

**MINUTES
MAULDIN CITY COUNCIL
OCTOBER 19, 2015
7:00 PM**

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

1. Call to order. – Mayor Raines
 - a. Invocation- Councilman Black
 - b. Pledge of Allegiance- Councilman Black
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations- Mauldin Chamber; Ron Lawson Proclamation; Pancreatic Cancer proclamation; Mentor Upstate Presentation

Trey reported on chamber events. The annual banquet is November 19th from 6-9pm.

Mayor Raines read the proclamation and presented a plaque to Ron Lawson.

Mayor Raines read the pancreatic cancer proclamation.

Jennifer Medlock made a presentation for the Mentor Upstate program.

3. Reading and approval of minutes.- Council minutes September 21, 2015; special called council meetings September 30, 2015, October 1, 2015, and October 14, 2015

Councilman Matney made a motion to accept the September 21st council minutes with Councilman Merritt seconding. The vote was unanimous (7-0).

One motion was made for all the special called council minutes. Councilman Matney made a motion to accept the special called council minutes from September 30th, October 1st and October 14th. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

4. Public Comment.- None
5. Report from City Administrator- Trey reported on the idea incentive program. We had a program approved in 2008 that Treys is updating. This will encourage

employees to come up with ideas to save the city money or make processes more streamlined. The 7th annual benefit fair was held last week with 104 participants. Flu shots were issued and cholesterol screenings were provided. The United Way deadline for pledges is this Friday.

Mayor Raines asked for a project report via email weekly.

6. Reports from Standing Committees

a. Public Safety (Chairman Cook)

- i. Reports and Communications from Police Chief- Chief Turner showed a power point with calls for service. He then presented the graduates from the Citizens' Police Academy and Sgt. Greg Ryan gave them each a certificate. Randy Eskridge, a graduate of this year's class came forward and told council how much he appreciates the job that police officers do, especially now that he knows more about the department. He really enjoyed the academy.
- ii. Reports and Communications from Municipal Clerk of Court / Administrative Judge- Judge Martin referenced her council report and reported that the jury trials last week went well and cleared several cases off of the docket. John Duggan said there was a large backlog when they took over from the last prosecutor, and the backlog has been cut down significantly.
- iii. Reports and Communications from Fire Chief.- Chief Sapp was not present. Trey reported that the average response time is 3.0 minutes. There were 87 fire calls, 144 medical calls, and 6 miscellaneous calls for the month of September.

b. Planning and Economic Development (Chairman Matney)

- i. Reports and Communications from the Economic Developer- Trey reported in John Gardner's absence. Some property off of 385 is interested in being annexed. First reading should take place next month. We have received a

draft rendering from Alta Planning. The draft regarding the Swamp Rabbit Trail will be sent to council this week. A presentation on the East Butler Road corridor will take place next month.

ii. Office of Cultural Affairs report- George McLeer reported that 23,000 people have come to the cultural center so far this year. The BBQ cook-off went very well. George thanked PW and Recreation for their help. Food was sold out both days. Edwin McCain is coming this weekend. The Veteran's Day event will happen November 11th. George has gone to visit the artist for the Public Art Trail. In about two weeks, George will visit again to give the stamp of approval to start painting the sculpture.

c. Public Works (Chairman Goodson)

i. Reports and Communications from the PW Director- Mike gave his powerpoint presentation. Mulch has been put out at city buildings. The department removed a dead tree from the cultural center grounds. The City received a donated cedar tree from Dwayne Rice.

Councilman Black asked Mike if Holly Springs was to be paved or just patched. Mike said the road is patched first and then paved. It is two different crews.

Councilman Matney said he has gotten several compliments on the Butler and 385 interchanges and thanked PW for their work on those. He then said he appreciated the work the departments did during the rain from Hurricane Joaquin.

Councilman Merritt asked if the sewer work that was shown in the report was done in house. Mike answered yes. Councilman Merritt then asked if the point repair was done in house or through the bond work. Mike said it was discovered through the bond work but repaired in house.

Mayor Raines said he didn't believe any of our roads flooded and that was a

testament to the storm drain work that public works has been doing. Mike said the only road that had problems was Hamby Drive, and that was a clogged pipe. Hamby is a DOT road. Councilman Crosby said the sign that says water on road is still on Hamby. Mike said it is a DOT sign and he will let them know.

d. Finance and Policy (Chairman Black)

- i. Reports and Communications from Finance Director- Holly reported this is a slow time for revenues. We are at 84% expenditure wise. We will get most of our property tax revenues in December and January. The auditors are done with their field work and council will have a meeting with them soon.

e. Building Codes (Chairman Crosby)

- i. Reports and Communications from Business and Development Services- Kim Hamel reported that commercial permit activity has exceeded last year's totals. Residential permits are a little slower, but Brookwood Townes permits are starting to come in.

f. Recreation (Chairman Merritt)

- i. Reports and Communications from Recreation Director.- Van reported 2486 Seniors came to the center in September. They had a mystery trip to Savannah last week.
The fall fitness challenge started at the Sports Center. Football playoffs will start soon and youth basketball sign-ups begin October 26th.

7. Unfinished Business

- a. Senior Center code compliance- ADA issues (Building Codes)- Council has expressed interest in evaluating the City's Senior Center to identify areas requiring improvement for conformance with the current ADA Standards for Accessibility. To date, staff has met with two (2) architectural firms and also two additional companies (Able South Carolina, and Touch the Future) that specialize in performing facility and programming assessments for ADA compliance.

As we approach budget planning in early 2016, staff will work with the City Administrator to develop a strategy for evaluating all City facilities and programming so that a transition plan can be developed.

Staff has received three (3) general quotes to evaluate the Senior Center facility and the site for compliance with the State Accessibility Code. Rates range from \$90.00 – 125.00 / hour, plus additional fees as noted on the quote. One quote estimates that up to 50 hours may be necessary for the evaluation. Councilman Goodson asked what was being voted on. This would be to go out for bids. Councilman Goodson made a motion to begin the process to get bids for this project. Councilman Matney seconded the motion.

Councilman Black said he would like the ADA study include all the city facilities at one time so we can know how much money we are looking at. The Senior Center would be the first facility to be done. Councilman Matney asked Councilman Goodson if he had a problem with amending the motion to include all buildings in the study. Councilman Goodson said he did not have a problem with that as long as the senior center does not get lost. We must stay focused and improve that building first.

Councilman Merritt said we are running without having a game plan. He said we should take it back to committee. We can survey all buildings with the help of the Miracle League. Staff has had some training and they can walk through the buildings to see what needs to be done. Then a plan of attack can be come up with for each building. Councilman Merritt said his recommendation is a little more systematic. Councilman Matney said that is part of what the survey does. He said we need someone with ADA certification to identify these things. We do not have the licensing or credentials. We need outside eyes to help us prioritize.

Councilman Merritt said he agrees. The City of Greer has done something like this and used Able to help. Councilman Goodson said we rented to a place and questions about the ADA compliance so the senior center should

be number one on the study. Councilman Crosby agreed with Councilman Goodson and said the Senior Center is a good place to start and get our feet wet. Councilman Cook said committee could come up with a plan for the rest of it after the senior center is done.

Councilman Merritt asked if the motion was to develop the survey and stop there or identify, correct and construct the senior center up to ADA 2012. Councilman Goodson said the motion is to have RFPs put out to get a price for the survey. His wishes are to get the survey and get started on the senior center. Councilman Merritt asked if this was one bid, survey and cost to do it. Councilman Goodson said yes. They said the question is including all of the city facilities or just the senior center. He said we can get the report for all buildings and then council can determine the priority. The senior center could be funded first and then the other buildings.

Councilman Matney said he is thinking about this along the same track as the Springfield park improvements. We can work to identify comprehensively all of the facilities that need to be upgraded and prioritize them based on that. If we don't look at everything, Councilman Matney is afraid we stop at only one or get sidetracked.

Councilman Black said his motion to amend the original motion is that we survey everything and then when the bids come in, address the senior center first.

The Senior Center facility and the people that use the facility more so needs to be ADA compliant. John Duggan said this would be getting estimates on what they would charge to do the survey. Councilman Cook said if we do not survey all buildings, we are putting ourselves in a bad position so that we can address everything.

Councilman Merritt said the ADA is looking for us to develop a plan in the future. It is not mandated that we have to do it now. The senior center was not a change of use, and there was a lot of things that was done that he thinks was unnecessary. He does not want to rush into anything or muddy up what we have to do.

Councilman Goodson said the unnecessary act of looking into all of this even though there was not a change of use prompted looking at all of our buildings and has a positive outcome. Councilman Merritt said that was to be determined.

Mayor Raines restated the amendment to the motion. Pursue an accessibility report for all city buildings to determine the extent and projected cost to bring the facilities into compliance.

Councilman Cook seconded the amendment. The vote was unanimous (7-0).

Trey said committee shall have a report on November 9th and council should be able to take action on November 16th.

The motion as amended had a unanimous vote (7-0).

- b. Consideration and action on city facility parking (Recreation)- Chairman Merritt reported this is second reading so that the police department can control who is parking in the senior center parking lot and at what times. Councilman Matney seconded the motion. John Duggan mentioned that subsection e says the car shall be towed and in subsection g it says car may be towed. John said either option e or g is legally sound. Council just needs to decide if the car should be towed every time or if the officer can use his or her discretion.

Councilman Crosby made a motion to amend to strike e. Councilman Matney made a motion to amend the amendment, saying the ordinance would need to be re-lettered as well. Councilman Merritt seconded the

amendment. The vote was unanimous (7-0). Councilman Cook seconded the amendment. The amendment was unanimous (7-0). Councilman Black said the intent is not to be negative and not a money maker, but to get the message out not to park there. The motion as amended was unanimous (7-0).

8. New Business

- a. Consideration and action on cultural center mural (Rec)- Celine Crum, a student at Mauldin High School, is taking a leadership class through Furman University and approached the city about painting a mural on the west side of the Cultural Center as part of a project. She will supply the paint, supplies, and the workers if the City will wash the wall and supply ladders or scaffolding. Ms. Crum presented two drafts as possibilities. She will sign a waiver and so will her volunteers to hold the city harmless from liability. The mural will be painted on December 5th. All that is needed tonight is permission to move forward. The mural will be chosen by the cultural council.

Chairman Merritt made a motion to move forward with the process and location. Councilman Black asked if she had enough money for the project. She said she did. Councilman Matney told Ms. Crum thank you for doing something for her community. Councilman Cook seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on community development department (PEDC)- This will be a new department and will create a department head position. Economic Development and Cultural Affairs efforts is what the department will be responsible for. Councilman Merritt asked to amend the motion and delete and cultural activities from the ordinance. That phrase is in conflict with our standing committee rules. Councilman Black seconded the amendment to the motion. Councilman Crosby said he thinks that is covered where it says all ordinances in conflict with this ordinance shall be repealed. Councilman Merritt said he agrees, but this is a standing committee rule. Councilman Matney said council is a policy making body and can change the rules.

Councilman Matney said part of what the Cultural Affairs Office does is marketing the City and that is economic development. The fit makes more sense to keep the Office of Cultural Affairs under this new department. Cultural events should be under Recreation, but the office and Mr. McLeer's duties do not fit under Recreation. The committee rules haven't been updated in a while and are outdated.

John Duggan said this can be passed on first reading and amended before second reading. The committee rules require only one reading. The rules could be cleaned up before second reading.

Mayor Raines also believes the Office of Cultural Affairs should be under economic development because he does not see how cultural events have anything to do with sports. Councilman Merritt said the rules were amended in February and May current year. The MASC defines economic development as strategic advantages for a high quality of life at a lower cost, so it is definitely about expanding our tax base. The current staff wear many hats; the department head will look at others to assist him which might be recreation activities- BBQ or a concert. It fits Recreation just as well as it fits PEDC. I don't want it out of Recreation- I want it back where it belongs. I want the standing committee rules fixed first.

Councilman Cook asked Councilman Merritt if he would pass this on first reading and then fix it for second reading. Councilman Merritt said he would stand by his amendment. The vote was 3-4 to strike economic activity from the ordinance. Councilman Cook, Councilman Matney, Councilman Crosby and Mayor Raines voted against the amendment, so it did not pass.

Councilman Matney said he would like to amend the motion to include prior to second reading, we have revisions to standing committee rules. Councilman Cook seconded the motion. The vote was 4-3 with Councilmen Merritt, Councilman Black and Councilman Goodson opposing.

- c. Consideration and action on sewer lift station (PW)- Arbor Engineering is trying to do a gravity fed line in the back, so we need to table this and send it

back to committee. Chairman Goodson said he would like to hear from the developer. Chairman Goodson made a motion to send this item back to committee with Councilman Cook seconding. The vote was unanimous (7-0).

- d. Consideration and action on department head residency requirements.
(Finance)- This would require only department heads hired after a certain date if they are given relocation money to live inside the City. This would ensure response of department heads in emergency situations and also make them closer to the community if they live here. Council can issue a waiver not requiring residency if there is a special situation. Councilman Merritt seconded the motion. Councilman Goodson asked which pages are part of the policy. He would like to see it sent back to committee. Councilman Goodson made a motion to amend the original motion to send back to committee. John Duggan said that is not an amendment, but a motion to table.

Councilman Matney said before and after he was elected, he believed in department head residency so the employees have skin in the game. His view has changed somewhat. We have doughnut holes. If we look at available inventory, we are limited. He doesn't think we should look at distance from city hall. The boundaries are changing. Residency requirements are not taking into account future growth and where the department heads could live down the road. Some department heads are taking this as an insult. Department heads deserve council's support. Councilman Matney supports a distance requirement.

Councilman Goodson asked about the waiver. He thinks that will be a problem if you allow one person not to live in the city, but require another to move into the city. Councilman Cook seconded the motion to table.

Councilman Merritt said this policy was absolutely not intended to insult current department heads. There are no mileage requirements in the policy. The motion is to consider the residing policy. Councilman Merritt said he met with realtors regarding the market. John Duggan said the policy references within

the corporate limits after October 31st. Mayor Raines said in the same policy, the first sentence says department manager or assistant department managers. He has an issue with this. Councilman Black said we are looking at the policy that says the Department Head/Manager must actually reside within the dwelling unit on a regular basis at least five (5) evenings during normal weeks and normally eats and sleeps and maintains a normal household.

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

- e. Consideration and action on bids for Springfield Park fencing. (Rec)- The intent was to get the football fencing done before football season. The bids are not consistent and are vague. Chairman Merritt made a motion to send this back to committee. Councilman Matney seconded the motion. Councilman Goodson said he would like to bid out the whole thing since we are going to look at it again. Councilman Matney said a plan was in place previously to renovate Springfield Park because it is the oldest. Councilman Matney said this project is complex and this needs to go back to committee. Mayor Raines said he thought we were talking about extending the football fields to 100 yards. Councilman Matney said the fields at Springfield will stay at 80 for the younger kids and we will look at the expansion at Sunset Park for the 100 yard fields.

Councilman Goodson asked that all the fields be included in this discussion since it started in public works and that public works and recreation need to meet together.

John Duggan reminded everyone that if four or more members are included, it must be advertised as a council meeting.

Mayor Raines said he could appoint a special committee for this issue if needed.

Chairman Merritt said Recreation was in charge of fields. If the turf needs to be repaired, we will call PW. Fields belong to Recreation. Public

Works doesn't own the fence around the recreation department. Councilman Goodson said the fence was around the fields and the fields are PW. Chairman Merritt said maintenance of the fields, not the fields.

The vote to send this item back to committee was unanimous (7-0).

- f. Consideration and action Fire Chief position (Committee of the Whole)- City Code states that the City Administrator appoints department heads with the approval of council. They reported that Chief Sapp offered his retirement. He has done a great job for the City. He developed a plan that resulted in the construction of Fire Station 3 and the additional apparatus and this was a significant factor in improving our ISO rating to a Class 2. Chief Sapp is the Assistant City Administrator and is the point man for our IT Consultant.

We have been through a good process to find a fire chief.

The City received a number of good applications. The board was made up of Mayor Raines, City administrator Eubanks Councilman Merritt and Retired Fire Chief Tommy McDowell. The entire council has interviewed the finalists. They recommended that Bill Stewart be appointed Fire Chief.

Councilman Crosby made a motion to accept Bill Stewart as Fire Chief.

Councilman Merritt seconded. Councilman Matney recused himself because of his professional relationship with Boiling Springs. The vote was unanimous (6-0).

9. Public Comment- None

10. Council requests.- None

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

Councilman Matney made a motion to go into executive session citing SC State Code Section 30-4-70 (a) (1), for a personnel matter and Section 30-4-70 (a) (2) for

legal advice. Councilman Merritt seconded the motion and the vote was unanimous (7-0).

Mayor Raines reconvened the meeting. Councilman Crosby reported that no action was taken in executive session.

12. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk