

**MINUTES
MAULDIN CITY COUNCIL
JUNE 20, 2016
7:00 PM**

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

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

Trey said there are some upcoming ribbon cuttings and business after hours.

3. Reading and approval of minutes.- Council minutes May 16, 2016- Councilman Goodson made a motion to approve the minutes with Councilman Crosby seconding. Councilman Merritt said on page 7, item 8 under new business, item e, we are not purchasing the stage cover, it is being donated. We are constructing the bridge supports. He asked that be reworded. The minutes will be changed. With that change, the minutes were approved unanimously (7-0).
4. Public Comment.- None
5. Report from City Administrator- The project report is attached as well as a newsletter developed by MPA Strategies. The newsletters are available on the website. Councilman Goodson asked if we could put some copies in city hall for the public during the council meeting. Councilman Merritt said this newsletter contains March financial information. It is known as the executive newsletter, and that is probably not what he would give his executives. Trey said we might be a month behind, but we will have the most current available financial data. Councilman Merritt asked if this would be an ongoing thing that MPA will do, or can we bring this in-house. Trey said their priority is the sports center, and the other priority is marketing of the City. Staff is actually now doing most of the newsletter.

Councilman Black asked if he could get the charts and graphs in color. Trey said we can do that.

Councilman Merritt asked if there was any movement on park signage. Trey said that will be picked back up.

6. Reports from Standing Committees

- a. Public Works (Chairman Goodson)- Trey introduced Gary Woodson, our new Public Works Director.
- b. Finance and Policy (Chairwoman King)- The report is on file.
- c. Building Codes (Chairman Black)- The report is on file.
- d. Recreation (Chairman Merritt) - The report is on file.
- e. Public Safety (Chairman Crosby) - The report is on file. Mayor Raines asked about the smoke detector program. Chief Stewart said probably over 300 homes have had smoke detectors installed in them due to a partnership with the American Red Cross.
- f. Economic Planning and Development (Chairman Matney) - The report is on file. Chairman Matney thanked George for all he has done. Councilman Crosby said he has gotten several compliments on the Beachin Fridays series.

7. Unfinished Business

- a. Consideration and action on FY 2017 budget (Finance)- 6 public workshops have been held on our budget. First reading was held May 16th.
Chairwoman King made a motion to adopt this budget on second reading. Councilman Matney seconded the motion. Councilman Merritt asked if we need to clarify that this copy has changed since first reading. John Duggan said no, that was not necessary. First and second readings are council's legislative process. Changes are made and brought forward, so you don't have to delineate that things have been changed. Trey said the budget document includes the updates from all the workshops. Some components of the workbook still have a little work to be done.

Councilman Merritt said he was pleased to see that Fountain Inn City Council agrees with him on a balanced budget. They report that their budget is balanced with an excess of \$60,000. Mauldin's budget is over \$560,000 short on projected revenue. That is spending more money than we collected and that is not a balanced budget in his opinion. Councilman Goodson thanked Chairwoman King for her leadership and thanked staff for their work on the budget. Councilman Goodson said he would like council to give staff some direction on what amount they would be comfortable with transferring to the general fund.

Mayor Raines had Mr. Eubanks poll some other municipalities and other cities use fund balance to avoid tax or fee increases. Jeff Shacker and Eric Budds were called. Jeff Shacker said he didn't remember a budget year in Newberry where a use of fund balance was not at least proposed.

Councilman Black thanked Chairwoman King and Holly Abercrombie for their work as well. He did say there is no tax or fee increase in this budget. There are, however, things in the budget he will not support, and so will not vote for the budget.

Councilman Merritt also thanked staff and Chairwoman King. The two men that Trey talked with on the fund balance are former city administrators, so of course they are going to agree. He is glad the city is growing and hope it continues to do so. When you depend on the fund balance, you may have a bad year where your fund balance will go down because of the use of it.

Councilman Matney thanked staff and Chairwoman King as well. The budget represents the growth of the City. Things cost more, and we can't control that. Some additional capital requests were made this budget, and some were cut, but the residents will still be served and he is comfortable voting on the budget.

Councilman Crosby also added his thanks for the budget process.

The vote was 5-2 with Councilman Merritt and Councilman Black opposing.

- b. Consideration and action on standing committee rules (Finance)- This is an amended version. There are updates on page 2 under Business Development Services to add annexation. Office of has been struck from Cultural Affairs under EPD. Chairwoman King made a motion to approve these rules with Councilman Crosby seconding.

Councilman Matney spoke on the question of annexation. There are times when Business and Development Services needs to handle it and times when Economic Planning and Development needs to handle the annexation. Each council member is on either committee. He suggested annexations be moved to Committee of the Whole. The other comment is on FOIA and how people other than committee members participate. If we say notice shall be given that it is a full council meeting, that notice takes away any questions. The committee can still function, but it can be advertised as a council meeting. First and foremost he is a resident and wants to be able to make a comment of need be.

Councilman Merritt said “a lot of what is in our standing committee rules is given to us by state law. We have several public notices and allow for public comment. It is not the legislative rule that changes any of this, it is an opinion of legal people. I can get 10 of them and get 10 opinions. Two of them walk into a courtroom all the time and one wins and one loses. They are opinions. I have researched as much as I can, but don’t have an original copy of the FOIA because I had to send \$3.00 in, but our standing committee rules are legal and we are not in violation. If you sign up for public comment and you speak, that is not a violation of FOIA. It is posted. It is a public meeting. We are not hiding anything. I say we are good to go on the rules and if someone wants to challenge it, then bring it on. We can’t continue to live our lives scared to death of someone else’s opinion. It is time we stand up for what we do and run this City. We are doing it in an open forum. We aren’t hiding. Let’s abide by the committees as set up by state legislature and move on.”

John Duggan responded that his responsibility is to try to keep the City out of the ditch. He respectfully disagreed with Councilman Merritt. The most recent example is in Simpsonville. A committee included more than committee members and became a council meeting that was not noticed as a council meeting. They lost in litigation. When you lose an FOIA case, you have to pay the litigant's legal fees as well as your own. The City of Mount Pleasant just lost an FOIA case and paid \$43,000 in attorney's fees for the litigant that brought the suit. John said he disagrees with Mr. Merritt and does not believe that we should allow more than the three members of council to be present and not notice it as a council meeting. If we do that and someone initiates litigation, the interpretation of the State Supreme Court be against us. He recommends a change and felt like he needed to speak up. It is an opinion of the State Supreme Court and is law whether you agree or not.

Councilman Matney asked if we notice it as a full council meeting, are we good. John said yes, good to go.

Mayor Raines said he thinks we should add annex both under Business and Development Services and under EPD. Sometimes annexations come straight to council and could continue to do so.

Councilman Matney made a motion to amend the presented version to add annexation to EPD, change Cultural Affairs to lower case and delete Office of, and notification of committee meetings should be changed to council meeting. Councilman Crosby seconded the motion. The motion to amend was unanimous (7-0).

Councilman Matney asked by noticing this as a council meeting, can council members comment. Should we amend to reinsert in the public comment included other council members. John said it wasn't necessary. The motion as amended passed unanimously (7-0).

- c. Consideration and action on municipal internship program (Finance)- Chairwoman King made a motion to adopt this program with Councilman Matney seconding. The vote was unanimous (7-0).

Councilman Crosby acknowledged Mr. Jimmy Bates from Pine Hill Road who made this suggestion.

- d. Consideration and action on easement for parking (Committee of the Whole)- John Duggan the motion can be to consider the item informally to approve. Councilman Matney made a motion to consider this informally. Councilman Merritt seconded the motion. Councilman Merritt said we reference exhibit A and he wishes there were a labeled exhibit A. The easement agreement is different from last month, but that is ok. The attorney and Councilman Merritt are in agreement on this. The vote was unanimous (7-0).
- e. Consideration and action on re-financing 2009 General Obligation Debt (Committee of the Whole)- Councilwoman King made a motion to accept the changes to the bond ordinance from the first reading and approve the bond ordinance on final reading with those changes. We will save approximately \$113,000 by doing this refinancing. Councilman Matney seconded the motion. Councilman Merritt asked if this was a net savings. Trey said yes. If we go to market and we are not going to save money, we will not do the refinance. The vote was unanimous (7-0).
- f. Discussion on storm drain policy (PW)- The draft ordinance is in the Attorney's hands. Once he is good with it, a workshop will be held to discuss this. We will receive public comment during this. The City needs to know if the property owners will allow us access to their property to fix the problem in Forrester Woods. The technical study offers four alternatives. The blended alternative only needs access from 5 property owners. Trey said the property owners need to know what they are going to be asked to do. This will not be ready to go to the PW Committee in July. John Duggan said we know the width of the easements we need now, 30 feet, and need to

let the property owners know. All of that needs to be communicated to them and then cost sharing needs to be discussed.

Chairman Goodson said we may be getting some FEMA money for seven properties that were damaged by flooding. The amount is 75% of the market value. The City is researching an allocation of CDBG of a portion of that remaining 25%. Nothing is final yet.

Councilman Merritt said at the property we are talking about on Crepe Myrtle Road, 15 feet on either side would be standing on the front porch. He watched Greenville Water and Piedmont Natural Gas dig up a smaller trench and put a new pipe in, so he thinks it can be done with less than 30 feet. John Duggan said he is not an engineer and doesn't know about that. Councilman Merritt said he is not either, but he has watched people dig holes. There is an option to put the drainage in the street and block off anything in the yard, and we are done and out. Crepe Myrtle is not in a Gilder Creek flood zone. This is apples and oranges with the other flooding problem. The people in Forrester Woods have been asking for help for years. It is not in a floodplain. He would like both processes to move along to help get people some answers.

Chairman Goodson said that is exactly what we are doing. We are going to hold a workshop. Councilman Merritt said we have had an engineering study and know how to help the Forrester Woods people now. Maybe not the people who flooded, but the other residents in Forrester Woods can be helped now. He doesn't want this to drag out another 3-4 years. A sinkhole could swallow a kid. Chairman Goodson said he thinks something can be decided in 3-4 weeks. Councilman Merritt doesn't want the people to drag through another winter and spring with a hole in their yard. The pipe can be put in at the road and be done with that.

Chairman Goodson recognized Jim Alford in our sewer department. He was in attendance at council.

Councilman Black asked if the County had been contacted for storm water assistance. The County used to assess a storm water fee, so is there any assistance we could get to help us with the costs? They said we are waiting to hear back from the County on that. The County requires the property owner to pay for material and they pay for everything else. It only applies on drainage issues for private property.

8. New Business

- a. Consideration and action on recycling vendor (PW)- Chairman Goodson made a motion to sign a letter of intent with American Recycling out of NC. This will reduce cost, travel time and expense for our recycling. Councilman Crosby seconded the motion. The vote was unanimous (7-0).

- b. Consideration and action on cultural center improvements. (Rec)- We currently have underway bids for a concession stand and restrooms at Springfield Park, an engineering study for parking at Springfield and playground equipment out at Sunset Park. While we are waiting on those projects, the playground at the Cultural center can be put looked at. This proposal comes from the Recreation committee to pay \$18,000 to Arbor Engineering to facilitate a plan for a playground and new parking at the Cultural Center. Chairman Merritt made a motion to contract with Arbor Engineering. Councilman Matney seconded. Mayor Raines asked about not to exceed. They said the contract would not exceed \$18,000 and the expenses would not exceed \$500.00. JD Martin was in attendance and agreed that both numbers were not to exceed.

The vote was unanimous (7-0).

- c. Consideration and action on art in public places ordinance (EPD)- Chairman Matney said this is the same process that was used to install the art on the public art trail- it is just codified now. Chairman Matney made a motion to accept this ordinance on first reading. Councilman Crosby seconded. Councilman Merritt said George has done a great job putting this together. There is a good policy and procedure. He just doesn't think this needs to be an ordinance. The art world is subjective. If we are going to consider this, the seven people sitting here are elected, are citizens and will be on the hook for this. The citizens will voice their concerns on what is art. He wants to make sure that anywhere in the document that says or council, should be replaced with and so that council is included in the process. Councilman Merritt made that as an amendment and added where applicable. Councilman Matney seconded the motion to amend.

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

The last page A says shall be exempt from the sign ordinance of the City. Councilman Merritt asked why would we exempt this? Councilman Goodson asked what if the art work was a sign?

The vote on the motion as amended was 6-1 with Councilman Merritt opposing.

- d. Consideration and action on annexation on Holland Road near Brookwood (EPD)- This will allow up to 30 single family houses on 7 acres. The existing R12 would allow up to 25 single family houses. There is also a billboard on the property. Chairman Matney made a motion to accept this ordinance on first reading. Councilman Crosby seconded the motion.

Chairman Matney said he doesn't like this. Going from R12 to R10, we need to be careful about how many houses are being put in. This does, however, give us a new connection point so that we won't be boxed in, so he will vote for it. Mayor Raines said it may get us to point C. Councilman Merritt said he doesn't like it either. There are not really seven acres. There is a pond and a billboard. There might be fifty feet to allow us to be contiguous. We will be surrounded, north, east, south and it is all R12 on more land.

The vote 6-1 with Councilman Merritt opposing.

- e. Consideration and action on board and commission appointments (Committee of the Whole)- Councilman Matney made a motion to make the appointments to the planning commission and zoning board. Councilman Crosby seconded the motion. Councilman Merritt wants to hold this item and advertise more aggressively to get more information. Mayor Raines said this is usually very limited. Councilman Black said we could go past the June 30th deadline and readvertise.

Councilman Matney said his options in November will be limited, but he has to go with what they have. Frequently these board and commission appointments are for thankless jobs. A lot of time and effort are put in. These people have stood up and said they are willing to serve. Advertisement's are put in for county boards in different publications, and a lot of times there are not enough candidates for the position. He said he thinks we ought to accept the candidates and say thank you.

The vote was 5-2 with Councilman Merritt and Councilman Black opposing.

- f. Consideration and action on chamber lease (Committee of the Whole)- A few changes were made thanks to Councilmen Matney and Merritt. The new version includes the changes and exhibit A, which is the floor plan. The ordinance that allows for the lease will have first reading tonight. Councilman Matney asked if the termination of the current lease should be included. Trey said that will be a simple document that can be added. This provides for a \$1.00 per year lease. Councilman Matney made a motion to accept this on first reading. Councilman Merritt seconded the motion. Councilman Black asked about the trash being the responsibility of the

tenant. Will they no longer be using City roll out containers. George said the cultural center has roll out containers that the chamber uses. The City will also not be responsible for the maintenance or plumbing. They will be responsible for everything but the roof and HVAC. Trey said we can look at this and have it for final reading. John said you could limit that to negligence on their part.

The vote was unanimous (7-0).

Trey reported that Melissa Thomas and Rachel Davis have been appointed to the Planning Commission and Randy Eskridge was appointed to the Zoning Board of Appeals.

9. Public Comment

Patricia Taylor- I live at 311 Poplar Lane in Mauldin. I don't have anything negative to say, but the flowers and trees at 385 are wonderful. I think it is beautiful.

10. Council requests.

Councilman Goodson asked for prayers for the family of the former Mayor.

Councilman Black said he noticed work is being done on the sign at the Senior Center, but it is still dark. Are they still working on it? Trey said he would get a status on that.

11. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk