

**MINUTES  
MAULDIN CITY COUNCIL  
MARCH 16, 2009  
7:00 PM**

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

1. Call to order.- Mayor Godbey
  - a. Invocation- Councilwoman Gettys
  - b. Pledge of Allegiance- Councilman Cook
  - c. Welcome- Mayor Godbey
2. Proclamations and Presentations- Representative from CCFB; Pat Pomeroy, Mauldin Chamber; Silver Star Proclamation; Young Child Proclamation; Dana Southern, Strong Communities; Mauldin Middle as a "green" school; MHS for Riley Award

Several Boy Scout troops were present.

Brian Daughhete introduced the new Cultural Center Executive Director, Greg Campbell.

Pat Pomeroy from the chamber reported on the train show that will be in Mauldin around Memorial Day- May 23-25 and 29 -30. There will be a combined chamber event at the Greenville Drive stadium on April 1<sup>st</sup>. The golf tournament is May 18<sup>th</sup> at Holly Tree Country Club.

Mayor Godbey read the two proclamations. Councilman Cook asked about the possibility of flying a Silver Star flag or banner.

Dana Southern came forward from Strong Communities. She has been working with the churches in the Mauldin area on fifth quarter activities after Mauldin High School football games. Food boxes have also been delivered to those in need in the Mauldin area. A mentoring program is starting as an alternative to foster care.

Rosea Gardner, principal of Mauldin Middle was present to speak about the recognition that Mauldin Middle has gotten because of its recycling program. It is South Carolina's recycling school of the year.

Ken Peay was present to talk about the Riley Award which MHS is in the running for. MHS is one of five finalists for the award which fosters civic and parental engagement in the school.

Adam Scheuch is the band director at Mauldin High School. He asked council to call on him should they have any needs and spoke about a need the band has for a tower to look over the football field for band direction. He asked the community to think about this project and let him know of someone who might be able to help in this project.

Cindy Mosteller is the horticulturalist at Perry Correctional. The inmates grow flowers and vegetables and will sell the annuals to municipalities at a reduced cost. These annuals could be planted around city buildings. She also mentioned that she has some inmates with landscape architectural experience and they can design landscapes for the city.

3. Reading and approval of minutes.- Councilman Hunter made a motion to accept the minutes with Councilman Kennedy seconding. Mayor Godbey made one change from reinventing to reinvesting. The vote was unanimous (7-0).
4. Public Comment.
  - a. Danny Day: I live at 912 Fargo Street. I wanted to talk about zoning hearing communications. Last year there was a zoning hearing change that came to you folks to override the Planning Commission for a developer out of state that wanted to put low income apartments in. That was rejected. The issues were traffic, flooding, and school overcrowding. We have a group of people that are interested in this development and he is back again this year because each year the federal government puts caps on how much money they will allow for low income tax credits. You can Google and find this on the Internet. Bless the web. He already met with the PEDC and it was suggested that he contact some of the residents involved in the prior year. He explained to me that he had changed his plan. This year it is for residents 55 and over. He was trying to get a read on whether I was supportive or non-supportive of that. I told him until I got a better understanding, I could not make a decision.

On February 18<sup>th</sup> in the Tribune Times, it was quoted by building department staff that instead of 64 units, this new proposal will consist of 72 units restricted to residents 55 and older. This implies that it is not multi-family. The next paragraph says the new proposal will still be multi-family. On behalf of the Mayor, I give you credit, he asked them to have a public forum hearing to inform people of his plans, which we had here in chambers last Wednesday afternoon. There was a good turnout, some professional and some not so professional.

Prior to the meeting, I noticed on March 8<sup>th</sup>, I was going down the sidewalk, I noticed a zoning hearing sign at the newly asphalted driveway at Mutt's. On Monday the 9<sup>th</sup>, I called building and permitting to be sure I was correct on when the hearing was and what it was on. We straightened out that it was 216 and 218. I was driving down Tuesday, March 10<sup>th</sup> and there was no sign. I called building again and asked how long hearing signs have to stay up. They stated 15 days. I asked whose responsibility that was to put it up. I was told the applicant. By the way, that didn't gibe well with me, why would the person who is asking for the change be responsible for advertising it? The staff person was really on the ball and said I will take care of it. So, I tried, to jog at 3:30 that afternoon and Josh Cross had put up three signs. If you look now, March 10<sup>th</sup>, there are three signs correctly put up in front of the property.

My concern how is that when you look at those things, a lot of getting citizens' input is getting out accurate information through all channels available whether it is the city, the newspaper, and that is pretty important of communication and clarity. This issue has a history already from the trees that people have cut down illegally. I think one of the things I would advocate is that we really look at our processes and make sure we have full disclosure. This is a low income tax credit facility. There is nothing wrong with that if that is what you folks want across from Glendale II. There is a planning commission meeting next week. Our other right or expectation is to let the Mauldin citizens fully understand what they are doing. Each person should voice their view but they can only do that if we do a good job communicating.

I called city hall and they said there is a senior center going there. The only requirement is that the main tenant be 55. A percentage of that has to be that way. I got called the next day after the meeting, and I am getting tired of being hounded by him, and my suggestion was if you feel that strongly about it, cut a contract with the city that that is all he will allow in there is people over 55. The other thing is that he can't fix Butler Road traffic. I would like to see the communication be better and then the citizens can be involved and know from an informed position whether they are for or against something. That was it. I don't know if you all are aware of the nuances. The same thing is going on around Wade Hampton. The citizens there feel like what is going on there is fairly deceptive. I don't think anyone here wants to be that way. By the way, it is Sunshine Week for the media. I went on [cityofmauldin.org](http://cityofmauldin.org) and it is very informational. I learned a lot. It is good, thank you.

Mayor Godbey: The public hearing is March 24<sup>th</sup> at 5:00 p.m.

Councilman Cook: Having a public hearing, why are we having one at 5:00 in the afternoon when most people are working and can't get here at 5:00 p.m. I think it should be 6:00 or 6:30p.m. I heard why they were doing it, but that reason doesn't suit me. I think we need to look at having it at a time where people that work can be here.

Trey Eubanks: I will convey that to the planning commission.

- b. Tommy Shaleuly: I live at 961 Fargo Street. I want to say thumbs up to our cleaning crew. I think they did an excellent job during the storm. They did in my neighborhood anyhow. I would also say good job to whoever designed the website. It looks really good and is very informative. I do have some suggestions. The only thing in the financial section is the budget. You go to that section and there are no financial reports. I recommend an income statement and a balance sheet. That leads me to another question, just how solvent is Mauldin? I know Mr. Eubanks gives an excellent report each month and last month he said expenditures are 3% below our budget which is great. He is proactive, and I have nothing but good things to say about that, but he really doesn't get to the meat of the financing. I believe that is by design and you guys don't ask him anything. Based on that, the financial people did a forecast and probably have done one every month due to the recession. Based on the last forecast, how do the next twelve months look as far as our cash flow? If we are showing a negative, when, and what is plan b? I hope it is not to raise taxes or cut services. I am not, by no means, suggesting that Mauldin is in a bad financial state, but I am asking council for some transparency on the finances. With that, I close.

#### 5. Report from City Administrator

Trey Eubanks: Thank you. I want to mention that I appreciate our cultural center chairman and executive director attending. I want to report that there was a board meeting earlier this month and some of the highlights of the meeting included that there are two vacancies on that board. We will work with our municipal clerk to advertise and Chairman Daughhetee has asked anyone interested in serving on the cultural center foundation board to get in touch with him and we will promote the vacancies as requested.

A quick update on where we are with the auditorium- our fire chief, zoning director, and myself met with representatives of our architectural firm to go over some code issues. There was a meeting earlier today and Chairman Reynolds was in attendance and the firm is working on concepts and ideas stemming from some of the public meetings that we have had and input obtained from the CCFB meetings. Chairman Reynolds will have this on the agenda for the next Recreation committee meeting.

I also want to mention a good meeting last Thursday with the Garden Club. 28 members were in attendance and there was some good communication and input.

Thank you for the comments on our website. Project Manager Karin Von Kaenel had a lot to do with that and I want to mention that there is a lot of information on the cultural center including comment cards. We also have information and comment cards at all three municipal buildings. Please weigh in.

Quick update on the Main Street project. We are drafting information that will get to DOT this week. They need a month and a half to two months to give their approval and I will keep council and the public posted.

On Holland Road, that work is well underway. We are in meetings with the county now on storm water issues. Our goal is to have Holland Road improved by the time school starts in August. It is going to be tight, but we are pushing for that. We have three sources of funding for that- not our general fund money, state money from the department of commerce, utility tax credits, and C-fund money.

Mayor Godbey: I noticed Ms. Gardner's face contorting. Samsung has made us aware that they would strategically make their shift change not to coincide with the school change. Just to give you reassurance.

Trey Eubanks: We are talking about the 13-1400 feet of Holland where it tapers down towards to Bridges Road and we will see improved traffic flow.

The wellness program is well underway. We have done smoking cessation classes, weight watchers program, these are things that have gotten good participation and that is going well.

I appreciate the work that the chamber is doing with the train exhibit. We had one planning meeting and another one is scheduled for April 1<sup>st</sup>.

Our first budget workshop is this Thursday. I hope the public will attend. Staff has been working extremely hard in developing a budget that will be provided to council tomorrow afternoon. We have had a lot of challenges this year because of economic conditions. I can tell you when you see the budget, you will see the majority of revenues decline. You will not see a lot of fluff- this is a lean budget. It is balanced and will include no tax increase, although there are fee increases.

I do want to comment- and I appreciate Mr. Shaleuly who is always good to attend these meetings and has interest in the finances. It is logical for everyone to be interested in our finances. It is normal for there to be concern. The City of Mauldin does a fantastic job in presenting financial information publicly. We not only have a report at council meetings, but also a financial report at committee meetings. That includes revenues and expenditures. Our website includes our audits for the past three years as well as budgets. I will hold our website and the information up there with other cities. I think we do an outstanding job of putting our information online for the public. Anyone has the opportunity to contact our finance department at any time to receive an update and details on the finances.

In light of that, for the sake of prudence and not for any concern that I had on the part of our staff's efforts and being able to get the job done, I did want an external assessment of our finances because we have been six months without a finance director. Earlier this month we received a report from the Brezeale Company, CPA, these guys are very familiar with municipal finance and have assessed a number of areas, but it is not an audit. It is an overview of our finances. I was very pleased with that report and will be glad to share it with anyone interested. I will report again this month that we continue to keep our expenses down through the eighth month of our fiscal year. We are 6% under budget. We are going to have some paving work and some sewer rehabilitation work to do, they are budgeted, but they are going to hit that capital report that you see in front of you. We are not going to exceed those line items, but we will be incurring those costs.

Our revenues are starting to come in. We won't have an answer on our revenues until late in the fiscal year. That is because our business licenses don't begin to come in until after May when they are due. The final amount of our property taxes don't come in until April when we receive them from the county. Part of the analysis that I have provided is on property taxes in addition to business license fees, hospitality taxes, and other things monthly. This year, our taxes are coming in higher than last year. We will continue to keep an eye on that line. We won't know about some revenues until after our budget workshop, so that is why you will see some conservative budgeting with our revenue projections. I do appreciate the opportunity to weigh in on that and I will be glad to answer any questions to anyone. It is natural and appreciated that there is an interest in the city's finances in light of economic conditions and I will say that we do have a good budget to work with this year. The City is solid financially and I will state that again loud and clear tonight.

Councilman Cook: The \$28,769 less from aid to subdivisions- does that include the first cut or the last?

Trey Eubanks: That is an excellent question. That is this year in the current budget. We have to take into consideration for next year that the House initially passed \$122 million cut and they cut it down to \$50 million. We are looking at \$116,000 cut with the \$50 million cut from the state.

Councilman Cook: Explain that to me again. The \$28 thousand, is that in the budget now?

Trey Eubanks: The \$28,000 has hit us in the current budget. That is what they did in the fall.

Councilman Cook: \$116,000 next year?

Trey Eubanks : That is what we are working on in our budget next year based on the state-wide cut.

Mayor Godbey: I will state for the record that aid to subdivisions is a misleading label. This is taxpayer money that goes to Columbia that is rechanneled to cities and county entities. I think as those cuts are made by the state house, I have been on record as saying that it hurts when you are trying to grow your community not to have those tax dollars come back to your community that you pay for state taxes.

## 6. Reports from Standing Committees

### a. Fire (Chairwoman Gettys)

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

Capt. Gurley: Total calls are 226- of those, 75 were fire, 148 medical and 3 miscellaneous. Our average response time was 2.5 minutes.

b. Police (Chairman Cook)

i. Reports and Communications from Police Chief.

Mayor Godbey: I had a question from a resident in Finley Court. There was a robbery at one of the residences in Knollwood and she was concerned about notification of the neighborhood, about letting neighbors know about what has happened. I have a name and a contact number for you.

Chief Turner: I would like to announce the Academy graduation- which is 3 officers that will complete their training next Friday. You are more than welcome to attend and we will provide your transportation to and from. Anthony Munoz, Stephanie Hunt and Nick Andes will all graduate next Friday.

Angela Martin swore in new officers Daniel Turner and David Terry. The both came from another agency and are already certified.

Councilman Hunter: Nice article in the Greenville Journal about the department. Well deserved.

ii. Reports and Communications from Municipal Clerk of Court /

Administrative Judge

Chairman Cook: We are glad you are back.

Angela Martin: I want to thank you for your thoughts and prayers while I was out and I am glad to be back. There were 441 cases filed in February and 553 pending. We have 251 DUIs pending. Pending could mean scheduled for court in April or May. We have 1032 traffic cases pending. We were hoping for another jury trial term, but we are postponing that until I get back into the swing of things.

Mayor Godbey: The youth court is a wonderful relationship between the city and Mauldin High School.

c. Recreation (Chairman Reynolds)

i. Reports and Communications from Recreation Director.

Chairman Reynolds: There are 15,000 council members in the state on the Riley Award and Mauldin High School's were honorably mentioned. It is nice this has happened within the city limits of Mauldin.

Van Brannon: I wanted to give you a brief update. You have a report in your packet. The Senior program has over 3000 participants. They have a trip planned to Savannah in April. They have a golf outing planned to try and get more men to participate. Our baseball and softball programs are continuing. The Easter Egg Hunt will be April 2<sup>nd</sup>. The Sports Center held the Rally for the Cure event and raised over \$600. The biggest loser participants have lost over 700% body fat. Staff is doing a really good job. I finally want to mention the Pine Forest Playground. We had a good meeting to help select Playground Carolinas. There are a few members here tonight and they are excited to get this project started.

Councilman Black: With all the activities, are we utilizing the gym at the Senior Center?

Van Brannon: During youth basketball. After that, just senior activities.

Councilman Black: Could we not use that facility more to keep some of the wear and tear off of the new wood floor?

Van Brannon: We are looking into moving some adult games down there to utilize it. One of the things that hurts us is the small kids play on the small goals and the only ones we can lower are the ones at the sports center. We have been talking about the adult games going to the senior center.

Councilman Black: The floor at Ray Hopkins will stand more activity than the sports center floor.

Councilman Hunter: We had a meeting about replacing Mauldifest with mini festivals. How is that coming?

Van Brannon: We are in the planning process. We are looking at types of activities and when they will take place. We will bring that to committee to bring to full council.

Chairman Reynolds: Mauldifest has been canceled for this year because of economic reasons. Next year will be the city centennial celebration and we will have a shindig two years from now. At the goals setting session we talked about getting back to the family values and making sure we concentrate on those issues. We are going to have mini festivals geared toward families.

Auditorium representative: We had a great meeting today. A lot of great work is being done and the space is going to be very flexible. There will be many activities it can house. I am really excited about it. There will be a public meeting on March 30<sup>th</sup> at 5:30 p.m.

Chairman Reynolds: They have done an excellent job and a lot of background work in getting public input which is very important. Frank, I appreciate your coming forward for a minute.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning Director.

Peter Nomikos: The monthly report is included in your packets. We did issue 45 permits during the month of February with a total valuation of nearly \$5,000,000. This is largely due to National Health Care, which is starting construction and other than that, I have nothing further to add, except we are 3% under budget.

Chairman Hunter: I would like to comment on your monthly report. I find it very beneficial and concise and that is the kind of information that council can use. Thank you for your changes.

Mayor Godbey: The quality of the number of things your department is involved in and putting it on both sides of the paper which I appreciated. You identified all the things your department is responsible for in a very comprehensive way.

Chairman Reynolds: In light of Mr. Day's comments, who is responsible for putting up signs on property that is to be rezoned?

Peter Nomikos: When the applicant comes in, we give them signs and they are required to post the property within 15 days of the date of the public hearing. They had the sign posted but apparently the weather blew it down or someone may have taken it, but in any case, once we were made aware of it, we saw that it was posted.

Mayor Godbey: Is it by statute that they are required to post it or is it discretionary?

Peter Nomikos: I believe the ordinance requires the applicant to post the property.

Chairman Reynolds: I would like to see a clarification on that. I like the idea of having city staff post the signs so we know they are going out and placed in places where they are not nearly as visible. I would like that to go on the PEDC agenda if it could.

Chairman Hunter: We will put this on the agenda for next month.

Councilman Cook: I believe that is the way the county operates, too. That road there is so busy and how many times have we rode by and missed those signs. I think if they go by and check that the signs are up, that is sufficient. If we know that they are there, we can monitor it.

We don't have that much to do right now, we shouldn't have to be told the signs are down, we should be looking for them. Thank you.

Chairman Hunter: Mr. Nomikos, please put that on our agenda for next month.

Councilman Black: I know that you get tired of hearing me ask this, but the property at 930 East Butler, the deadline has passed.

Peter Nomikos: Stuart met with Krish Patel of VIP Properties on Wednesday or Thursday last week and explain what needed to be corrected now he understands exactly what he needs to do.

Councilman Black: That is on the main thoroughfare and has been there since they moved out. I appreciate anything you can do to speed it up.

Councilman Cook: Don't tell them to try to get it corrected, tell him period. Not try.

Peter Nomikos: He was supposed to have it corrected by...

Councilman Cook: Don't tell me supposed to. Do it or if we have to do it, we should do it and get paid for it. Tell him you want it done by this time or you will give him a citation.

Peter Nomikos: We gave him a date and if it is not done, we will give him a ticket.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher showed a power point presentation of damage during the snow storm, work at the parks, street surfacing work, etc.

f. Finance and Policy (Chairman Black)

i. Reports and Communication from Finance Director.

7. Unfinished Business

8. New Business

a. Consideration and action on Pine Forest Park playground proposal. (Rec)

Chairman Reynolds: As you know, we have worked with this since the City took it over. We have finished the walking path as well as courts. On February 19<sup>th</sup> proposals were turned in and a vendor was chosen. With that said, I would like to make a motion to accept Playworld Carolinas proposal in the amount of \$35,000. This will be part of a PARD grant.

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

b. Consideration and action on cultural center room use (Rec)

Chairman Reynolds: The CCFB has asked that a room be leased for a ballroom dancing teacher. The Recreation Committee asked that this lease be approved by the city attorney. He has not had a chance to go through it. With this item, I don't mind approving it contingent on the city attorney's approval.

Councilwoman Gettys seconded the motion.

Councilman Cook: I believe it is appropriate and what we have done in the past is we didn't do that, we sent it back to committee for recommendation to council after review of the attorney. In my opinion, they have had time to do it, and it is late. I think we should have more discussion back at the committee and forward it to full council.

Councilman Black: I go with Mr. Cook on this. I don't know what the urgency is. Is it urgent to have them occupy the space before we go through the proper procedure?

Chairman Reynolds: I think it is just the thought of getting them in there.

Mr. Daughhete: We want to apologize on this. The intent was to get this to council in time to have approval by the city attorney. We did not resolve our fee negotiations. Time is an issue because his lease is up at the end of this month and it is a use it or lose it opportunity. I am comfortable with putting in a stipulation of seven days or whatever is appropriate for the attorney to review it. Again, this is just for the one tenant. We are not looking for this as a boiler plate. We anticipate using this facility a significant amount and anticipate significant revenue.

Councilman Black: I am inclined to let them use it if their lease is up, we could determine a fee structure until we get everything ironed out and we know where we stand legally. I wouldn't have a problem with them paying an hourly rate for the use. I don't think we should approve this at this time.

Mayor Godbey: The motion is to approve pending concurrence by the city attorney. We can amend the motion.

The vote was 5-2 with Councilman Black and Cook dissenting.

Councilman Cook: Ms. Secretary, please put that in the minutes so we won't forget what we have done.

c. Consideration and action on CDBG resolution. (Rec)

Chairman Reynolds: The City receives money from the Greenville County Redevelopment Authority every year to help fund the senior, Summer Camp and Challenger programs. A request was sent to the

Redevelopment Authority requesting money for the 2010 budget for the three programs. The Redevelopment Authority staff has a recommendation on funding for the 2010 budget. A resolution is needed to receive this money. I make a motion that we approve this resolution it is a county allocation of \$123,900 and for HOME funds in the amount of \$45,000.

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

9. Public Comment.

10. Council requests.

Councilman Cook: On this lease, does the city get any money or what?

Chairman Reynolds: What we are looking for, and this is going through committee next month, we are trying to agree between the board and city and still keeping in point the idea you had on making sure John isn't doing all the work.

Councilman Cook: We don't know what we are doing and we are rushing this.

11. Adjournment.- Mayor Godbey adjourned the meeting.

Respectfully Submitted,

Cindy Miller

Municipal Clerk