

**MINUTES  
MAULDIN CITY COUNCIL  
JANUARY 19, 2016  
7:00 PM**

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

**BSA Troop 1911 was present working on their merit badges.**

1. Call to order. – Mayor Raines
  - a. Invocation- Councilwoman King
  - b. Pledge of Allegiance- Councilwoman King
  - c. Welcome- Mayor Raines
2. Proclamations and Presentations-Mauldin Chamber

Trey reported that business after hours would continue fostering relationships between the City and its businesses.

Norman Bunn, President of the Rotary Club was present to donate \$1,000 towards the Cultural Center. This is the first payment of a total of \$5,000 to be donated over five years.

Chief Turner presented three people tonight. Amy Ziegler received Police Department Employee of the Year, Sgt. Ryan Herron was named Officer of the Year and Curtis Spearman, Reserve Officer with 10 years of service has retired.

3. Reading and approval of minutes.- Council minutes December 21, 2015  
Councilman Black made a motion to approve the minutes with Councilman Matney seconding. Councilman Merritt asked that one amendment be made. On page 3, it states that the hospitality and accommodations fund is receiving \$10,000 a month. It should state that the hospitality and accommodations fund is receiving an additional \$10,000 more in revenue per month. With that change, the minutes were approved unanimously (7-0).
4. Public Comment.- None

5. Report from City Administrator- Trey reported Matt Raven was hired as Sewer Supervisor January 5<sup>th</sup>. We are underway with efforts to find a new Public Works Director.

February 2<sup>nd</sup> and 3<sup>rd</sup> is the MASC Winter Meeting and a council goals session will be held on February 8<sup>th</sup> at 3:00 p.m.

6. Reports from Standing Committees
  - a. Finance and Policy (Chairwoman King)
    - i. Reports and Communications from Finance Director- The Finance report is on file.
  - b. Building Codes (Chairman Black)
    - i. Reports and Communications from Business and Development Services- The report is on file.
  - c. Recreation (Chairman Merritt)
    - i. Reports and Communications from Recreation Director.- The report is on file.
  - d. Public Safety (Chairman Crosby)- The reports are on file.
    - i. Reports and Communications from Police Chief
    - ii. Reports and Communications from Municipal Clerk of Court / Administrative Judge
    - iii. Reports and Communications from Fire Chief. – Chief Stewart advised council that the promotional processes are complete for Fire Captains and Fire Lieutenants. The new Captains are Brian McHone and Andy McAbee. The new lieutenants are Brad Barker, Gabe Mull, Mike Taylor and Todd Dorsey.
  - e. Planning and Economic Development (Chairman Matney)
    - i. Reports and Communications from the Community Development Director- An updated version of the report was emailed this afternoon. Councilman Merritt asked if the permits have been issued for our wayfinding signs. Trey said we received approval on January 8<sup>th</sup>.

- f. Public Works (Chairman Goodson)
  - i. Reports and Communications from PW- Chairman Goodson thanked council for going through the PW Director applications to decide who will be interviewed. Several meetings have been held on sewer and other issues.

## 7. Unfinished Business

- a. Consideration and action on rezoning for 200-210 East Butler Road (Committee of the Whole)- Chairman Black said this rezoning is for properties at 200, 202, 204, 206, 208 and 210 East Butler Road as well as 100, 102, 104 and 106 Shaver Drive across from Family Video. The houses are R20 now and the proposal is for CRD. There has been no opposition from residents. Chairman Black made a motion to adopt this on second reading. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

## 8. New Business

- a. Consideration and action on department head residency requirement (Finance)- Councilman Black made a motion to adopt this policy with Councilman Merritt seconding. Councilman Merritt spearheaded the research on this policy and sent it to two attorneys. The labor attorney said a residency requirement is valid and has withstood legal challenges. Our city attorney also looked at it. A few changes were made and now it is in a policy format. The difference between the two drafts in the packet is merely the date. Councilman Merritt's copy is dated 2016 and John Duggan's version is dated 2015. There is also included exception wording in case an exception should be requested to council for some reason.

Residency requirements help department heads be more vested in the community since they would work and live here. They would be recognized in the community and be able to respond to critical incidents quickly. Councilman Merritt made a motion to amend on page 1- manager needs to be changed to department heads to be consistent. On page 3, the third sentence " for the purposes of this ordinance"; this is not an ordinance it is a resolution. Those two wordings need to be changed. Councilman Black

seconded the amendment. The vote was unanimous (7-0) on the wording amendment.

Mayor Raines made several comments. Currently there is one department head that lives in the City. Does the department head that lives in the city perform his job better than those that do not? Most employees spend their daylight hours here and spend their money here.

The residency policy would supposedly promote a quicker response to incidents. Mayor Raines said he finds it hard to imagine that we would need a critical response from the Finance Director, the Recreation Director, or the Business and Development Services Director. The departments that would have a critical response have capable staff who can perform incident command until the Department Head is able to arrive on scene.

We surveyed sixteen cities in South Carolina and only one has a residency requirement for department heads. Mayor Raines said he talked with Jeff Shacker of the MASC regarding the one city that has the requirement. That city needed to hire a police chief. There was one candidate who was very well qualified, but lived 11 miles outside of the City. The City ended up hiring another candidate who did live in the City. He lasted 6 months at the job and during his tenure, six long term employees left.

Mayor Raines said the residency requirement would encourage out of state applicants who will have to move anyway, but would discourage people in the region who live near the city and are not willing to move inside the city. The housing market here is very tight. The Mayor asked Chief Stewart if he would have applied for the Fire Chief job if there was a residency requirement when he was hired. Chief Stewart said no, he lives on a homestead within several miles of the location.

Councilman Matney said before he was elected to Council, he supported a resident requirement. He still supports the sentiment, but thinks it leaves too many problems. The potential exception policy cannot bind future councils.

What one council sees as an exception, another may not. He doesn't want council to be seen as playing favorites when it comes to granting or not granting an exception.

Councilman Matney said there is another local jurisdiction and when the city attorney retired, they hired a replacement. The attorney had to sell his house and move a street over because he lived in a doughnut hole. We have employees who live in doughnut holes. If someone wants to downsize or need a larger size home, they will have to move, even though they are in the confines of the outer boundaries of the city. The legislature has not dealt with doughnut holes.

Councilman Matney also thought about distance from the City, but what is the defined point? City hall? It is not in the center of the City. The edge of the city? Our boundaries change. Distances are going to change. He said it causes more problems than it needs to and it would be easy to claim that employees are not being treated equally. He will not be in support of this policy. Councilman Matney said he was listening to a sermon yesterday afternoon while exercising and what it came down to was what is best for people is what is best. He thinks that what is best for people should be looked at and put politics aside.

Councilman Crosby said from a monetary standpoint, requiring this of someone hired as a department is a problem. The salaries are good, but will not make someone independently wealthy. If a move is less than fifty miles, the IRS will not let you deduct the moving expense off of your taxes. You are encumbering a potential candidate with a huge cost. The other thing is department heads are driven. They will work hard to make sure that their departments run efficiently. That is their criteria. Those kinds of people do not say I will move into the City, they will say I am not coming to Mauldin.

Councilman Goodson said he has struggled with this issue. He knows Councilman Merritt put a lot of work into researching this issue and helping to come up with a policy. Councilman Goodson wishes the department

heads would all live in the City, but he is worried about the legal implications of the residency exception.

Councilman Merritt said one of the first people he talked to about this was Jeff Shacker. He was the Administrator/Manager at the city that had the residency requirement, then didn't have it, then did again. There is a city near Columbia that had a problem attracting people within their city limits that did not live in Columbia. The two groups that normally resent residency requirements are human resources and labor unions. The other example is the hardship for someone who may move one street over because they are downsizing. They are moving anyway, why not move here? Our police chief lives in the city and moved here from the lower part of the state.

We do have great command staff to handle disasters, but the fire chief or police chief are going to respond. They would be here. 11 minutes, three minutes, they are in the City of Mauldin. If they are seen in the store, they are recognized. If there is a sidewalk that is overgrown with grass, the department head can ride over and look at it. Be in the City, be committed. You can see department head salaries because they make over \$50,000. These are not poverty level people. It does not bind this council or any other. This could be rescinded in six months. If someone has a homestead that has been in the family for a long time, that could be an exception.

"It is not like I can't live without this. I have been here in Mauldin all my life. Good Lord willing, I will die here in this City. I will defend this City until I die. I am committed. I drive these streets every day. I live here, my kids went to school here. Maybe that is the passion I show and if so I don't apologize for it."

There was a roll call vote and it was as follows: Councilman Matney- no, Councilwoman King- no, Councilman Merritt- yes, Mayor Raines- no, Councilman Crosby- no, Councilman Black- yes, Councilman Goodson-no. The vote was 2-5. The motion did not pass.

- b. Consideration and action on FY2017 budget calendar (Finance)-  
Chairwoman King made a motion to accept the budget calendar with  
Councilman Merritt seconding. The vote was unanimous (7-0).
  
- c. Consideration and action on Springfield Park fencing (Rec)- Chairman  
Merritt made a motion to accept the low bid in the amount of \$141,506. This  
would be funded through the hospitality and accommodations fund.  
Councilman Matney seconded and the vote was unanimous (7-0).
  
- d. Consideration and action on engineer study for storm drainage in Forrester  
Woods (PW)- Chairman Goodson made a motion to have an engineering  
study done for the property in Forrester Woods. Councilman Black  
seconded the motion. Chairman Goodson said he would like to have a  
policy for the City to look at other drainage issues as well and have a budget  
set aside for maintenance of that. Right now we are not doing anything for  
drainage issues that are not on the right of way. He would like a policy to  
allow us to make repairs that are not right of way issues.

John Duggan: The subdivision in question was built and approved in the County originally. The developer had to comply with county requirements for the storm water and drainage system. At the time, concrete culverts were required. What has happened as best as we can tell, because the developer is no longer alive, is that there was an area across a number of lots that had a ditch and maybe a spring. In order to make the lots more attractive to sell, the developer installed galvanized pipe and buried it running it across private yards without notifying the County.

Six or eight years ago, a part of the galvanized pipe rusted out and busted putting a hole in the property owner's yards. We went out because the City didn't know anything about it, put a camera in to see where it was and where it went and to see if it was in the right of way. Under state law, any public government body cannot spend money improving someone's private property. It has got to be in the right of way or owned by the public. Unfortunately, this pipe is well off the right of way in the property owner's

yard. We ran into a dead wall. Since then, the pipe has done the same thing in several other places. This council wanted to try to help the property owners. So, after the Public Works department took a long and careful look at this, they decided to have an engineering study done to see if we can do a plan to reroute that within the existing public right of way and remove it from the private owners' yard and we could be responsible for it going forward. That is what is before council.

I want to clarify something to council. We won't be able to go up in people's yards. It is going to have to have them grant us a right of way or it has to be in the public right of way. We can't go into people's yards. The purpose of the study is to find out if we can move the existing rights of way or, failing that, ask the owners to give us a right of way to get in their yards. Unfortunately, we don't know if there are other pipes there until they collapse. We have run cameras to try to locate unknown storm water. I did want to clarify that this study is to address this known problem that has become an issue but we either have to reroute the public right of way or get a right of way from all of the property owners which includes the ones who have the problem, and others who will have the issue in time. All along, you have asked me to try to find a solution to help them out of your commitment to help the citizens. This is the best we can do to have this study done for \$12,500. I am happy to answer any other questions.

Councilman Merritt said he understood all of what the attorney said. The study will give us options. No one in the subdivision has asked us to fix their yard or run new pipe. They have offered their own solutions. Plant grass and win yard of the year. They just want to do something. We just can't do anything that would cause massive amounts of runoff to go somewhere else. We don't know what is down there. The study needs to be done to show us some options. The council will be more informed of our options and how we can alleviate other yards' problems. He said he was highly supportive of the study so they can move on.

Councilman Matney said this issue has gone on way too long. We can help by finding out what the root of the problem is. He agrees with Chairman Goodson that we need to look at the other parts of the city as well. These are our friends and neighbors. To him, this is a small price to pay and we are duty bound to try to help these people.

Councilman Crosby said he disagrees that two of the residents have harassed him quite a bit about getting the City to fix it. It is not that they don't want our help. He agrees that this study is a first step and is a worthwhile investment to help our residents.

Councilman Black asked about the timeframe. The letter says work will commence in seven days., Does that still hold? Trey said he would check with the firm to find out when they can start, but he is sure it will be soon. Councilman Black said we owe it to the citizens to start this as soon as possible.

Councilman Goodson asked if a policy would go through PW or Finance. Mayor said he thinks it would come through Public Works. Councilman Black said that would be a separate item.

The vote was unanimous to have the engineering study done. (7-0).

- e. Consideration and action on Bethel/ Bridges proposed development sewer service options (PW)- A good meeting was held with the property owner's attorneys, Arbor Engineering, and several council members. Rights of way are trying to be obtained. If that is not possible and the sewer cannot be a gravity line, council can take action on a sewer lift station. This is for information only and requires no council action.
- f. Consideration and action on appointment of Mayor Pro Tempore (Committee of the Whole)- Councilman Black nominated Terry Merritt for Mayor Pro Tempore for 2016-2017. There were no other nominations. The vote was unanimous by affirmation.

- g. Swamp Rabbit trail presentation (Committee of the Whole)- John Gardner gave a presentation on Swamp Rabbit trail options and showed several pictures. Alta Planning and Design has submitted a conceptual plan to connect the Mauldin Cultural Center with the Swamp Rabbit Trail extension that will end at CU-ICAR at Millennium Parkway. Alta has examined the US 276 corridor and provided a preferred route and an alternate route. The estimated cost for the trail, landscaping, and park areas is \$2.8 million. Roughly one-third of the cost is for improvements to Murray Drive that would be similar to the downtown Travelers Rest streetscape improvements associated with the Swamp Rabbit Trail there.

Potentially, a connection to CU-ICAR and the Swamp Rabbit Trail could be established more quickly and at less cost along the East Butler Road corridor, City Park, Corn Road, Miller Road, and the existing “BiLo greenway trail” to Forrester Drive. Further evaluation of this route would be needed to develop preliminary cost estimates, but the sections of trail that would have the greatest cost are the greenway trail from Mauldin UMC to Bethel Drive, bicycle accommodations (bike lanes or wider sidewalk) on Miller Road where there is an existing sidewalk, widening existing sidewalk on Hamby Drive to accommodate bicycles, and a sidewalk on Forrester Drive. This route may also have more potential to spur economic development and reinvestment in older commercial buildings and underutilized property. This item was presented as information only.

- h. Consideration and action on appointment of Clerk of Court, Municipal Judge, Municipal Clerk and City Attorney (Committee of the Whole)- Councilman Crosby made a motion to reappoint the Clerk of Court, Municipal Judge, Municipal Clerk and City Attorney. Councilman Matney seconded the motion and the vote was unanimous (7-0).

9. Public Comment- None

10. Council requests.

Councilman Merritt requested that a council workshop be held before the council goals session so that more information can be gathered. Two hours is not enough time to set priorities for the city and get background information as well. This will allow for consistent information that all seven members will hear. Mayor Raines asked that the recommendation be forwarded to the City Administrator.

11. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk