gettys)
 - i. Reports and Communications from Recreation Director

The Senior program had over 2200 participants last month. Tax assistance workshops are being held on Thursday mornings. Baseball and softball registrations are going on now. Online registration is working very well.

The biggest loser teams have lost just under 40% body fat. On March 10th, the Peacock Strides for Babies race will be held. The Easter Egg drop is March 31st at Sunset Park from 3-5 p.m.

- c. Public Safety (Chairman Cook)
 - i. Reports and Communications from Police Chief- the report is on file
 - ii. Reports and Communications from Fire Chief.

Chief Sapp advised council that the new station is open as of February 10th and things are going well. The open house is tentatively scheduled for the week of March 19th around 11:00 a.m.

- iii. Reports and Communications from Municipal Clerk of Court /
Administrative Judge- the report is on file
- d. Economic Development (Chairman Hunter)
 - i. Reports and Communications from the Economic Developer
John Gardner was present to speak to council. Greenlink will hold a public information session on Thursday at the cultural center to get input on the route. Staff is working with GADC to find some companies for sites in the City.

Dunkin Doughnuts is moving along well across the street in the old Blockbuster Video building. The landscaping project on Main Street has gotten some positive comments.
- e. Public Works (Chairman Goodson)
 - i. Reports and Communications from PW Director
Greg Fincher reported that Insituform would be in next week to do some sewer maintenance. The parks are getting ready for all of the recreation programs that are getting ready to start. The budgets look good. The department is still picking up leaves.
- f. Finance and Policy (Chairman Black)
 - i. Reports and Communication from Finance Director
The City is doing well on expenditures. There are a few budgeted expenditures such as a couple of police cars and garbage truck that will be posted next month.
- 7. Unfinished Business
- 8. New Business
 - a. Consideration and action on funding cultural center fundraising feasibility study (Rec)

This appropriates \$26,000 from hospitality funds for the cultural center fundraising feasibility study. The City will be paid back first when funds start coming in. Chairwoman Gettys made a motion to fund the study. Councilman Hunter seconded the motion and the vote was (5-1) by a show of hands. Mayor Pro Tempore Black voted against because he wanted this to be a contract item with the cultural center board.
 - b. Consideration and action on SC DOC city certification (Econ Dev)

Goodwin, Mills and Cawood has been recommended to complete step 3 of the industrial site certification program for the Hawk project. Kevin Laird is the project manager. They have already done some preliminary

work. Chairman Hunter made a motion to award the bid. Councilwoman Gettys seconded the motion and the vote by raising hands was unanimous (6-0).

c. Consideration and action on city center master plan (Econ Dev)

Landplan Group South has been recommended to work on the city center master plan. The total project cost will be \$61,000. The cost to the City is \$10,000. The other money has been contributed from other sources. 10 firms were interviewed. Chairman Hunter made a motion to award the bid to Landplan Group South. Councilwoman Gettys seconded the motion and the vote by raising hands was unanimous (6-0).

d. Consideration and action on annexation of 450 Forrester Drive and 741 East Butler Road (Econ Dev)

450 Forrester Drive is contiguous to the City of Mauldin and has asked to be annexed. Chairman Hunter made a motion to accept this on first reading. Councilwoman Gettys seconded the motion. The vote was unanimous by a show of hands (6-0).

We have also been approached by the Dollar General next to the high school about annexation. They would like to come in for police protection primarily. Chairman Hunter asked about the history of the sewer. This was an issue when the building was built. Trey Eubanks said Dollar General installed a septic tank so that they would not have to tap on to our sewer and be annexed when they were built. Chairman Hunter made a motion to accept this on first reading and Councilwoman Gettys seconded the motion.

Councilman Cook asked if we were setting a precedent by approving an annexation with a septic tank. Trey Eubanks said this is a good point. If Dollar General has issues with the septic tank, they will want to tap on to our sewer. This would have be at no cost to the City. Councilman Cook said he would like information on this before second reading. He doesn't want to accept a property with a septic tank. John Duggan said that we could not take action tonight or have first reading and find out if they are willing to tie-in to the sewer before second reading. Mr. Eubanks will approach the owner to ask him about sewer before second reading. Councilman Goodson asked how far the sewer line would have to be run. Trey said 150-225 feet is a guess by looking at the map. There is an ordinance requiring that if you want to tie in to the city sewer line, you must annex into the City. The vote was unanimous by show of hands (6-0).

- e. Consideration and action on ordinance change for Mayor Pro Tempore (Finance)

This is a wording change to allow council the option to appoint MPT at either the first regular or special called meeting after an election. Councilman Goodson made a motion to approve the change. Councilman Crosby seconded the motion and the vote was unanimous by show of hands (6-0).

- f. Consideration and action on \$45.00 city services fee refund (Finance)

Councilman Goodson made a motion to refund the \$45.00 service fee for those who have paid taxes by March 16th. April 30th is the target date of completion of all refunds. Councilman Crosby seconded the motion.

Councilwoman Gettys asked about the budget impact. Trey Eubanks said the estimated revenues associated with the fee are \$352,305. The estimated cost to provide the refund is approximately \$8000. It would be an impact of around \$360,000 and would be run through an expense line. This is not a budgeted item.

Councilman Hunter said he received the breakdown of revenues and he doesn't believe we will make budget in any area based on year to date figures. Then we are asked to spend another \$360,000. The increase in dumping fees has not been passed on to the citizens. He believes the city should be paid back that money before the citizens are reimbursed. Councilman Hunter said the citizens could request a refund by bringing the receipt to city hall. Councilman Cook said the county could provide that information. The citizens would not have to come to city hall with a receipt.

Councilman Hunter asked how we would make up the loss of \$360,000 in revenue. Councilman Goodson asked if the refund would come out of the fund balance. Trey answered yes. Councilman Cook asked if we would still have the recommended balance. Trey said the fiscal policy calls for 25-35% of the general fund in fund balance. We would have 30.7% left in fund balance after this expenditure.

John Duggan said his recollection was the fee was for this fiscal year. If we amend the budget, it takes two readings of an ordinance. The second reading would be in March. He wants to make sure we can make the deadline of April 30th. Trey said the council meeting is March 19th. The cutoff date is March 16th. We will still have enough time to issue the checks. The county can have the March 16th data to us within a week.

Councilwoman Gettys reiterated the increase in the tipping fee that the city has absorbed. Where is the money going to come from to continue to pay that? Also, she asked if the city has to pay to haul off the leaves. Greg Fincher said the city has the cost of the fuel to get to Twin Chimneys. Councilwoman Gettys asked about the cost to dump e waste also. Greg said they don't charge for that yet, but that is unknown as to what the county could do.

The vote was 4-2 with Councilman Hunter and Councilwoman Gettys voting against.

g. Restrictive covenant- cultural center (Committee of the Whole)

Councilwoman Gettys asked Trey Eubanks to explain this issue. We used CDBG funds via GCRA to fund the demolition of the 1957 wing of the Cultural Center Building. GCRA requested the city mortgage the property to ensure it would be used for its intended purpose. The City Attorney has informed GCRA that the South Carolina Code of Laws prevents municipalities from mortgaging city property. Mauldin's city attorney and GCRA's attorney have come up with a restrictive covenant stating that the city will use the funds for the intended use for 20 years. If the city does not comply with the HUD standards, the city will have to pay the funds back to GCRA. Councilman Cook asked if we do end up having to pay the funds back, would the federal government charge interest. John Duggan said no, there is no provision for interest.

Councilwoman Gettys made a motion to accept this covenant with Councilman Cook seconding. The vote was unanimous (6-0).

h. Executive session for a personnel matter and a contractual matter (Committee of the Whole)

Councilman Cook made a motion to go into executive session for a personnel matter in the Building Department and a contractual matter regarding the new fire station. Councilman Hunter seconded the motion and the vote was unanimous (6-0).

9. Public Comment.

- a. Randy Eskridge: My name is Randy Eskridge and I live at 211 Springvale Drive. I have one comment about the \$45.00 fee. I think you have done your due diligence in doing away with this. With the cost involved in returning the \$45.00, I think it is \$8,000, you might want to look at this as a lesson learned. Do not refund the \$45.00 this year, and then it won't be charged next year. It costs more to refund it than to keep it. I know the right thing to do is probably refund it, but it costs to do that. You won't have to worry about making up \$360,000 in this year's budget if you do not refund it. Thank you.

- b. Leo Joyce: I am Leo Joyce from 114 Old Bridges Road. They are so concerned about the \$45.00. You keep saying it has been collected and gone. Don't forget, that we had an election that changed three seats because of the service fee, among other things. That was a major issue. Now, all of a sudden, you are saying you need the money for other costs. You never had it to begin with. It is not your money. It is the people's money and is collecting interest. It is up to you. There will be another election.
- c. William Drummond: I live at 116 Whitestone Avenue. Mine is dealing with the same \$45.00. Ok. You had a surplus of \$1.3 million. You put \$45.00 - \$360,000 into it which came to be \$1,660,000 that you didn't know you had. I don't understand why you can't refund this to those persons who paid it by January 15th of last year. I don't understand that. It is inconceivable to me and unconscionable. If you didn't need it, give it back. I paid mine by January 15, 2011 and I have already paid for 2012. You are holding my money. That is all I have to say.

Returning from executive session, Councilman Cook reported no votes were taken. Councilman Cook stated that City Council is in support of the City Administrator's plans to transfer codes enforcement from the Building and Zoning Department to the Police Department.

10. Council requests.

11. Adjournment. – Mayor Pro Tempore Dale Black adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk