

**MINUTES
MAULDIN CITY COUNCIL
DECEMBER 21, 2009
7:00 PM**

Members present were Mayor Don Godbey, Council members Bob Cook, Dale Black, Patricia Gettys, Gabe Hunter, James Kennedy, and Patricia Gettys. City Administrator Trey Eubanks and City Attorney John Duggan were also present.

1. Call to order.- Mayor Godbey
 - a. Invocation- Councilman Reynolds
 - b. Pledge of Allegiance- Councilman Kennedy
 - c. Welcome- Mayor Godbey
2. Proclamations and Presentations- Representative from CCFB; Pat Pomeroy, Mauldin Chamber; Doug Shaw proclamation; Arbor Day Proclamation; Swearing in of police officers.

Brian Daughhetee was present from the cultural center board. He said he was excited about working with the city on new projects and has had contacts with people wanting to start a Mauldin community band and potter's guild. Mr. John Yost and Jack Thacker were present as nominees to the board. Pat Pomeroy was not present.

The Mayor presented MHS Head Coach Doug Shaw with a proclamation.

Councilman Reynolds read the Arbor Day proclamation.

Emmanuel Hodrea, Brett Rice, and Robbie Gilbert were administered the oath of office.

3. Reading and approval of minutes.- November 16, 2009
Councilman Black made a motion to approve the minutes with Councilman Hunter seconding. The vote was unanimous (7-0).
4. Public Comment.
Leo Joyce thanked the PW Department for the clean-up that was done on Old Bridges Road.
5. Report from City Administrator
Mr. Eubanks reported on Holland Road progress and the 276 project. Survey work is completed on 276. The design will be handed over to DOT around mid-year after the business and property owners have been able to give input on the project. The 2010 Census planning is underway. Peter Nomikos is spearheading Mauldin's effort.

Mayor Godbey said the 2000 Census was underreported and we are trying to correct that.

Trey Eubanks said South Carolina missed out on \$60 million of federal money because of the underreporting.

Mayor Godbey said we may be entitled to another Congressional seat if the reporting is correct.

Karin Von Kaenel presented some information on the energy grant. The first time, Mauldin did not qualify, but we do now. The Golden Strip is applying as a whole for \$2.5 million for retrofit for light bulbs as well as solar panels for the larger buildings in each city . We are asking for solar panels for the Sports Center.

Councilman Cook asked if this was a matching grant.

Ms. Von Kaenel answered no funds were needed from the city.

6. Reports from Standing Committees

a. Fire (Chairwoman Gettys)

i. Reports and Communications from Fire Chief

Chief Sapp reported that 226 total calls have been run. At the next committee meeting, there will be a presentation on a joint training facility at Greenville Tech. This will be a state of the art facility. The one in use presently has been damaged. Brashier Campus has a fire service program and is one of the only schools in the state.

b. Police (Chairman Cook)

i. Reports and Communications from Police Chief.

Chief Turner reported that a statistical report will be given out in January.

Councilman Cook asked Chief Turner about the foot patrol during the holidays. Chief Turner said that the one extra officer on shift are going into the city businesses and making their presence known.

ii. Reports and Communications from Municipal Clerk of Court /

Administrative Judge

Angela Martin reported that Jimmy Brehm would attend training the second and third week of March.

c. Recreation (Chairman Reynolds)

i. Reports and Communications from Recreation Director.

Van Brannon reported that the seniors have had some Christmas trips and the Christmas luncheon, which was well attended. 9 and 10 year old football all-stars won the state championship.

A 5 K run will be held to raise money for SIDS.

The Sports Center hosted an angel tree and 71 children were helped this year.

ii. Report on cultural center.

Trey Eubanks reported that the cultural center board is working on the master plan and the city will continue to work with the board. He noted that a final public meeting on the master plan and the auditorium took place in August and that it is important for the CCB and the council to endorse the plans soon. The city is seeking federal funds for the Cultural Center.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning Director.

Peter Nomikos reported that new residential construction is still slow. The planning commission members had their mandatory training last week. NHC is nearing completion and should have a grand opening soon.

Chairman Hunter asked if there has been any activity in Plantation Greene.

Peter Nomikos said that a new company has bought the lots and are finishing the single family homes and working on townhomes over there.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher reported on the preparations his department did for the potential storm last week. He also advised council that his department has been cleaning out culverts and that has paid off. He also reported that the new garbage truck has been delivered.

Councilman Black thanked Greg for his dedication to the city during the storm.

f. Finance and Policy (Chairman Black)

i. Reports and Communication from Finance Director.

Holly Abercrombie reported that the audit is wrapping up now. The auditors want to meet with the Finance committee in January and give the report at the January council meeting. Property taxes are starting to come in and next council meeting we should have a better idea of where we are on revenues.

A council workshop will happen in January to help develop the budget for the upcoming year and to see how the revenues are coming in.

Mayor Godbey mentioned that a short term/long term goal session will be some time this next year.

Councilman Reynolds made a motion to suspend the rules to place on the agenda the nomination of cultural board members John Yost and Jack Thacker. Councilman Cook seconded the motion to suspend the rules.

Trey Eubanks reported that the two candidates have been approved by the cultural center board.

Councilman Reynolds made a motion to approve John Yost and Jack Thacker to the cultural center board. Councilman Hunter seconded the motion. The vote was unanimous (7-0).

Trey Eubanks

7. Unfinished Business

- a. Consideration and action on adoption of comprehensive plan.

(PEDC)

Chairman Hunter made a motion to adopt the comprehensive plan as presented. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).

Chairman Hunter said he believes this is the best comprehensive plan Mauldin has had and John Gardner did an excellent job.

8. New Business

- a. Consideration and action on text Amendment to section 5:2.5 of ZORD – Fences (PEDC)

Chairman Hunter: We have a recommendation to add a residential requirement that permits no fences in the front of a yard except for low, decorative fencing. What has precipitated this is a house on Fairforest Drive in Glendale II that has a six foot stockade fence attached to the home. I have looked at the dwelling and the looked at the effect on the neighborhood, and I want to protect the neighbors and neighborhood by passing this ordinance. It has degraded the neighborhood's property and

the neighborhood and I feel this ordinance needs to be passed. I make a motion to pass this ordinance as described.

Councilwoman Gettys seconded the motion.

Councilman Black: Is the PEDC going to visit the commercial part of this ordinance?

Chairman Hunter: This has come up for discussion before because of the property on Main Street with the chain link fence. They do that for security, not for cosmetic. That will be addressed when we revisit the Land Development Regulations for center city.

Councilman Black: My opinion is to do it from the side back.

Chairman Hunter: We will bring this up as part of the city center overlay.

Councilwoman Gettys: I received a few calls about this and people who would really like to see this passed.

Councilman Reynolds: I had serious concerns with property rights issues on this. Is this going to be retroactive?

Councilman Hunter: It will be grandfathered in.

Councilman Reynolds: How will we police that? We don't require permits for fences.

Peter Nomikos: The City of Greenville requires a zoning application and we are looking at similar language for us before second reading. We would put something about it on the website and in the Gazette as well.

Chairman Hunter: That came up for discussion today. My concern is we don't want someone to put up \$500 worth of fence and then have to take it down. They will put in an application.

Councilman Cook: Most of your new neighborhoods have covenants. This helps the older communities that don't have covenants.

Councilman Black: Most of these will be done by a fencing company. Could we put something in with their business license renewals that this is the requirement?

Peter Nomikos: The business license renewals went out on Friday. It is too late for that, but we can pull up a list of fencing contractors and notify them.

Mayor Godbey: You won't get a wholesale change overnight. Good idea, Mr. Black.

Chairman Hunter: We have the responsibility for the good of the whole and a legal obligation to protect neighborhoods even though it infringes on the rights of one individual.

The vote carried unanimously (7-0).

b. Consideration and action on Business License Late Penalty Increase (PEDC)

Chairman Hunter: We have not increased the penalty or processing fee in years and are hoping to encourage prompt payment by adding the \$25.00 processing fee and 10% of the unpaid balance for each month of non-payment. I would like to make a motion to approve these changes on first reading.

Councilman Kennedy seconded the motion and the vote was unanimous (7-0).

c. Consideration and action on 1.5% COLA increase (Finance)- previously Distributed

Chairman Black: The money was approved in this year's budget, but we had several different scenarios of giving the money to the city employees. This comes out of Finance with no recommendation.

Councilman Cook made a motion to approve the 1.5% increase as in the budget.

There was no second.

Mayor Godbey: Can I second a motion?

John Duggan: The way I see it, yes.

Mayor Godbey: Second.

Councilman Cook: A couple of things, and this is my opinion, in our expense budget, not revenues, our departments have done a great job. Mr. Administrator I believe we are 12% under budget overall in expenses. This is what the department heads control. They can't control revenue. We sat up here, and my wife told me to behave, but we sit up here and brag on our employees, we need to show them that we are behind them. The \$46,000 is a .003 of a 17 million budget. If we continue this, this is from January to June, in the next budget cycle if we approve it, it is about a \$2000 increase which is \$48,000, is that correct, Mr. Administrator?

Trey Eubanks: Yes, and estimated \$2400.

Councilman Cook: We need to show the employees we appreciate them. I don't get any phone calls. The city looks its best and we need to reward our employees. That is my say.

Councilman Hunter: Yes, our employees are great and are recognized. This is a COLA increase, not merit. COLA is based on the fact that the costs of goods purchased have gone up. Merit is for a good job. The class the employee falls in dictates the salary. This is not a bonus, not a pay in lieu of, it is COLA. It should affect all employees equally. My gut says don't do it at all. My heart tells me to do it. We ought to implement this. I don't think it ought to be part of the base salary. All employees get the same amount of money. It costs you the same amount to buy a gallon of milk as it does a department head or a janitor. We will implement this for all regular employees and get it done and over with.

Councilman Cook: This will be a one time equal pay, not reoccurring. At the workplace I worked it, it is based on the budget, not equal pay. My social security is based on percentage of what I get. Those are the guidelines of most companies. No companies give a COLA and say we are going to divide it up. I don't think you will see that.

Councilman Hunter: The state of SC five years ago gave a COLA increase and only gave it to the lower paid employees. I think the precedent is established.

Mayor Godbey: I seconded the motion so I can make my comment. We have made adjustments to the insurance and those are cost of living increases. I do understand this affects base pay and I have mixed feelings. We obligated 1.5% at the beginning of the year. Revisiting it at six months was ill advised, but here we are. I agree that the employees are assuming a greater load. If we do it as a bonus, I am comfortable with that. I don't know this was a prudent move to come back after six months after we have made decisions about the yearly budget. We have Moody's and Standard and Poor's raising our ratings because we have sound financial management. I think we should endorse the 1.5%.

Councilman Hunter: I don't object to the 1.5%, but it ought to be divided among all the employees equally. We have a finite number, if the highly compensated employees get their share as a percentage of their compensation, they are going to eat up most of the money and the lower compensated employees won't get very much. It costs the same amount of money for milk.

Councilman Black: Is it not true that Mauldin is one of the only cities that give longevity? No other city gets longevity pay.

Trey Eubanks: I can't speak for all municipalities, but a lot of them do not get longevity pay and after July 1st, it is eliminated for us.

Councilman Black: They get it and it builds up the longer they stay.

Trey Eubanks: That will reduce over time due to attrition.

Councilman Black: Is it not true that our employees can earn up to 5% on the merit raise, where our larger sister city pays up to 4%.

Trey Eubanks: Mauldin does provide for merit up to 5%.

Councilman Cook: Wait..

Councilman Black: I am not finished.

Councilman Cook: I have a point of order. Where is this Germaine to the 1.5% raise? We are getting into longevity.

Councilman Black: Let me finish, and I will get there.

Councilman Cook: I don't want to have to listen to all of this other stuff.

Councilman Black: I brought these two items up because I value the taxpayers that are paying everyone's salary. We are in good shape now, but I don't want us to come back later in the year because we have a big shortfall that is not anticipated and say by the way, your fellow worker is not going to have a job. I would like to take the \$46,000 and divide it equally. You have a big spread from \$300 to probably \$1100 on the compensation for 1.5%.

Councilman Kennedy: I think the fair and equal way of handling this, and this is my opinion, you have allocated this in your budget and they were anticipating this, you should fulfill your promises. I don't think they should be broken. I am in agreement with Mr. Cook and the Mayor. When you start taking away monies from this source and that source and saying we can't do this, but we can do this. The method we are using is already in place, and we don't need to play with it. We need some kind of stability and your employees are looking forward to this money.

Councilman Reynolds: I struggled through this issue for several weeks. I am similar to Gabe, my head says it is bad timing, but I value our employees. We tell them every week we appreciate that we don't have tons of calls about our employees. As I have looked at this, there is more than one way to do this. I have never understood COLA tied to salary. Just because it is the way we have always done it, doesn't make it the best way. As an elected official, I look at constituents who are losing jobs, and while this doesn't play into this decision, it makes me look at how we spend the city's money and making sure we look at every dollar. In the scheme of things, Mr. Cook is right. It is \$46,000. We budget expenditures and revenues. But, I think there is an equitable way to do it and that is giving the same to everyone.

Councilwoman Gettys: I have listened to everyone and it has been a struggle. We don't want our employees to think we don't appreciate them. For me, it is hard to figure out the best process, but the way things

are going, we took money from our funds to balance the budget. Who knows if we do that again. I don't want to spend the money.

Councilman Cook: I call to question.

Councilwoman Gettys: I have more discussion.

The vote was 4-3 to call to question. Councilman Black, Councilman Reynolds and Councilman Hunter dissented.

The vote for a 1.5% increase was 3-4 with Councilman Black, Councilwoman Gettys, Councilman Reynolds and Councilman Hunter dissenting.

Councilman Hunter made a motion to approve \$46,419 as a COLA increase for all regular employees, not temporary and not part time and this be executed one time and in January.

Councilman Black seconded the motion.

Councilman Black: I would like to challenge the council and if we see we have more revenues, we can compensate at a higher rate. I know the administrator is working on a comp and class plan. We can consider all of this in the next budget process.

Councilman Reynolds: COLA is adjusted calendar year. How is this addressed for the six months?

Trey Eubanks: We would take that amount and divide it between full time employees one time. That would take care of the amount in this fiscal year. Anything else would come up in the next budget year.

The vote was 6-1 with Councilman Cook dissenting.

- d. Consideration and action on Point of Sale resolution. (Committee of the Whole)

Councilman Reynolds recued himself because he is in the field of real estate.

Councilman Hunter: This is a resolution to be sent to our representative in Columbia stating our position as a city on the POS amendment. There are several documents in our book about it. I feel inadequate in discussing this. I make the motion to sign the resolution opposing the House bill. This is 32.72 for January.

Trey Eubanks: Current law puts a cap on the values of property at reassessment time at 15% as long as there is an assessable transfer of interest. There is a bill that eliminates the transfer of interest provisions which limits increases in value to 15%. This prohibits properties from being trued up. The state board of economic advisors has estimated the

economic impact could be \$88 million dollars the first year and \$44 million for the years after. This shifts the tax burden to long time property owners. Another component of this is that the state currently has a fragmented property tax structure. There is a realignment commission and discussion of appointing another commission to provide options for the legislature to consider amending the property tax structure. This legislation will further fragment the current state tax structure. That is an overview and I will answer any questions.

Mayor Godbey: The ACOG and a coastal COG have passed a similar resolution and 22 municipalities have done so already. Frankly, this isn't going to change any senator's mind one way or another, but it is saying clearly that communities that are impacted by these decisions are not voting on it.

Councilman Hunter: Where is the support coming from?

Mayor Godbey: The Realtor's Association. Real estate cannot prosper if counties and municipalities are failing. I am supporting of the real estate industry, but not of this legislation. Realtor's are hurting and this might promote sales.

This carried unanimously (6-0).

9. Public Comment.

Skeet Prinze: The money that will be given out, this is after second reading?

Mayor Godbey: It doesn't take two readings.

10. Council requests.

11. Adjournment. – Mayor Godbey adjourned the meeting.

Respectfully Submitted,

Cindy Miller

Municipal Clerk