

**MINUTES  
MAULDIN CITY COUNCIL  
JUNE 15, 2009  
7:00 PM**

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

1. Call to order.- Mayor Godbey
  - a. Invocation- Councilman Hunter
  - b. Pledge of Allegiance- Councilwoman Gettys
  - c. Welcome- Mayor Godbey
2. Proclamations and Presentations- Youth Police Camp members; Representative from CCFB; Tammy Morgan and Karin von Kaenel for the Mauldin Legacy Book

Greg Campbell from the Cultural Center reported that the Freedom Shrine would be presented on Wednesday, June 24<sup>th</sup> at noon at the cultural center. The board will meet July 1<sup>st</sup> to address open seats on the board.

Boy Scout Troop 158 was in attendance.

Tammy Morgan came forward and reported that the first meeting for the Mauldin Legacy Book was last Thursday. About 14 people attended. The history book will be updated.

The Police Youth Academy cadets were present and introduced themselves. Tim Marshall spoke about discipline and responsibility. David Locke spoke about five themes- discipline, respect of authority, fitness, understanding, and fun.

Councilman Cook made a motion to suspend the rules to move the item for appointing Jessica Salvini as City Judge up on the agenda. Councilman Black seconded the motion to suspend the rules. The vote was unanimous. Councilman Cook made a motion to appoint Mrs. Salvini as Judge with Councilman Black seconding. The vote was unanimous (7-0).

Mrs. Salvini was sworn in.

3. Reading and approval of minutes.- regular and special called  
Councilman Black made a motion to approve both sets of minutes with Councilman Hunter seconding. The vote was unanimous (7-0).
4. Public Comment.- None

## **5. Report from City Administrator**

Trey Eubanks reported that the city attorney will pass out a memo on the memorandum of understanding pertaining to the cultural center foundation board.

One more public meeting will be held with the Graduate students from Clemson regarding the Cultural Center master plan. The proposed design for the auditorium is online, posted in city hall, cultural center, and the sports center along with comment cards.

Pictures of the train show were shown. That show was a great success.

After 11 months of our fiscal year, the City's revenues are a little down but expenditures are down also, it is anticipated at this time that we will close out the year in good shape. Expenses are being scrutinized. The auditor will come on site on June 23<sup>rd</sup> to meet our staff. A \$2.8 million dollar bond will go out to bid tomorrow for the fire service 10 year plan. The City recently received a higher bond rating and this will reduce our interest rates on the bond, thus saving the taxpayers money.

Over 30 applications have been received for Finance Director. There are some strong candidates and a selection process will be started soon.

## **6. Reports from Standing Committees**

### **a. Fire (Chairwoman Gettys)**

#### **i. Reports and Communications from Fire Chief**

Chief Sapp thanked council for the thoughts and prayers for his mother. The fire response time is 2.7 minutes. A FEMA grant came available and the fire department has applied for a platform truck with a 20% match. There is also another federal grant to continue the 10 year plan for the fire department headquarters.

### **b. Police (Chairman Cook)**

#### **i. Reports and Communications from Police Chief.**

Chief Turner commented on the youth academy's second year. The program was budgeted, but we have gotten some support from neighborhoods and sponsorships from restaurants, who will feed lunch to the kids.

Lindsay Shoaf and Sean Calhoun took the oath of office as new police officers.

#### **ii. Reports and Communications from Municipal Clerk of Court /**

#### **Administrative Judge**

Angela's judicial report is on file.

c. Recreation (Chairman Reynolds)

i. Reports and Communications from Recreation Director.

Van Brannon reported that softball and baseball all-stars have started. The summer camp started last week and is going well. The Senior program continues to grow. This Friday is movie in the park starting at 8:00 pm. Hotel for Dogs will be shown.

The community wellness fair was well attended. The biggest event was the life screenings program.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning Director.

Peter Nomikos was absent due to a health issue. The residential construction permits are picking back up. Business licenses should be very close to budget. Enforcement is continuing.

Councilman Hunter asked about Plantation Greene. Mr. Eubanks answered that Ryan Homes has taken over ownership of over 40 lots and expect activity there.

Councilman Kennedy asked about Sunday alcohol sales. Mr. Eubanks said that there is not much revenue coming in for that. It is an annexation incentive for certain restaurants and grocery stores.

Mayor Godbey mentioned that Capri's is opening back up with the original owners.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher showed pictures of what his department has been doing. The sewer rehab was shown as well as the new rock wall at Springfield Park and the renovations to the restrooms at the park.

f. Finance and Policy (Chairman Black)

i. Reports and Communication from Finance Director.

7. Unfinished Business

a. Consideration and action on the budget ordinance (Finance).

Chairman Black made a motion to adopt the budget. Councilman Hunter seconded the motion and the vote was unanimous (7-0).

8. New Business

- a. Consideration and action on permits for two fireworks displays (Fire)

Chairwoman Gettys made a motion to allow the two fireworks displays with Councilman Black seconding. The vote was unanimous (7-0).

- b. Consideration and action on appointment of Jessica Salvini as City Court Judge (Police)

Councilman Cook made a motion to appoint Mrs. Salvini as Judge with Councilman Black seconding. The vote was unanimous (7-0).

- c. Consideration and action on tree board ordinance. (Rec)

Chairman Reynolds mentioned that there have been some issue with the tree board ordinance and the board along with the Recreation Director has taken a look at the ordinance and made some proposed changes including proposing that the board change from 9 members to 7 and the Recreation Director will serve as a non-voting ad-hoc member. Chairman Reynolds made a motion to accept the new ordinance on first reading. Councilwoman Gettys seconded the motion.

Councilman Black: Under the penalty phase, it says fines will not exceed \$500 per incident. Mr. Nomikos mentioned at the last council meeting that we have fined \$750. What is the maximum?

John Duggan: It is \$500 but there is a state assessment on top of that. He may have thought that the fine was \$750.

Councilman Cook: Can we increase that?

John Duggan: That is state statute.

Councilman Cook: Is there a way to say that is the fine and that is it.

John Duggan: You can make the fine a mandatory amount with no discretion.

Councilman Cook: Can I amend the motion?

John Duggan: Plus costs are assessed on most types of offenses. We collect that and remand it to Columbia.

Trey Eubanks: Our building and zoning department is acting off of the direction from the judge. Mr. Cook, to your point, Mr. Hunter, myself, the Recreation Director and Building and Zoning Director met last week and we

are working on a tree preservation ordinance. This ordinance is in our code and defines the tree board. The tree preservation falls under the zoning code. Mr. Hunter has done some research and we are working on coming up with some amendments to our tree preservation standards. We can include what you are talking about regarding fines in the draft that we are getting together.

Councilman Cook: If it is going to take several weeks or months, let's take care of this now and then take care of the other.

Mayor Godbey: Since we have between now and second reading, we can have Van's committee look through that and make a recommendation about the mandatory fine.

Councilman Cook: Mr. Mayor, I don't want a recommendation. This is what we need to do. I don't want a recommendation.

Mayor Godbey: We can pass what we have in front of us.

Councilman Cook: No recommendation. The maximum fine and that's it.

John Duggan: When you are thinking about the issue, you have several options. One is to provide for a fine not to exceed, which is what you have now or a mandatory fine that the judge has absolutely no discretion or a minimum and maximum and the judge has some discretion. The only reason I say that is you must consider the fact that you may have an extenuating circumstance, and if you build in an absolute fine every time, there is no discretion to give any consideration to someone that may have not engaged in the kind of conduct that you are so upset about.

Councilman Cook: If you have an ordinance, if we are going to enforce it, you ought to enforce it. What is it about the law? You are stupid, or something?

John Duggan: Ignorance of the law is no excuse.

Councilman Cook: That is just my opinion.

John Duggan: It is up to this body to decide, not me. I just wanted to point out the options and there are advantages and disadvantages to each one.

Mayor Godbey: We have four weeks to make sure we are doing what we need to do.

Councilman Reynolds: If a substantial amount of this is under the planning department with the penalties and different items, should they be in the tree board ordinance?

Trey Eubanks: We can come up with some options on that. There will be more detail in the tree preservation ordinance that provides options for the development of property.

Mayor Godbey: That is another thing to consider before second reading.

Councilman Reynolds: The tree board can't write a ticket, so the penalty probably shouldn't be in their ordinance.

Mayor Godbey: It might be a good idea to have it on the agenda of both committees- Recreation and PEDC.

Councilman Cook: If I am building something that is \$300,000, it doesn't bother me to pay you \$500 for that tree. I don't think that is fair.

Mayor Godbey: We have a number of issues on this ordinance, but we have some good discussion on first reading. The face value of this has been discussed with the tree board so we have some sense of moving in a direction. We will have this again at the end of July.

Councilman Kennedy: Wouldn't it be discretionary that a person cutting down a tree, are you talking about the nature of the incident? What it would constitute is how large the tree was. \$500 shouldn't be in concrete. The judge should have some way of saying this is not in stone and have some discretion.

The vote on this item was unanimous (7-0).

d. Consideration and action on Planning Commission and Zoning Board appointments (PEDC)

Chairman Hunter: We have one opening on the planning commission and two on building and zoning. All the incumbents have asked to be considered and we have two other people that are interested in the planning commission. Do we have any of the candidates here? Please introduce yourself.

Janna Frasher: I wanted to show my interest in the position. I am a native Greenvillian. I went to Eastside High School. I did a short stint in NC at Frito Lay. I graduated Clemson University in Industrial Engineering. I have been in manufacturing engineering. I became interested in being involved in the community and started doing some research and wanted to get into something that I would have interest in and experience on. I work at Jacobs Engineering.

P.L. Fortune: Thank you. I have served on the Planning Commission for the past three years. This past year I have served as Chairman. I have enjoyed serving as part of the Mauldin community. Mauldin is a great city with a great future. I like being part of the group. This is a great opportunity and is an opportunity to know what is going on. I thank you for the opportunity and look forward to this. You are doing a great job.

Mayor Godbey: It is always great to have more applicants than positions. I appreciate everybody's applying for this position.

PL Fortune was reappointed to the Planning Commission. Jim Dodenhoff and Tom Bennett were reappointed to the Zoning Board.

e. Consideration and action on longevity policy (Finance)

Chairman Black: It was unanimous in Finance and this was brought to our attention by the City Administrator, Mr. Eubanks, about the subject of eliminating longevity pay for employees hired on or after July 1, 2009. The City of Mauldin is one of the few if not the only that pays longevity pay. I think you are eligible for longevity pay after you have been here two years. Some years ago, we had someone receive longevity pay when they were still on probation. It was supported that we eliminate the longevity pay for employees hired on or after July 1, 2009. This will not affect the other employees receiving longevity.

Councilman Hunter seconded the motion.

Councilman Reynolds: I would like to see us still rewarding employees who have been here a longer time. I would like to make an amendment rather than... is it every year after two years? I would like to amend to read every five years they would get 1 ½ percent. I think this will encourage people to stay without rewarding those who have not been here for a long period of time. 5, 10, 15, and 20 over the course of those years. 1 ½ percent isn't that much.

Councilwoman Gettys seconded the amendment.

Councilman Cook: What are you talking about. The original motion...

Mayor Godbey: Instead of elimination of longevity pay, we would reframe it to every five years.

Councilman Cook: I would vote no on that.

Councilman Hunter: So you are saying not elimination as of July 1, 2009 hiring, to continue to have it for new hires as well.

Councilman Reynolds: Rather than eliminating it, every five years you receive 1 ½ years.

Mayor Godbey: New hires would still be entitled after five years. Right now we are just discussing the amendment to the motion.

Councilman Reynolds: This is just for new hires.

Councilwoman Gettys: Does this change any of the people who are in place now?

Councilman Reynolds: No. Just the new hires.

Councilman Hunter: Five year intervals instead of every year.

Mayor Godbey: You would have to have two separate groups of employees. Those hired after July 1<sup>st</sup>, and the other employees that are pre July 1, 2009. You are not going to change the existing policy.

Councilman Reynolds: Is this going to cause trouble for the administrative staff?

Trey Eubanks: We will do whatever you decide to do. We can work it out. I want to reiterate that we had discussion about our level of compensation during budget workshops. We provide good compensation comparatively with other jurisdictions to our employees. We will be reviewing and updating our class and comp plan over the next six months and also come up with recommendations on COLA, merit increases and pay for performance that more local governments are looking at. I would mention for your consideration that by taking the step of eliminating longevity for new employees hire on or after July 1<sup>st</sup>, this puts a stop-gap in the existing longevity. What we can do as we go through the comp and class plan is take into consideration longevity. My goal is to have this done before the end of this calendar year.

Councilman Reynolds retracted his amendment to the motion.

Councilwoman Gettys agreed.

The vote was unanimous (7-0).

f. Consideration and action on petty leave policy (Finance)

Chairman Black: This is another recommendation that comes from our administrator and probably the majority of the department heads. I didn't even know this was on the books. One hour of petty leave is given at the end of every month for a total of 12 hours a year and can be taken in three hour increment. This has become a bookkeeping nightmare for the administrative department and also employees coming in and saying they want to take their petty leave all at the same time at the end of the year. I move that we eliminate the petty leave policy effective July 1, 2009.

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

g. Consideration and action on award of Holland Road bid (Committee of the Whole)

John Gardner: The agenda item packet has an update on where we are on Holland Road. We received 5 bids for the project. The low bid is US Azcon, which is a small firm in Spartanburg. They bid \$385,756.95. There was some confusion on the alternate bids. They generally had good references, but there were some problems on some projects in

Spartanburg in the past.

Councilman Reynolds: How far in the past?

John Gardner: Several years.

Councilman Reynolds: Several two or several 10?

John Gardner: They didn't get specific. They got good recommendations from Greenville Tech and USC Upstate. They also do small jobs for Sloan Construction. It is a woman-owned firm and they expect to be complete with all the grading and face work by the time school starts. They have subbed the final surface out to another company that does work with a lot of big firms. The request tonight is to authorize the city administrator to execute a contract. We have had some delay with one of the right-of-ways, but hope to resolve that tomorrow.

Councilman Hunter made a motion to authorize the administrator to proceed with this project after a full evaluation of US Azcon.

Councilwoman Gettys made the second.

Councilman Black: I notice that the next lowest bidder, it was \$5000 plus the two alternate bids that had a considerable difference. If you add that on to the top of the low bid, they are not the low bid.

John Gardner: Alternate 1 was a geotextile fabric that is laid down underneath the surface core that helps reduce cracking.

Councilman Black: Were both firms bidding apples to apples or was one bidding apples and one bidding oranges?

John Gardner: On the alternate, they bid at unit cost. She bid a much higher assumption of the quantity of fabric. Most bid at 1000 square yards and her bid was about 15 times that. The unit cost would bring that out to \$7000 or \$8000.

Councilman Black: What did the ad say?

John Gardner: There was not a specific quantity stated and she misinterpreted how the fabric was to be applied. Basically it is something she was not familiar with applying and was not comfortable.

Councilman Black: I am kind of leery on the way it was bid.

Trey Eubanks: John, Could you elaborate, based on your research, on whether or not we need that done?

John Gardner: We had a long discussion with the engineer on whether we needed it . If we could get it at a very low price, it might be worth doing. We are at the point that every dollar we spend is 100% city funded.

Councilman Black: We are already going over because of the retention pond aren't we?

John Gardner: Absolutely. We could do a crack sealing operation for a lot less money. The real issue is because of the tightness of budget, we wrote the instruction that the choice would be based on the low bid on the base bid, not the alternate.

Councilman Cook: Am I hearing you, we are not going to use the alternate bids?

John Gardner: We are not going to exercise that option.

Councilman Black: There was some concern on the past history, and the next bid was not but \$5000 more on the total project. Is that something you want to look into?

Councilman Black: I want the best bang for our buck and don't want to take a chance on someone who is unproven. It will cost a whole lot more than \$5000 to straighten something out.

Councilman Cook: We need to be careful what we are saying in public.

Councilman Reynolds: Using alternate 1 with the geotextile fabric is not necessary?

John Gardner: There is a joint between the existing roadway and the new widened section is a longitudinal joint. It has different rates of expansion and contraction and you will see cracks that reflect through the surface core. The mesh material helps keep the crack from coming through for a longer period of time.

Councilman Reynolds: Who was the low bidder on the alternate?

John Gardner: DR Terry Construction. Triad was a little higher.

Councilman Reynolds: This is a city owned road so our public works department would be responsible for the maintenance.

Councilman Cook: Are they going to guarantee the mesh?

Mayor Godbey : They aren't going to put it down.

Councilman Cook: I know. If they are not going to use it, why are we discussing it?

John Gardner: After talking with the low bidder, she said they put an extra lift of asphalt over the joint.

Councilman Cook: My suggestion is to sit down with Greg and come up with something. I am not saying you are not experts, but three minds are better than two.

Trey Eubanks: Greg and Mike Watkins have been on this to some extent.

Councilman Cook: I understand, let them get involved before we do it.

Mayor Godbey: The longer we delay this, the longer it will take to be completed, and we are talking about the school year. I think we should give them the authority to do their due diligence, but be careful about not delaying this too long.

Councilman Cook made a motion to call to question.

The vote on the motion to authorize the administrator to proceed with Holland Road was unanimous (7-0).

- h. Discussion on cultural center memorandum of understanding. (Committee of the Whole)

Councilman Reynolds: We just got this tonight. I would like for you to read this and jot down any ideas you might have and we will have this for the next committee meeting, we will make sure we discuss this.

Mayor Godbey: I would like to make sure Mr. Campbell and the foundation board get a copy of this also.

This item was for information only.

- i. Consideration and action on executive session for a contractual matter pertaining to consulting services and to receive legal advice on property acquisition. (Committee of the Whole)

Councilman Hunter made a motion to go into executive session with Councilwoman Gettys seconding. The vote was unanimous (7-0).

The council returned and it was reported that no action was taken in executive session.

## 9. Public Comment.

- a. Danny Day: I had a couple of comments I wanted to make. One thing that came up was property owners not keeping their property up with mowing. I think Mr. Nomikos said it costs \$45.00 to cut the property. The city does not put a lien on the property because it is cost prohibitive. These people are getting free public service. There was a question asked of the city

attorney and that was can the cost of the lien be applied to the fine. Do you have an answer?

John Duggan: I don't have the answer and I am glad you reminded me.

Danny Day: You can count on that I will be here in July. I come from a small city and they are doing that and putting liens against property for that. I think it is unfair for some people to get a \$45 free cutting of their grass. I think we need to make a statement. I encourage you, regardless of the cost, to put a lien on the property.

Second thing, I guess I missed the first meeting of the budget. I did catch that the County Council have given themselves a 3% raise and a \$22,000 discretionary fund. Then they increase tipping fees. I would be publishing in the Gazette the costs we are incurring from the County without millage increases. The city is helping fund the county's expenditures. I am not trying to start a war with the county, but at the same time, we need to let the citizens know what is going on. At some point, we can only weed so much, you have to grow something.

Another thing, when I get my electric bill, I get a real nice bar graph of my previous month's usage. I think you should put up total revenues per month and total expenditures per month and then what it was twelve months ago. I keep hearing we are under on budget, and the department heads are doing a great job, but I have no perspective at all. If you see it on a bar graph, you can track it. Without it, except for you folks, we don't know what is going on.

One more thing, obviously I have been with the tree issue for a while. At the last meeting, Mayor Godbey asked Mr. Nomikos to work with Mr. Brannon about rewording the tree ordinance, and I heard you discuss it. What really concerned me was the comments on continuing to look at this. Kelly with the Tribune Times did a story on 8 variance requests to remove historical trees. Anyone doing business can come and get a variance. 216 and 218 East Butler, trees were cut down in February, 2008. Maybe I need to do an expose and show you when we had trees and when we didn't have trees so you can see the difference. The role of government is to protect the community. The \$500 fine is not stopping anyone from cutting down a tree. A \$500 tree is less than .25% of the total price of a \$200,000 home. You should make it as much as the state will allow. You need to lobby state legislature and get the state law changed. If you go up and down East Butler, you can see how it is. Not very attractive. You need to make a statement. I apologize, but this has been going on for a long time. You will lose it if you don't do anything.

I think these are the best set of department heads I have seen since I have been in Mauldin and I hope you keep the raises in the budget for them.

Councilman Reynolds: I agree on the last point. And on the bar graph, this is something Trey and I have discussed a little bit a couple of months ago for the website where we can do a revenue/expense or something. It is in

the works and we are considering that. We appreciate your comments as always.

10. Council requests.

11. Adjournment. – Mayor Godbey adjourned the meeting at 10:25 pm.

Respectfully Submitted,

Cindy Miller

Municipal Clerk