

**MINUTES  
MAULDIN CITY COUNCIL  
SEPTEMBER 21, 2015  
7:00 PM**

**Members present were Mayor Dennis Raines, Council members Taft Matney, Terry Merritt, Scott Crosby, Dale Black and Larry Goodson. Councilman Bob Cook was not present due to illness. City Attorney John Duggan and City Administrator Trey Eubanks were present.**

1. Call to order. – Mayor Raines
  - a. Invocation -Councilman Crosby
  - b. Pledge of Allegiance-Councilman Crosby
  - c. Welcome- Mayor Raines
2. Proclamations and Presentations- Mauldin Chamber; Northwood Little League Proclamations

Trey reported that CU ICAR Memberfest for the chamber went very well last week.

Mayor Raines read both proclamations for the two Little League players.

3. Reading and approval of minutes.- Council minutes August 17, 2015; special called council September 10, 2015  
Councilman Merritt made a motion to accept the August 17, 2015 minutes with Councilman Matney seconding. Councilman Goodson made a correction on the minutes. The minutes say delta line, and should say ductile. With that change, the minutes were approved unanimously (6-0).

Councilman Matney made a motion to accept the special called minutes.

Councilman Merritt said a report out of executive session needed to be included and then seconded the motion. With that one change, the minutes were approved unanimously (6-0).

4. Public Comment.-

Wayne Crick: I am glad to see the illustrious attorney. I am always proud to be here. I have spoken to Councilman Crosby and Councilman Goodson. This didn't

seem to be a big deal until it caused inconvenience to a business. Mr. Crosby indicates he will not take this lightly. We are at a crossroads here.

**SEPTEMBER 21 2015**

**COMMENTS TO MAULDIN CITY COUNCIL**

**SPEAKING TO THE ISSUE OF WHAT HAS COME TO BE DISCRETION OF THE BUILDING OFFICIAL FOR OUR CITY. SEEMS THE TUESDAY MEETING OF THE LABOR LICENSING AND REGULATION WITH MR. CROSBY AND HIS PARTY, REVEALED THAT IN FACT, OUR BUILDING INSPECTOR DOES HAVE SOME LEVELS OF LATITUDE IN DECISION MAKING IN THESE MATTERS OF CHANGING OUT HVAC UNITS MOUNTED ON ROOF TOPS IN COMMERCIAL OR INDUSTRIAL ZONES.**

**SEEMS LACK OF KNOWLEDGE, INEXPERIENCE OR UNWILLINGNES TO LISTEN OR SEEK ADVICE FROM MORE SEASONED PARTIES IN THIS FIELD HELPED SPONSOR THIS PROBLEM FOR AT LEAST TWO COMPANIES TRYING TO DO BUSINESS IN OUR CITY**

**IMPORTANT IS WHAT WE DO NOW..... THERE IS ONE PARTY WHO HAS BEEN INJURED WITH THIS LEVEL OF THINKING THAT HAS SOME 27 MORE UNITS, AGING EVERY DAY AND WILL NEED CHANGING OUT.**

**WHAT IS THE FUTURE OF THIS PROCEDURE, HOW WILL THE CITY HANDLE THIS MATTER GOING FORWARD. WILL THIS BE AN "OPPS" OR DON'T DO IT ANYMORE OR WILL WE HAVE A DIRECTION THAT IS FAIR AND REASONABLE**

**WE ARE AT A CROSSROAD IN THIS EVENT AND NEED A CLEAR PATH TO TAKE I AM ASKING THAT YOU CONSULT PEOPLE WITH EXPERIENCE, SEEK ADVISE FROM OTHERS AND MAKE A DECISION THAT REPRESENTS FAIRNESS**

**PERHAPS ALL THE INFORMATION IS NOT ALWAYS CLEWAR BUT COMMONSENSE WILL TAKE YOU A LONG WAY.**

5. Report from City Administrator

Trey reported the sewer rehabilitation project will start this week. The cleaning and cameraing of the system should take 3-4 months and we will continue to communicate with our residents. Status meetings will be held once a month at public works.

On our liability and worker's comp insurance, we are again eligible for a reduction in our insurance premiums due to exceeding the requirements for the minimum safety guidelines.

Trey also said we would be trying to get some money from GCRA to do some roof and other repairs to our senior center.

Councilman Merritt said our worker's comp and liability both were over budget for FY 15 and 16. He asked if we could look at other options instead of automatically renewing. Trey said that can be discussed at budget time.

Councilman Merritt asked what GCRA was and what they would be doing with the senior center. Trey said GCRA is Greenville County Redevelopment Authority. They administer CDBG and HUD funds for projects such as our senior center. We have used that money previously for improvements to the senior restrooms and for improvements at the cultural center. We think we are eligible for roof funding. Councilman Merritt asked what an environmental clearance for a room was. Trey said because it is federal funding, there are hoops you have to jump through.

Mayor asked about the report to REWA. Trey said we have a 15 year agreement with REWA to reduce infiltration into our system. We are doing work outside and in-house and have reduced overflows to less than one a year and also reduced inflow and infiltration by 43% since 2009.

## 6. Reports from Standing Committees

### a. Recreation (Chairman Merritt)

#### i. Reports and Communications from Recreation Director.

Van reported 2762 seniors participated in programs last month. Most of the

sports center fitness classes are full. There was a Zumbathon Friday night to raise funds

for a cheerleading banquet. Vision of Victory Temple is allowing us to use their parking on the pavement for events at Springfield Park again this year. Chairman Merritt asked if that would be advertised. Van said an email has been sent out. The flooring project is complete at the senior center and looks very good.

Councilman Matney mentioned several items. People continue to park on sidewalks at Springfield Park. Someone is going to get hurt and something needs to be done. Councilman Matney mentioned the problems with trash at Springfield Park. Also, he asked if we are still talking about adding batting cages between the baseball fields. Councilman Matney then asked if we can look into the scoreboards being run by parents since someone else is running the concessions now.

Chairman Merritt asked the audience to watch CW62. Several staff members have been on the channel promoting the recreation programs and are doing a great job.

b. Public Safety (Chairman Cook)

i. Reports and Communications from Police Chief

Chief Turner reported on calls for service. August was the second busiest month of the year so far. The Citizens' Police Academy is in their last four weeks and will be present at the next council meeting. The disability application is being worked on in the police department. This helps give officers a heads up on autistic citizens or citizens with other disabilities who may have special issues. We are not giving special treatment or speeding up our response to those people, but an officer would know about a possible issue. The information will be updated yearly between January 1-15<sup>th</sup>. Mayor Raines said 30% of the children that participated in the Miracle League are autistic and most you would never know.

Councilman Matney told Chief he was appreciative of the work that has been done in the parks by the police to help parents act like parents instead of kids. The proactive presence has really made a difference. Councilman Matney asked about the MyPD app. Chief said people have provided information and have contacted us through the app. Councilman Matney said he had used it the other day and it worked perfectly to get him in touch with the police department.

ii. Reports and Communications from Municipal Clerk of Court /  
Administrative Judge- Angela's report is on file.

iii. Reports and Communications from Fire Chief.- Chief Sapp reported on the Fire Prevention Carnival coming the first week in October. The fire department will host a non-combustible class for the fire academy this Thursday and Friday.

c. Planning and Economic Development (Chairman Matney)

i. Reports and Communications from the Economic Developer- John reported that he talked to Forrester Cove. They have a 75% annexation petition circulating now. Toole Design is still working on traffic issues with the East Butler Road study, so there is no new information to report. An initial map has come back from Alta Planning regarding ICAR, Lake Conestee, and the Swamp Rabbit trail.

Plans have come in for Restaurant Depot, which is a restaurant supplier. It will provide 62 new jobs at Brookfield. Jimmy John's is now open. Laurens Electric has completed the installation of the street lights near the high school. Wayfinding signs are being fabricated now.

Councilman Black said he has had several inquiries about the red light on Corn Road at the high school where the townhomes are. The light stays red even though there is no traffic. He asked if it could be set to flash. John

said he could contact DOT to ask them about the possibility of that.

- ii. Office of Cultural Affairs report- George reported that the center has hosted about 1500 events with a little over 15,000 people attending. Edwin McCain will be here October 24<sup>th</sup> and the BBQ event will be Friday and Saturday. Staff will be on Scene on 7, was on CW today, and are getting the word out with the upcoming events. Chairman Merritt said the organization of the barbecue festival is going well and that George does a great job on this event.

Councilman Crosby said he has had several people tell him lately how much the cultural center has grown and he appreciates that. Councilman Black reminded George to publicize that the dedication for Gabe Hunter's plaque is Friday at 6:00 p.m.

d. Public Works (Chairman Goodson)

- i. Reports and Communications from the PW Director- Mike showed his PowerPoint presentation. 3 refurbished GPS units are now in service, two are in brush trucks. There are some issues with getting them ready daily. Several manhole easements have been cleaned in anticipation of the sewer bond project that started today.

Mulch is being sprayed now. The crew is pulling weeds ahead of where the mulch is being installed. Councilman Merritt mentioned that there are some beds on 276 that look bad. Mike said that is what they are working on now. Everything should be completed and looking good by October. Councilman Black asked about the paving on Old Bridges Road. Mike said that the list will be submitted to the County.

The department continues to ask for more inmates to help with parks and other projects. The number of inmates was reduced in the facility from where we receive our worker, so it is hard to get more inmate help. Chairman Goodson asked about a meeting between Council and DOC so we can hear some information about the inmate program.

Chairman Goodson thanked the department for repairing the crater that was beside city hall. Chairman Goodson also asked Mike to have some information regarding new GPS units for October committees.

- e. Finance and Policy (Chairman Black)
  - i. Reports and Communications from Finance Director- Holly reported that revenues and expenditures look good so far. The general fund is at 90% at expenditures. Chairman Black thanked Holly for her response on his utility question. Councilman Goodson asked about some information on flexibility for the \$900,000 that is left over that could possibly be used to pay down the sewer bond. He would like that for the Finance committee.
  
- f. Building Codes (Chairman Crosby)
  - i. Reports and Communications from Business and Development Services- Kim was out with an injury. Her report is on file. Trey showed her Power Point presentation. We had a change in staff on our software contact a few weeks ago, but we are getting close to having a date to roll it out. Chairman Crosby asked if council could have a demonstration when it is ready.

Councilman Merritt asked if because RCI does so many of our inspections, does that allow our in-house inspector to do enough and obtain more expertise on inspections? Usually, the more you do something, the better you get at it. Trey said what the numbers reveal is our building official spends a lot of time working with the developers on plan reviews. Those are detailed projects that take time from the inspections. The RCI inspections are very standard. Councilman Merritt asked if Mr. Crick's HVAC issue would be caught in a plan review? Trey said that was caught in the permit process and was not a plan review project.

Chairman Crosby said it almost pays to hire a second inspector in the department underneath the building official. That is the part RCI plays now.

## 7. Unfinished Business

- a. Consideration and action on alcohol policy (Finance and Policy)- Chairman Black said he cannot support this at this time. He is concerned about the church across the street and the sports center being right there where alcohol will be served. Chairman Black made a motion to turn down the alcohol policy. No second was given.

Councilman Matney made a motion to accept the alcohol policy with a second by Councilman Goodson. Mayor Raines recommended that the Economic Development Chair be part of the review process for signature in case the Recreation Chairman was not available. Councilman Crosby made a motion to amend to allow for the Economic Development Chairman to be added. Councilman Merritt seconded the amendment. Councilman Merritt said he was against this as well, but in talking to groups, people overwhelmingly are in support of this policy. He does still want Council participation through the approval process with the Recreation Chairman or the Economic Development Chairman. If this policy has issues, it can always be looked out again. The vote on the amendment was 5-1 with Chairman Black dissenting.

Chairman Black asked about the plastic cups that will be used. Is it a solo that the citizens can bring themselves with whatever they want to drink? How will this be policed? Councilman Matney said people can always find a way to get around a policy. George McLeer said the cups will be see-through with the vendor's logo, not solo cups.

Councilman Merritt said council would know about all events where alcohol will be served. This will reduce the turnaround time for approval. 3 different buffer zones have been worked up depending on the size of the event. A first aid area and lost and found areas will be clearly marked if someone needs those services. Many issues that have been concerns have been addressed.

Mayor Raines said George has done a great job on the policy. Councilman Matney thanked Council for considering this and he thinks this will be good for the City. We are not supporting people getting drunk, only being able to enjoy a beer or wine as an adult. It is allowed in other municipalities and can be allowed here as well. Law enforcement presence will help police this issue and Councilman Matney said we have a high priority on the safety of the people who will be in attendance. The motion as amended was 5-1 with Chairman Black dissenting. The alcohol policy passed.

- b. Consideration and action on Freedom Church request (Building Codes)  
At the August 17, 2015, City Council meeting, Council agreed to table consideration of a proposed lease agreement between Freedom Church and the City in order to address code compliance concerns expressed at the August Council Meeting regarding occupancy of the gymnasium space located within the Mauldin Senior Center.

In order to clarify the requirements for Freedom Church to establish occupancy at the Mauldin Senior Center, staff reviewed the building plans and also met with the Fire Department to evaluate the Senior Center's annual maintenance inspections, which determines the existing occupancy classification for the gymnasium space. Both the plans and the fire maintenance inspection data identify the gymnasium area as a multi-purpose, assembly occupancy. While the multi-purpose assembly area was designed under the former "Standard Building Codes", the proposed use of a church within the identified area is consistent with an "Assembly Use" under the currently adopted "International Building Code".

This information, in addition to the historical inspection data and also prior lease agreements with other churches who have occupied the space, provides evidence and establishes a precedence of an “Assembly-church occupancy” at the Senior Center. Given this information, an architectural review is not necessary as there is not a “change of use” occurring in the space. Therefore, compliance with current building codes is not applicable.

With that said, the proposed lessee (church) was required to obtain a Tenant Occupancy permit, which was approved following a review and an inspection of the proposed sanctuary seat layout and Sunday school classroom areas (see attached) in relation to existing egress and exit points.

If Council agrees to pursue the lease as proposed, a Certificate of Occupancy will be released to the church to begin utilizing the space.

At the time this report was prepared staff had met with two separate architecture firms at the Senior Center to: 1) provide a letter of opinion regarding accessibility and code compliance for the proposed occupancy of the Senior Center by a church; and 2) to perform an architectural assessment and inspection of the Senior Center to identify areas requiring improvement for conformance with the current ADA Standards for Accessibility.

1) Occupancy concerns: Letters have been provided from two different architects and are attached to this report. Both letters affirm the Building Official’s and Deputy Fire Marshal’s assessment that a “change of use” and subsequent requirement to address code deficiencies is not applicable for occupation of the Senior Center by a church and their ancillary uses (nursery and childcare facilities).

2) ADA Accessibility Inspection and Design: Both architects performed a brief walk-thru through of the Senior Center to gain an understanding of the time that would be necessary to create a detailed punch-list of areas

needing improvement. A quote for this work has been provided by both architects and is attached.

Chairman Crosby made a motion to accept the lease agreement with Freedom Church. Councilman Merritt seconded the motion. Councilman Merritt said Freedom Church was asked to provide a tenant occupancy permit and a certificate of occupancy permit. Destiny Church was not required to do either one of those. Was the law changed? They will find out and let Council know. The lease agreement was approved unanimously (6-0).

Councilman Goodson asked if the ADA accessibility part of this issue could be sent to the Building Codes October committee meeting. He made a motion to send that item to committee with Councilman Black seconding. The vote was unanimous (6-0).

## 8. New Business

- a. Consideration and action on city facility parking (Recreation)- Chairman Merritt said the Senior Center is at times overwhelmed by students parking in the parking lot. The police department did not have the authority to fully enforce the no school parking signs. This new ordinance will give the police department the authority to prohibit school parking at the Senior Center. Chairman Merritt made a motion to accept the wording of this ordinance on first reading. Councilman Matney seconded the motion. Councilman Goodson asked what the fine would be. John Duggan said we have a general ordinance that allows fines up to \$500. The police officers have some discretion and the final amount is determined by the Judge.

Chief Turner said there will be a learning curve. Warning tickets will be written. This is not to be used as a revenue source, we just want compliance. A ticket will be written if there is a chronic violator, but we just want the problem solved. There is a sign that is posted that just needs to be enforced. We will be ordering new signs that will match our new logo signs. The signs can have the ordinance number, up to fine amount, or whatever information Council wishes.

Councilman Matney said this is so people can use the parks as they need to be used. Period. He asked that the signs be consistent with our new branding. Councilman Black asked if there were any towing provisions that should be added. John Duggan said that can be added before second reading. Councilman Black said sometimes cars must be towed to get the word across. Councilman Black asked that we look at that before second reading. John said he and Chief Turner will work on that and get something back to council before the October council meeting. Councilman Black asked if the fine amount needed to be added as well. John said the general code section of up to \$500 can be referenced to allow for discretion.

Councilman Goodson asked if this was primarily around school hours. He does not want a pastor to be towed on Wednesday for church. John Duggan said this is for people who park their cars and stay all day. When a car shows up in the morning and then leaves around 3:00 p.m. that afternoon, you know that is school parking. Patterns will be established. John Duggan said the police department will know when church services are in.

The vote was unanimous for first reading. (6-0).

- b. Consideration and action on metro sewer request (PW)- Metro is asking the that the City of Mauldin request that Greenville County restore their boundaries thus restoring the millage rate to properties served by metro. This will ask the County to allow the tax millage that is collected for Metro to be given to Metro. Chairman Goodson made a motion to go forward with this request. Councilman Crosby seconded the motion. Councilman Black said we cannot collect money for someone else. This was supposed to be done when we did the annexation ordinance but the County Auditor objected. Metro believes a new attorney general opinion will remove this objection.

The vote was unanimous (6-0).

- c. Board of Engineers meeting (Committee of the Whole)- A week ago, the Building Official sat before the LLR board regarding the HVAC regulations that have been brought up by Mr. Crick. Director Kim Hamel, Chairman Crosby and Councilman

Goodson sat in the audience to listen to the proceedings. The issue has been replacing one HVAC unit with another. The problem is the state required 2012 International Code adoption. Chairman Crosby mentioned that he has also been talking with someone he considers an expert on this matter and the expert is advising him on some things. Chairman Crosby did not mention his name, however, because he did not ask permission to do so.

The City had no choice but to pass that 2012 Code. As part of the code, HVAC units cannot be just dropped in and replaced. Most HVAC units that are to be replaced do not meet the 2012 Codes. Older units do not have the current energy codes, smoke detectors, correct dimensions, and other changes. Under the 2012 code, modern units have to bring in a certain amount of outside air and air balance must be done. These things require engineering calculations. An engineer must take the building specs and unit specs and consider both components. This cannot be done prior to matching the units. LLR considers this as a "practice of engineering."

It is illegal for anyone who is not an engineer to make those HVAC calculations. Chairman Crosby said he does not believe anyone wanted to do something illegal, or skirt the process, he just believes they were not aware of the new codes. This is the state legislature's law. That is key. Compliance with these issues can only be determined through the mechanical schedule from the engineer. While staff was at the LLR hearing, there were two other cases where the board called these calculations into question. There was no mercy. They put a stop to it and made their intentions very clear. This was a legal proceeding. Lawyers were present, people were sworn in.

The LLR board did say a building official has some discretion past the Calculations, but here is pending legislation to tighten the codes. References are made to the building official's manual. The manual is a good summary of the law and spells out what building officials are allowed to do. To reiterate, he doesn't think anyone meant common sense to try to go around the law.

Another thing Mr. Crick mentioned tonight was using common sense and taking

some steps to deal fairly with our business community. Chairman Crosby was prompted by that to say that Business and Development department staff and Director Hamel are visiting businesses now and holding meetings to make their life easier and better.

The department is trying to help save money and time. There will be a lot of new HVAC permit coming in. The department could make a handout to help companies walk through the process and know what they now have to do. You can't just pop another unit in. This will be an expensive proposition. Common sense is running up against legal requirements. That is the background of this issue.

Councilman Goodson said he would like to put this on the building codes committee agenda. The business license officials' manual is an outline, not an enforcement tool. The 2012 code is the enforcement tool. He wants to make sure we are using the right instrument to make our determinations. Councilman Goodson wants to make sure our building official talks to other experts and does what needs to be done. Chairman Crosby said there are other issues that need to be talked about further and this is not the end of this discussion.

## 9. Public Comment

Rollin Hyust: 104 Swinton Drive. I attended a pee wee football game a couple of weeks ago. I saw they were having problem with the Jiffy Johns. There was not enough facilities for the crowds. I made a comment in the September 10<sup>th</sup> council meeting, and, wow, I want to commend Mr. Merritt and Mr. Eubanks in getting those facilities. They did an excellent job. There is a new john there, lighting, new entranceway. It is a great improvement. Thank you very much.

Leo Joyce: 114 Old Bridges Road. I wanted to commend the police department. My neighbor went missing last Tuesday and is still missing. The police department is doing a fantastic job trying to find him. His wife is pleased with the contact she has had with the City. In reference to other things, three minutes on each subject? I only have 60 subjects. Thank you.

Shook and Collins: 106 Royal Oak Road. We have some communications issues with the Public Works Department. She needed some information and was not contacted promptly by the Public Works Department. Mr. Merritt contacted us and got the ball rolling. I believe something happened this afternoon. It took a month for someone to look at my pipe and figure out what to do with my catch basin. I want something to say I can fix my yard the way I see fit. We want to know where the City stands. Greenville County says it is not theirs. A building

installed the pipe in 1977 and it is no good anymore. This is up at the catch basin. The rain from two other streets meet and flows into our yard, resulting in three foot geysers. It is kind of cool if it wasn't our yard. I have pictures of our child in a canoe in there. I prefer to take the pipe out completely, take it to where the city owns, take the section out and be down with it. The natural flow will run in the yard anyway. We just want something in writing that we can fix it.

John Duggan: The pipe was put in by a contractor and not put in with county standards. You are now paying the price. We are looking at options to remedy the problem. We are looking at options to help you and address the run off. Hang in there with us. Trey will be contacting you on this.

Shook and Collins: I am not trying to stir anything up. We can be patient. We understand. I have lived here 25 years.

John Duggan: The problem is for using public money for private issues. That is the hold up. We are trying to solve the problem in a different way.

Russ Hughes: I am the pastor of Freedom Church. Thank you to Mr. Eubanks, Mayor, Van for the approval. To the police chief, I have a white truck. Please don't give me a ticket.

10. Council requests.

11. Consideration and action on an executive session for personnel matters (Committee of the Whole)

Councilman Matney made a motion to go into executive session. Councilman Goodson seconded the motion and the vote was unanimous (6-0).

Councilman Matney reported at 11:33 p.m. that no decisions were made and no votes were taken in the executive session.

12. New job position (Committee of the Whole)

Councilman Matney made a motion to send this item to the PEDC committee for consideration. Councilman Black seconded the motion and the vote was unanimous (6-0).

Councilman Matney said we have had a lot of issues in a lot of areas, but there was an issue on Ashmore Bridge regarding a resident who had a loud street light. It was not our responsibility, but the city administrator worked with the PW Department on this issue. The problem has been resolved and she thanked the City for its attention to the matter.

Councilman Crosby reported 207 Shadecrest has a street light that needs a bulb replacement.

13. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk