

**MINUTES
MAULDIN CITY COUNCIL
MAY 19, 2014
7:00 PM**

Members present were: Mayor Dennis Raines, Council members Bob Cook, Dale Black, Taft Matney, Gabe Hunter, Larry Goodson and Scott Crosby. City Attorney John Duggan and City Administrator Trey Eubanks were also present.

1. Call to order. – Mayor Raines
 - a. Invocation- Councilman Goodson
 - b. Pledge of Allegiance- Councilman Goodson
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations- Mauldin Chamber; Citizens' Police Academy graduates

James Stewart from the Chamber reported on several upcoming events including lunch and learns and ribbon cuttings and the upcoming town hall meeting with Trey Gowdy.

The Citizen Police Academy graduates were in attendance to receive their graduation plaques. Phillip Andrews thanked Council for the opportunity to participate and said we should consider flashing lights for Mauldin Middle School for the school zone.

3. Reading and approval of minutes.- April 21, 2014- Councilman Hunter made a motion to accept the minutes with Councilman Matney seconding. The vote was unanimous (7-0).
4. Public Comment.
 - a. Danny Day: I live at 912 Fargo Street. I appreciate the opportunity to talk to you tonight. The first thing I would like to do is clarify the fact that I do not doubt the city needs sewer maintenance. I was here at the public hearing and I heard Frazier's report on the trunk lines and infiltration. I do have some continuing questions and want to make sure we are being as cost effective as possible with the taxpayers' money whether this be in the form

of a fee or a tax. We are at second reading tonight for final approval of an ordinance for a 63% increase for taxpayers that are on the Mauldin sewer. If anything is incorrect while I am talking, I would like for you guys to correct me. I think that it is important for the people that did show up tonight to get caught up and it is not my intent to report inaccuracies.

This year the 2014 public hearing, the proposals started at 54%. At the April 21st meeting, you settled on 63% increase and a revenue bond. Prior council discussions, and even last month, raised questions on the number of employees working on sewer projects. Sewer employees were doing other value added work while the sewer equipment is down, which is paid for out of the general fund. My question is do we have a time sheet a work order system to credit the sewer fund employees doing property tax work out of the general fund? Frazier Engineering presented trunk analysis but did not address the repairs necessary. My experience as an engineer is you do the scope of work, timelines, capital dollars required, and a plus or minus 10% contingency. The last thing you do is ask for more money if it is not right. How do we know what repairs are necessary? Ron has looked at this preliminarily, but how do you know how much money you really need?

How precise is city leadership to accept a revenue debt of \$3.1 million? Do we know the scope of work, definitions, and the amount needed for materials? City property tax, general fund dollars and Mauldin City sewer fee area issues. Council went into executive session to get legal advice from the attorney. I am not trying to be hard, but wonder why that was not done in open session when all you were doing was getting options from the City Attorney.

The City Attorney came back with four options and recommendations. First, he recommended not using tax millage dollars since some taxpayers are not on the Mauldin sewer. My comment is there are not that many people on the tax records that are not on Mauldin sewer. In comparison, everyone pays property tax for recreation, the sports center, etc, which you can use, but may not and may still have to pay to use. In a lot of cases a tax paying

citizen gets a better rate than a non-resident. I don't know if the math comes out or not. The second option was to recommend not using general fund dollars since they come from property taxes even though there is \$6 million dollars unassigned. The third option is to create a sub-district. Taylors has something similar and this would require investigation by a tax attorney. My comment is that this could be done, and we should evaluate it. This revenue stream would ensure that it is a revenue neutral basis. You can do the math and back into this. We already know for people who itemize their taxes, you can itemize your tax payments. We lose \$80,000 to Greenville Water every year. \$.90 per bill per month is what we pay to them to collect the fee. In nine years, Mauldin Citizens are losing \$720,000. The truth is that it is greater than that. 6610 properties. I didn't know for the last two hours that we are also directly billing some properties, and the city is paying to invoice those properties. This is close to \$1 million to collect and get our sewer money that we are paying third parties. The last thing is I have every confidence in Trey and Holly to take care of this. The fourth option is a fixed fee. I have said before it is not a user fee. It is not equivalent.

I am not here just to complain. I want to offer another thing to consider. First, do not approve this 63% increase in rates through this ordinance. If you apply the 63% and Greenville Water is increasing to \$1.02 in July, so it will result in a 71% revenue increase because of the 6370 meters that are $5\frac{3}{4}$. This is pretty good math. I don't know if you meant to do that or not. By the way, I have an excel spreadsheet I did if anyone wants to see it.

Authorize the City Administrator to acquire a tax legal representative to look into the sub-district. We were losing 14% of every revenue dollar that is not adding any value to the City of Mauldin. It is going to Greenville Water which is owned by Greenville City. I like Greenville City but I like Mauldin better and would like to keep all the dollars in the City of Mauldin. I would even propose to give it to the department heads and the city employees, but not to Greenville Water. Also, the people who are paying their bill by a credit or debit card are going to cause the City to be charged \$1.05, not \$1.02.

Visa, Mastercard and AmEx don't even charge their vendors 14% to get their money.

I remember when people were up in arms about the increase in tipping fees. Greenville Water recognized that with quarterly billing, people could use their service for two months and then not pay. Monthly billing gives you better cash flow than quarterly billing. They are basically getting us to pay for their stamps, envelopes, and invoices. We need to recognize the environment has changed and figure out a way to recover our money. That is a lot of money. I am not naïve- I expect you and Holly will verify that Greenville County will charge more for a sewer sub-district. I didn't get from the last meeting that anyone was interested in this option, but I think it deserves some investigation. Someone said that if you don't pay your water bill, your water gets turned off. My comment was and still is, I would rather my water be turned off than a lien be put against my property.

Also, in previous minutes, department heads and staff have numerous times recognized grants and other revenue streams, and this is the time to use that same effort for this. You need to recognize the costs and if you can't figure out how to get the money back we are losing, then come back with the gees. You need to come to the citizen and say you have exhausted all other leads. I am sure you want what is the best for the City, but I want you to know I am engaged. You should know that by now. Hopefully we can work out something beneficial to everyone and not too painful.

- b. Robert Adams: I live at 907 Fargo Street, and I will tell you, it is hard to follow Danny. He has all this stuff down pat. I know very little about this, but I understand that Greenville Water is charging us to collect our money. I know one thing we can do. We have the lowest tax rate in the county. Is there a way to raise the millage rate and still keep it lower than the next City, which is Simpsonville. Can we do that? We know the infrastructure needs to be maintained. I am an engineer too. If we take some time to look at the numbers and figure out a way to stop paying Greenville Water, that would be good. If we could explain to the citizens that we are giving away this money,

I think they would actually go along with a tax increase. The millage rate would be the same as Simpsonville and certainly lower than Greer, Fountain Inn, Travelers Rest and Greenville. Approach the people in an honest way and see what they say. It is certainly worth a try. The fees are a hidden tax. Danny has done a lot of work on this and it behooves us to look into this.

5. Report from City Administrator

Trey reported that the comprehensive plan update is still on schedule. Amendments to the sign and landscaping ordinances are up for consideration tonight to be more flexible to businesses. We are also going to consider an ordinance making it easier to receive a business license reduction.

Signage approved by council is being started. Permits are being applied for. New Greenlink bus shelters will be installed on Murray, Cary, and at Miller.

Bids for the upfitting of the space above council chambers will go out this month and be ready for consideration at the June council meeting.

Mauldin was ranked the 6th safest city in South Carolina and 4th best place to live. This is indicative of our efforts and goals of council.

Councilman Black asked about the I385 and Butler beautification plan. Trey said it has been completed except for signage. Councilman Black said he has not noticed solar panels. Trey said sometimes scopes of projects change, but he will check on those.

Councilman Black then asked about the cultural center light repairs. Trey said the meetings are underway. Councilman Black said we shouldn't have to pay for the repairs since the damage was not our fault.

Councilman Black then asked that council be shown plans before the upstairs space is bid out. Trey said council will approve the design before the bid is awarded.

Councilman Goodson asked about East Butler where the road goes from two lanes to one. Trey said we are working with DOT on a solution. This is a benefit of the project that has not been completed. DOT did not include that component in the scope of the project and now the contractors are no longer around, and it is an expense to bring them back.

6. Reports from Standing Committees

a. Planning and Economic Development (Chairman Hunter)

- i. Reports and Communications from the Economic Developer- Trey reported in John Gardner's absence. Bojangles and Chick-fil-A have started construction. We are on the short list for the certified site on Old Stage Road. Kim and John had a productive meeting on some possible residential development. Councilman Hunter said he was at an event this weekend and heard some very nice comments about Mauldin. Councilman Goodson asked if the red light at Chick-fil-A would be adjusted to help with traffic, specifically with turn lanes. DOT said we don't warrant traffic requirements for a turn lane. Cary Road will be closed for a while to get some sewer work done.

Councilman Black asked about some correspondence sent out by Councilman Matney regarding property at 276 and Knollwood. He asked if they are still interested in annexation. Trey said there is interest in connecting to the city sewer and he didn't know the specifics. The realtor representing the property is of the opinion that the property needs to be annexed in eventually. One of the parcels is in the City already. Councilman Cook said he heard they want S1 zoning and are concerned they might not be able to get that in the City. Councilman Matney said it is currently OD according to GIS.

John Duggan said the federal government underwrites some of the costs for sewer. They do not want to sewer systems conflicting with the other in one area. Federal law mandates that basins be divided up between providers. That means that they could connect to the sewer and not be annexed into the City.

- ii. Office of Cultural Affairs report- George McLeer reported that over 7700 people have participated in programs at the cultural center. The Trey Gowdy sponsored art show went very well. The Gregory Porter concert was a huge success. The Golden Strip Relay for Life will be August 8th here in Mauldin.

- b. Public Works (Chairman Goodson)
 - i. Reports and Communications from the PW Director- Mike Lambert showed a presentation of the department's activities.

Councilman Black said he had noticed that there is a section of fence that was taken out at Sunset Park and asked if it should be repaired. Mike Lambert said we could evaluate it, but it has been gone since the fall with no problems. Councilman Matney said he is always out at the park and there have been no issues with the portion of fence being gone.

Councilman Black asked about some overgrown areas around 276. Mike said that area is being sprayed. Councilman Black asked about the retention pond at the Sports Center. Mike said we have called someone at the County to come in and inspect the ponds we are responsible for.

Councilman Cook said there are a lot of businesses on West Butler that have gotten notices about the grass. He said that is what is making the area look bad. If the business doesn't respond to the certified letters, the City cuts the grass and send the business the bill.

Councilman Cook invited council to go out to the Veteran's Memorial area. There are flags that designate where the bump outs and memorials are proposed to go.

Councilman Matney asked about the enforcement of the grass cutting notices. Trey said the grass is being cut and liens are being put on properties. Compliance is expected within 5-7 days of the notice.

Councilman Matney then mentioned to Mike Lambert how much he appreciates that the fields are always ready for games that are rained out and need to be played on Saturday even if his staff has to come out early in the morning or at night after the rains are gone.

Chairman Goodson announced that a wreath will be placed at the Veteran's Memorial on Monday at 10:00 a.m. for Memorial Day. He then commented on the City presence at the funeral procession earlier in the day.

c. Finance and Policy (Chairman Black)

- i. Reports and Communications from Finance Director- Holly reported the revenues look strong. Expenditures are well under budget. Chairman Black mentioned that property tax revenues are exceeding budget.

d. Building Codes (Chairman Crosby)

- i. Reports and Communications from Business and Development Services Director. – Kim Hamel reported that a lunch and learn will be held on June 11th with the chamber to talk about tenant occupancy and permitting processes. Once the 30 day late deadline for business licenses has been exceeded, late notices will be sent out.

e. Recreation (Chairman Matney)

- i. Reports and Communications from Recreation Director- Van Brannon reported on the activities for the past month. Senior volunteers are helping at the city hall information desk and at the Senior Center. Cheerleading signups are continuing. Another baseball meeting has been held. Councilman Cook said council needs to thank the Senior Volunteers for helping out at the desk. They are representing the City well. Councilman Black said some maintenance has been done at the Sports Center and the walls look great.

Councilman Goodson asked if softball was going to be offered and would like to get started on that program early. Van said absolutely.

f. Public Safety (Chairman Cook)

- i. Reports and Communications from Police Chief- Chief Turner showed his presentation on calls for service and citations versus warnings. The Police Youth Academy deadline is approaching. The Boys' Academy is full and there are seven slots for the Girls' Academy. Councilman Crosby asked if the main intersection is still being watched, specifically for right turn only off of 276 to West Butler. Chief Turner said yes, we are enforcing that. Mayor Raines said the traffic control today for the funeral procession was great.
- ii. Reports and Communications from Municipal Clerk of Court / Administrative Judge- Judge Martin said the department is making good progress on the jury trial docket. Angela said she was proud to work for the City and it is nice to see everyone come together how they have this past week. Councilman Crosby asked if any counseling was being offered to the employees. Trey said chaplains are available to talk to any employee who would like to take advantage of that help.
- iii. Reports and Communications from Fire Chief.- The fire department report is on file.

7. Unfinished Business

a. Consideration and action on landscaping phase one (Building Codes)-

Chairman Crosby made a motion to pass this landscaping ordinance, which will help address some issues. Councilman Goodson seconded the motion and the vote was unanimous (7-0). Councilman Goodson said a provision is being worked on to address businesses who have a lot of asphalt.

- b. Consideration and action on sewer user fee increase (Committee of the Whole)- Mayor Raines said he is talking to the other Mayors to let Greenville Water know we are not happy with the charge increase for billing. Trey Eubanks said the City has talked to a billing third party who would charge \$1.75 for a postcard or \$2.20 for an invoice and envelope. Greenville Water would have to generate a report of addresses and amounts due for this amount being charged. Councilman Crosby said data processing is also done and would be an additional expense if the City were to do this.

Councilman Goodson said he still has questions and concerns and would like to table the issue to get his questions answered. He is concerned about the \$180,000 that wasn't used this budget year. He also thinks the PubWorks software would be able to track real sewer expenses and employee activity. Councilman Goodson made a motion to table this item for ten days. Councilman Black seconded the motion. Councilman Hunter said he is against tabling this item again. The rules would need to be suspended to do this. Councilman Matney asked if council could recess this to research if this can be tabled. Mayor Raines asked council to recess.

John Duggan said this item could be tabled if council wishes. Section 2-4 of the code provides for suspension of rules. The suspension of rules needs to be done tonight so the motion for tabling can be considered.

Councilman Goodson made a motion to withdraw his original motion to table the ordinance. Councilman Black seconded the motion and the vote was unanimous (7-0). Councilman Matney made a motion to suspend the rules with Councilman Black seconding. The vote was 4-3 for suspension of the rules with Councilman Cook, Councilman Hunter, and Mayor Raines voting against. Councilman Goodson made a motion to table the sewer fee ordinance for 14 days. This item will be brought back up in a special called council meeting on June 3rd, which is committee meeting night. Councilman Black seconded the motion for tabling. Councilman Cook said we have been talking about this issue for a long time and there has been sufficient time to ask questions. He said this item has to be voted on. Councilman Hunter agreed with Councilman Cook and does not see a reason to table this item. Councilman Hunter called for a vote tonight. Councilman Matney said council has had expert opinion, a tremendous amount of effort by citizens, and much input and he appreciates that. He said he does want all of the questions to be answered before the vote is taken.

Councilman Black he would like to see all the options to save the \$80,000 cost. Maybe we can pay once or twice a year and come out cheaper.

Councilman Black then asked if we direct bill apartments. Trey said there are a few that we direct bill. The vote for tabling passed 4-3 with Councilman Cook, Councilman Hunter and Mayor Raines voting against.

8. New Business

- a. Consideration and action on signage plan proposal (Building Codes)- Chairman Crosby made a motion to accept this ordinance on first reading. This allows flexibility for larger businesses. Councilman Matney seconded the motion and the vote was unanimous (7-0).
- b. Consideration and action on business license discount for early payment (Building Codes)- Chairman Crosby made a motion to accept this ordinance on first reading with Councilman Goodson seconding. This will allow for a two percent discount if the business is in good standing and pays early. The vote was unanimous (7-0).
- c. Consideration and action on FY15 budget (Committee of the Whole)- Councilman Cook suggested another budget workshop. Councilman Black asked that a budget workshop be held on June 3rd and made a motion to table this ordinance to have first reading after the budget workshop. Councilman Cook said he would like to do first reading and then we can amend it before second reading. Councilman Goodson seconded the motion to table. The motion to table was 2-5. Councilmen Black and Goodson's motion and second was defeated. Councilman Hunter made a motion to pass this ordinance on first reading. Councilman Cook seconded the motion and the vote was 5-2 with Councilmen Black and Goodson dissenting.
- d. Consideration and action on inserting the International Property Maintenance Code into the Mauldin Municipal Code.- Councilman Crosby made a motion to accept this on first reading with Councilman Hunter seconding. The vote was unanimous (7-0).

Trey Eubanks brought up that the committee meeting date was 15 days away, not 14, which was previously stated in the motion. Councilman Matney made a motion to reconsider the motion to move the special called council sewer meeting to June 3rd, 15 days away. Councilman Hunter seconded the motion and the vote was unanimous (7-0).

9. Public Comment

Danny Day: I wanted to point out to you, I recognize you stay on point. None of my proposals asked about a third party billing. I am not confident whether anyone knows if we can use property taxes for this. The fact that we refuse to exhaust looking at this suggests you are comfortable with the fact that we are losing \$80,000. If you are comfortable with this, then I am comfortable with this. It is close to \$1 million over 8 years. I spent a lot of time going over this to come up with suggestion on what we can do. I appreciate the opportunity to give input. Our business environment changed when Greenville Water went from quarterly to monthly. I refuse to believe the brain trust up here cannot come up with a way to resolve this issue. If you can't, then the voters need to reconsider who is running. That is not a threat.

Mayor Raines: Is that an announcement?

Danny Day: I know it is hard. I am not suggesting otherwise. For the amount of time you spend, you may make \$.10 an hour. Or a nickel. Some of you aren't worth a penny, so let's not get carried away. Please at least consider that. I knew you were going to pass the fee before I even came here. I am disappointed and disheartened. I spent all this time coming up with options and the best you can do is say you looked at a third party billing company. I haven't even suggested that. We have a county that issues property tax notices annually and we can collect it probably at no additional cost. Greenville Water is going to snub their nose at you. I know that and you know that. They have control and when you have control you can do what you want. I wish you had at least shown an interest in the options I presented. And I haven't blown up Trey's phone. I just sent a few emails. And Trey is the best person to have for an audit. He gives up nothing. You have to extract everything from him. My compliments.

Earl Alexander: Last time I did this the Police Chief threatened to put me in jail. I have been here since 1972. I love Mauldin. I remember when there were no sewer fees, not even in Greenville. Then it was \$2.00. Now my sewer fee is more than more water bill. Mauldin didn't have a sewer fee. Then they charged \$6.00. I was the only one to show up for the meeting. They took it off based on what I said. Then you raised it, what is going to stop you from raising it again? Some of you got elected because of the trash fee. Think about that.

10. Council requests.

11. Adjournment. –Mayor Raines adjourned the meeting at 10:10 p.m.

Respectfully Submitted,

Cindy Miller
Municipal Clerk