

**Minutes  
Mauldin City Council  
Informal Session  
April 16, 2007  
7:00 PM**

**Members present were Mayor Jones, Council members Don Godbey, Bob Cook, Gabe Hunter, James Kennedy, Dale Black, and Jerry Smith. City Attorney John Duggan and Interim City Administrator Russell Sapp were also present.**

1. Call to order.- Mayor Jones
  - a. Invocation- Councilman Kennedy
  - b. Pledge of Allegiance- Councilman Smith
  - c. Welcome- Mayor Jones
  - d. Proclamations and Presentations- National Day of Prayer, Child Abuse

2. Reports from Standing Committees

- a. Fire (Chairman Godbey)
  - i. Reports and Communications from Fire Chief

Captain Brown: Good evening Mayor and Council. The response time for the month of March was 3 minutes, 2.8 in fire, and 3.1 medical. We had a total of 244 fire and first aid calls, 151 were in the City and 87 in the district. Last year we had 71 fire, 118 medical, and 6 miscellaneous. Year to date, we have 209 fire calls, 439 medical, and 18 miscellaneous, with a total of, oh, I don't like this number, 666, we need to run something tonight real quick.

Mayor Jones: You always do a good job. I don't know of any other department you would like to have in your house in case you have something. Thank you for the good job.

- b. Police (Chairman Cook)
  - i. Reports and Communications from Police Chief.

Chief Turner: I am going to take a second of your time. In addition to responding to 1,000 more calls for service, our officers had a few other things going on. Our department made application for two grants in the last thirty days. One was done through the Office of Highway Safety and focuses on the prevention of motor vehicle accidents. The other grant provides equipment through the Technology Transfer Program. You haven't heard this in here. It requires no match on our part. It is equipment that is given to us by the US Army to help prevent drugs on the street level. This grant will pay 100%. There are two highlights I would like to bring to you. We actually fell down in some areas- one is total motor vehicle accidents. We have a lot of through traffic- for the month of March we dropped a couple of percentage points. We are still over where we were last year by about 20 MVAs. We have seen a

reduction. That could be partially due to weather, or driving habits, but I wanted to bring that to your attention.

Chairman Cook: May I interrupt you? I think it is visibility and that is what is helping. Each one of us can say we see more police cars out and I certainly appreciate that. I think that is one reason the accidents have come down.

Chief Turner: Thank you, Mr. Cook. I had a staff meeting with all my Sergeant level officers and above, and we all know that there are problems at Butler and Main. I heard that when I was brought on. That didn't happen overnight. I did mention to the officers that there is more to our City than Butler and Main and Ashmore Bridge, and Bridges Road, that we do have communities we need to monitor. The officers are doing different things. We have security checks throughout the evening where the officers are riding through the neighborhoods and this is something some departments have gotten away from. The officers call in and say I am in Bethel Greene, and everything is 10-4. There was a thought that the bad guys have a scanner and they will hear where you checked and go in after you leave, they may break in after you are gone. One thing we do, you can hear a call on one side and know the other side is free to go. I look at it differently. They know I listen to the radio and it lets me know that they are out doing what they are supposed to be doing and it lends more credibility to their paycheck. It also gives us a timeline that if something were to happen, I know Officer Smith checked it at 12:00 am, and everything was ok, and we have a problem at 3:00 am, we have a timeline that we can base things on.

Another thing, if you look at our crime sheet, you will see a change in calls for service. Also look at the amount of juvenile arrests versus adult arrests. You will see a change in that. There are some red numbers that are a good thing for us. Any time we fall below last year as far as taking a juvenile to jail, that does help. That means we are getting the message across. A lot of our juveniles are arrested out of the schools. That is where they are 8 hours a day. I would ask you to look at the report from the schools that I include each month. There are a lot of things that the schools ask those officers. A lot of issues for the schools. Pay attention to that and look at the determination that those officers are putting back for the city from the schools.

ii. Reports and Communications from Municipal Clerk of Court /  
Administrative Judge

Angela Cooper: Good evening. For the month of March, there were 795 new cases filed. We disposed of 732 cases. We have a total of 1,941 cases still pending. Let me make sure that you understand what that means. I did a report today for Chief Sapp. Our pending jury trial cases from 2002-2006, that is 261 cases. There are some from the year 2000, we haven't totaled those up yet. A lot of those cases are ongoing traffic tickets that we receive every day from the police

department. I would be glad to take any questions.

John Duggan: I want to make you all aware. We said at the last council meeting that we were concerned about the jury trial docket. I asked for the committee to address this and for us to consider this in the budget to allocate resources to deplete that. I am pleased to tell you that with the help of Angela and the Chief's personnel, we have the files. The prosecution team is beginning to meet with officers to pre-try those cases. We have scheduled a plea day with the Judge in mid August. We are going to clear out a lot of this docket at that time. The idea is we afford persons with cases pending an opportunity to resolve the case. If they don't there will be no more negotiations and those cases will go to trial and we will end up within a year with a current docket. I want to publicly thank Angela and the police department for working so well with us on this because it is time consuming. I feel better about it.

Mayor Jones: How far back do the cases go? How current are you?

Angela Cooper: We still have the 261 cases that are pending. Those are the ones we are looking. 75 cases from 2007 that we can include. They go back to 2002. They have tried to come to court, but they have been continued, sometimes the defendant's attorney has been called to general session court, which has precedence over our court. We have had to reschedule them. 2002-2006 is our back log.

Chairman Cook: Would you and the police chief get this together and be able to report to us a cost for the extra terms and plea bargains?

Russell Sapp: I have talked to Angela and the Chief. The problem is for us to find out what we are going to bring in from these cases.

Chairman Cook: I don't care what you are going to bring in. How much is it going to cost?

Russell Sapp: That is what I am saying. It is hard to get. I will talk to Mr. Duggan.

Chairman Cook: We need to know what the cost will be so we can figure for it. Mr. Duggan can help. Thank you . We appreciate what you are doing.

- c. Recreation (Chairman Smith)
  - i. Reports and Communications from Recreation Director.

Van Brannon: Thank you. We had another busy month. For our senior program, we had 2804 seniors participating in programs in March. That is a large turnout. The majority of those are for our exercise programs. We had a great turnout for the Easter Egg Hunt. I would like to commend the senior center staff and volunteers for helping make that a positive activity. The parks management department is in their busiest time of the year preparing the grounds for baseball and

softball. Bids have gone out for the storage building at Springfield Park. We expect them at the end of each week. This is our largest youth season. Miracle league games have started and on Wednesday our wheelchair softball league will start.

The Sports Center continues to go very well. The doors for the fitness area have been installed and they did a good job on that. Curbing for additional parking has been installed and our Fit Kid program started today. It seems to be going well. We are keeping the kids segregated and it looked like the kids were having a good time in the gym.

Councilman Cook: You may have covered this. How are we on our photographs? Are we complete for our security down there? Ids.

Van Brannon: We had to order some additional key tags. Everyone doesn't have one now. They are coded with a certain number that corresponds with the membership number. Everyone is in the system.

Councilman Cook: Do you know how long that will be?

Van Brannon: Probably another week. They should be in and everyone will have their key tags.

Councilman Godbey: I would like to congratulate you on the Miracle League getting kicked off again. I know in the paper we had a wonderful article about that program. We are proud to have that affiliation with 100 kids that normally wouldn't be able to play ball. I commend your staff.

Van Brannon: We have a very active board. There are some great volunteers.

Mayor Jones: What is the good news on membership?

Van Brannon: Over 1700. We slowed down a little thank the Lord, but it is still going up.

- d. Planning and Economic Development (Chairman Hunter)
  - i. Reports and Communications from Building and Zoning Administrator.

Peter Nomikos: Thank you. Tonight on the agenda are four annexations and one proposed amendment to the business license ordinance on the docket. Speaking of licenses, we are in the process of receiving all renewals. They are all due today. We have gotten very good response as far as the requirement for the tax return and it has helped in several cases to give us more accurate numbers.

A contractor came in and tried to claim he was only doing \$12,000 in business and after he came in with his tax return, the actual amount was \$348,000. That is a very substantial difference. We are in the process of handling those now. Revenue should be reported to Finance shortly as we finished opening all the envelopes and recording everything.

Councilman Black: We have discussed this several times back and forth on codes and everything, we have been getting a lot of reports from Montclair and Glendale.

Peter Nomikos: We are slowly making our way through the City. We did not have any target areas last week. We were busy with follow-up inspections and writing tickets for the ones that had not been corrected. He will be doing two more neighborhoods this week. He will do Hillsborough and working over toward Hyde Circle. Then, we will get Forrester Woods and some of the other areas up Miller Road.

Councilman Black: Where do we stand on staggered hours and on Saturday?

Peter Nomikos: I went out Saturday before last for about 3 ½ hours and found a few violations. One was a wrecker parked at a house. We did send a citation on that one. For the most part, what I observed were yard sales, which are legitimate, people parking work vans which were in the 1 ½ ton carrying capacity, which is acceptable. I really didn't see any large numbers of illegal activities going on. I did see some contractors out working. We followed up on a few to make sure they were properly licensed. We should probably do that again this weekend.

Councilman Godbey: On the agenda we have the business license ordinance and I know we are going to get to that, but do we have a provision to allow for council to review penalties when a license is in arrears?

Peter Nomikos: This is not part of this particular amendment. This is merely to establish a declining rate and a cap. If it is the council's desire, we can look into other amendments,

Councilman Godbey: I would at least bring it before your committee, Mr. Hunter, to visit that issue so that the ordinance is in compliance with what we may need to be doing.

Peter Nomikos: I may need to discuss this with legal counsel at a later time.

ii. Discussion on annexation Request – Essie Adams - Ashmore Bridge Road

Chairman Hunter: The first item and the second item are combined into one since the parcels are adjacent and owned by the same family. Request to annex and rezone +/- 3.9 acres on Ashmore Bridge Road. The two parcels that are the subject of the request are owned by Essie Adams Family Partnership and David Adams respectively. The site was the location of an old farm house that burned down a couple of years ago on the western side of Ashmore Bridge Road abutting Adams Mill Estates and the Vineyard at Planter's Row. The applicants have requested annexation and rezoning from R-S Residential Suburban in the County to R-10 Residential in the City. The applicants are requesting this annexation and rezoning so that it can be developed as a small subdivision, the entrance drive of which will line up with Natchez Drive in Planter's Row.

The Greenville County Planning Commission staff recommended approval of these requests as they are consistent with surrounding development. The Mauldin Planning Commission voted unanimously as did to forward both of these items to the PEDC with a recommendation for approval.

Chairman Hunter moved this item to the formal session.

- iii. Discussion on annexation Request – David Adams – Ashmore Bridge Road  
iv. Discussion on annexation request- Interstate Storage.

Chairman Hunter: Request to annex and rezone +/- 6.554 acres on Interchange Boulevard and Pilgrim Road from S-1 in the County to S-1 in the City. This parcel is owned by the Dorothy Farney Trust as represented by trustee Cynthia Coffman, and is currently zoned S-1 in Greenville County. The site is occupied by Interstate Self Storage, which has frontage on I-385, Interstate Boulevard, and Pilgrim Road. The applicants are requesting this annexation and rezoning so that they can benefit from City services, including quicker response on building permit issuance and inspections. This request includes a 5 year phase-in of municipal property taxes as an inducement for annexation.

Due to time constraints, the Planning and Economic Development Committee voted on April 4, 2007 to suspend the rules and consider the petition. The committee then heard an oral summation of the request, and voted to forward the item to Council for first reading with a recommendation for approval at first reading. The Planning Commission will be considering this request and making a recommendation to Council at the April 24, 2007 meeting prior to the second reading. We did this to expedite the situation so Interstate Storage could build some humidity and temperature controlled units.

Chairman Hunter made a motion to send this to the formal session.

Mayor Jones: This is the property that is going to get us to Merovan Center?

Chairman Hunter: Yes, sir.

Councilman Black: This is at 385 and Interchange Boulevard?

Chairman Hunter: That's correct. It is across and right through Merovan.

v. Discussion on annexation request from Miller Heights.

Chairman Hunter: This is annexation request for Miller Heights to come in from R12 in the County to R 12 in the City. The homeowners have petitioned for annexation so that they can benefit from City services. This was developed as an R12 cluster development therefore the individual lots are not 12,000 square feet. The overall lot area including common areas does fall under the requirements. Since the existing development is consistent with the future land use plan and the applicable provisions of the land development regulations for the City of Mauldin, staff recommends approval at first reading. The planning commission will consider this at the April 24<sup>th</sup> meeting prior to second reading. I plan to attend that meeting to explain why we have visited these two items prior to them having a chance to review them.

Chairman Hunter made a motion to send this to the formal session.

vi. Discussion on amendment to the Business License Ordinance – Declining Rate/Cap

Chairman Hunter: Heretofore we have been at a static level for business licenses. In order to entice headquarters and large corporations, we decided to revisit the ordinance Council had requested that an amendment be prepared for consideration that would establish a declining business license rate and a cap on the maximum amount that a business may be charged for a license. The purpose of this amendment would be to encourage large businesses to locate within Mauldin City limits, thereby bringing jobs and increased revenue to area businesses.

Staff has prepared two proposed amendments for consideration. Both amendments have a decline in the rate to 50 percent and another decline in the rate to 10 percent based on gross revenue levels, however the income groupings differ. They also both contain a cap of \$100,000 as the maximum business license fee that may

be charged during a calendar year. The first amendment puts the bracket for the reduction to 50 percent at \$25,000,000.00, while the second puts the bracket at \$40,000,000.00. Both amendments put the bracket for the reduction to 10 percent for anything over \$100,000,000.00, and an exclusion for any revenue in excess of \$300,000,000.00.

As these amendments are intended to encourage future economic development, there is no current financial impact, although some existing businesses may benefit from the rate cap in the next fiscal year. The PEDC voted to bring the second version of the amendment with the first step of the declining rate beginning at \$400,000 and a cap of \$300,000,000 with a recommendation of approval.

Mayor Jones: We have needed this for a long time. This sets the businesses irregardless of how large they are and the max they will pay to the city is \$100,000.

Councilman Godbey: I have a question for Ms. White about potential impact in the short run.

Lisa White: Because there is a \$100,000 cap for major entities, it won't have a lot of impact, because that is what we negotiated. The other items, it will be small. It won't affect too many.

Councilman Black: I would like to state that this is strictly business licenses, it does not in any way affect property tax.

Chairman Hunter: We have done some evaluation of the various classes to see what kind of impact it would have. In most classes, there are no impact. It has very little impact. We are trying to set up Mauldin as a haven for large businesses to set up headquarters because taxes and license fees are the driving forces that cause businesses to relocate. We are setting ourselves apart from all other communities in the Upstate.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director.

Mike Watkins: Y'all will have to bear with me, I am a little bit rusty. Mayor and Council.

Mayor Jones: It's like riding a bicycle. Crawl back on there.

Mike Watkins: You have your reports. I would like for you to know that Saturday is our annual Clean Up Day. It will run from 7:30 a.m.- 4:00 pm. Citizens, if you have anything to get rid of, besides hazardous waste, insecticides, strip your furniture, that is hazardous and we can't handle that, but anything else you want to get rid of, bring it to us and we will take it.

Just want to let you know about a couple of projects that are completed. We completed Drury Lane cross line project, and also on Bishop Drive, a cross line has been repaired out there. We have finished our first round of street sweeping. City wide. We are planning on the second round in May.

We have three people training for a pesticide license. We want to stagger these guys out and get our spraying program back on track. All the road paving is complete except for Sunrise Drive. The contractor is waiting on Greenville Water System to raise the valves out there. This is from the gas tax money. This is the CTC match.

Councilman Black: Mr. Watkins, how many do we have trained on the street sweeper? At one time, we had one.

Mike Watkins: We have one, we trained one more and Friday was his last day. He is on to bigger and better things. Starting with the next round, we will have someone else trained. We just brought one guy on board and he says he has some experience. We are going to see what he can do also. We are trying to train four or five people to run that sweeper.

Councilman Black: I know we had some complaints from some of the citizens on the fact that we just had one individual trained. When he was on vacation or sick, there was no one trained on the equipment. I am glad to see this.

Mike Watkins: I am trying to get the guys to come in when the traffic volume is low for the main thoroughfares. We will do subdivisions during normal working hours.

Mayor Jones: Mike, I would like to tell you I have had a lot of comments on the department with that sweeper. It does get a lot of trash and dirt off of the streets. When will we start spraying for mosquitoes?

Mike Watkins: It varies from year to year. We haven't gotten any complaints yet. We have guys to take the exam next month. We have got to get some licenses before we start. In the past, when I was in charge, when I got five complaints, I would start up the program.

ii. Discussion on purchase of three trucks.

Chairman Kennedy: We have another item on the agenda. We need to purchase three vehicles. We need to replace a vehicle with a Ford 250 ¾ ton on a state price of \$16,277 from Vic Bailey. We need to get another vehicle for fleet maintenance to pick up parts and components. This is at a cost of \$21,821. We need another truck for the mosquito spraying. The replacement will be a 2008 Ford F150 ½ ton with an 8 foot bed. This will cost \$12,857 including tax. The whole shebang is \$50,955. I would like to move this to the formal agenda.

Councilman Black: Council voted last year to hire three individuals for sidewalks and grass. How do these affect the individuals with the new vehicles?

Mike Watkins: The 250 that I am driving now will go to that street crew. I will operate the new vehicle. I have taken good care of it and that vehicle will go to them.

Councilman Black: I talked to Chief Sapp today and we used to have a policy on the vehicles. I would like to see us put one back that when we buy a new vehicle to make sure it has a logo and the numbering system when it is put into service unless it is an emergency purchase to replace a wrecked vehicle or something.

- f. Finance and Policy (Chairman Black)
  - i. Reports and communications from Finance Director.

Lisa White: In your packet, you have a financial report as of March. We have received 90% of our budgeted revenues. We have received all of the current property taxes that we will get from the County. We may get a little bit of delinquent in later. We have expended 81% of our expenditures. At this time we can estimate that the city is on track, however, I do believe we will have depleted most of the fund balance in the hospitality fund because we completed the sports center out of fund balance. We will use about \$2.6 million out of fund balance reserves and we did plan to do that. Also, if the city does not issue the bonds, the general fund may dig into its fund balance slightly for McDougal Court. Council will consider that later today. In what Pete mentioned about business licenses, I did check and it was \$1.1 million as of today, so it looks likely that business licenses will obtain the budgeted amount.

Staff has been very, very busy working on the 2008 budget. We have had many meetings and have tried to trim it as much as possible as late as today. We had a staff meeting and we should bring to you a budget on April 26<sup>th</sup> is a budget workshop at 6:30 pm. Also, in the agenda we have a resolution for sales tax payment. We had an audit done for the years 2002-2005. Also, I would like to ask council when you are voting on that to also approve a budget amendment to move the money. We had some extra money in administrative contracts and services. We had a Request Partner contract that we canceled, so we had a little money left over in that account. We had some money in administrative special projects and COLA to pay that amount. We did also with Mr. Hunter's recommendation amend the purchasing policy that we have the intention of paying sales tax when due to avoid this. Really it was an oversight. Some of the vendors mistakenly believed the city is sales tax exempt and we are not.

Mayor Jones: We are going to pay this on a monthly basis from now on?

Lisa White: Every time the AP clerk sees that an invoice does not have sales tax on it, she goes ahead and charges it to that department and puts it in a liability account and holds it until the end of the month and when the month ends she knows what is due and she can do a report. We should never have a problem.

Mayor Jones: Do they audit us every year?

Lisa White: No. We have never gotten audited before. I am not sure- I don't think we should expect one. The auditor was pretty pleased overall. It ended up not being as bad as he thought and not as bad as some other cities. I don't expect him back for a couple years.

Councilman Hunter: Is the budget you are presenting on Thursday night a balanced one?

Lisa White: Almost. What we did was we balanced it except for three major purchases- a garbage truck, a fire pumper, and a rescue truck that we are proposing council allow to be a capital lease. It is balanced unless council does not want a capital lease.

Councilman Hunter: The recommendation came out of PW the other night.

Lisa White: Yes. Only using capital lease for very large purchases. We cut it off at \$100,000 and those three were the ones that qualify.

Chairman Black; I would like to thank Ms. White again for all the hard work she and her staff have done. You see her at all hours of the day and night and on weekends trying to get this done. She feels she is behind the 8 ball but she has got a lot of good people helping her and it shows in the process. I want to tell you how much we appreciate it. Like she said, the budget workshop will be Thursday the 26<sup>th</sup> at 6:30.

Lisa White: We will have for you a book that has everything in it- all departments, requests, justifications, it should be everything you need. If you have anything from the committee meetings, chunk it because we are starting fresh.

Chairman Black: I encourage Council to go through these books and highlight in them things you are concerned about, so if you have a question you can ask it. We can all hear it so we will know if we need to add or delete something.

Lisa White: We will have everyone in there together so all staff can hear what the other departments need so we know what is going on in the city.

- ii. Discussion on issuance of general obligation bond for McDougal Court.- second reading

Chairman Black: This is an amount of \$875,000 for the purpose of the purchase of the property at McDougal Court for our new Sanitation Department. Also, this includes fencing of Jenkins, fencing for McDougal Court, and the building that Mr. Brannon spoke of while ago at Springfield Park. If we adopt this, we have 18 months to issue these bonds. That doesn't make sense to me because it goes into another fiscal year and we have to go back and start the process again. We have 60 days if we take second reading tonight in order to issue the bonds before this fiscal year runs out. If there are any changes or anything we will have to take two readings again. This came out of committee to take second reading. Council can make the decision to do this at the workshop.

Chairman Black moved this issue to the formal agenda.

iii. Discussion on amendment to city purchasing policy.

Chairman Black: This is an ordinance revision. At this time the City does not have a policy on the books that states that we can adopt the price that the state has. The state has a sealed bid on garbage trucks or whatever and the city can tag along on the bid. If they are bidding on police cars throughout the state and one individual gets that, they are the vendor and all municipalities can tag onto that. That is the low bid. We are not required then to operate under sealed bids. We do not have that on the books. We have done this for years, but it is not in the record that we can do it. We want to put this on record.

Chairman Black moved this item to the formal agenda.

iv. Discussion on sales tax payment to SC Dept of Revenue.

Chairman Black: This is the item Ms. White was talking about. I would like to put this on. The vendors were not aware that we were to be charged sales tax as a municipality. This is through no fault of our own. The amount owed is \$24,237.84. The budget amendment Ms. White presented you shows where this money would be taken from. I would like to add that any purchases made by the city- the vendor will be notified that we are required to pay sales tax. That is not required at this time. I would like that added to put this procedure in place. This goes back from January 2001 to December 2005.

Chairman Black moved the item to the formal agenda.

Councilman Godbey: Included in this is the budget amendment?

Lisa White: You can do it together.

Mayor Jones: It would be clearer to do it separately.

Chairman Black: We will add a new item for the budget amendment to pay the \$24,237. You have a copy of the accounts.

Russell Sapp: Also included is an amendment to the ordinance stating that the City is not exempt from state tax. We can attach that policy to vendors.

Mayor Jones: Now we should be totally clear.

Chairman Black moved this item to the formal agenda.

- g. Committee of the Whole
- i. Discussion on council achievements.

Russell Sapp: This is information for Council and the citizenship of the City. We put together a list of things that we are going to call good press for the City.

### **Successes for Mauldin City Council**

Annexation of two properties on Woodruff Road- something we have been working on for some time

Acquisition of property for new public works facility

Building of a new sports center

Hired new police chief

Appointed fire chief to interim city administrator.

Implemented an ordinance approving underground utilities and traffic calming in new subdivisions

Mauldin named Tree City, USA

Preservation of Mauldin Elementary School as a new cultural center

Acquisition of log cabin from Camp Old Indian

Passed new vicious dog protection

Paving of several city streets that were in great need.

Generated a couple hundred thousand dollars by use of thoughtful investment of revenues.

Councilman Hunter: There are a couple of items I would like to add. Refurbishing of city parks, largest Mauldinfest ever, and formed PEDC. I will take the blame for this. It was my idea. The reason for it is so we could tell the citizens in Mauldin what we had done and what we hope to have done to improve the City. I asked the Chief to be accountable for this and I appreciate what he has done with it.

- ii. Discussion on executive session for contractual matter.- Revenue bond and ordinance to purchase property.

Mayor Jones: We have to go into executive session for two items- one is a contractual matter and the other is a personnel matter. These are the only two things you can't discuss out front. The state requires us to do this. Let's do these both together.

Councilman Black made a motion to go into executive session after the conclusion of the formal session. Councilman Cook seconded the motion and the vote was unanimous (7-0).

- iii. Discussion on executive session for personnel matter.

### 3. Adjournment.- Mayor Jones

There will be a 10 minute break before the formal session to allow those present wishing to address City Council an opportunity to sign the speaker's log.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk

**Minutes  
Mauldin City Council  
Regular Formal Session  
April 16, 2007  
7:00 pm**

1. Call to Order- Mayor Jones
2. Reading and Approval of minutes- Informal and Formal sessions- March 26, 2007. Special called minutes April 4, 2007.

Councilman Cook made motion to approve the minutes from March 26<sup>th</sup>. Councilman Hunter seconded the motion and the vote was unanimous (7-0).

Even though the minutes from April 4<sup>th</sup> were not received, Mayor asked for a recommendation to accept them when we do get them. If there are revisions, they will correct them then. Councilman Hunter made a motion with Councilman Cook seconding. The vote was 6-0. Councilman Godbey was not present at the April 4<sup>th</sup> meeting.

3. Public Comment on items appearing on the agenda.
  - a. Bob Settle: Thank you. We represent the committee for annexation from Pine Forest subdivision. We would like to submit a completed request including over 75% of residents for your consideration.

Mayor Jones: I have been asked how long this might take. My best guess is about 90 days. Thank you very much. You put a lot of steps in. We had a lady that did the same out in Butler Station. She got out and knocked on doors. We will furnish you some cookies and cider or something when you do come in.

- b. Warren Andres: I live at 2 Danbury Lane. I have lived there since 1989. I am here to complain about the barricades that were put up on Wednesday of last week. I would like to know why.

Mayor Jones: We have gotten I don't know how many complaints from that subdivision about people cutting through. We put the barricade to see what kind of result it would do. It has been up about a week. People were coming down Fargo Street at 45-50 mph. We wanted to see if cut-through was the problem. The people who were watching said they thought that was the problem. There was eight hours of observation and the highest rate of speed was 9 miles over. We wanted to see what kind of reaction there would be from people cutting through.

Mr. Andres: How long is it planned to be in place?

Mayor Jones: Good question. We don't know. It could be permanent. We are going to get the results back. We have another plan too called traffic calming. You have to come up to planters in the street with flowers and bushes and slow down to go around them. You have to stop people going those speeds in subdivisions with all the kids that are out there. It is a matter of time that someone is going to get hurt.

Mr. Andres: Do we write more speeding tickets there than other places in town?

Mayor Jones: No, you could. We are trying now- most of the people that are speeding are the people that live there. They didn't believe that.

Mr. Andres: Rather than inconvenience the entire neighborhood, wouldn't it make more sense to identify the speeders and deal with that?

Mayor Jones: We have tried everything. We have a new policy on that.

Chief Turner: One issue is speed and one is traffic. The issue of speeding is easily addressed. I have officers out checking speed. The traffic issue is more the primary concern. That neighborhood adjoins another neighborhood. There are a large number of home on Fargo. Danbury serves as a cut-through which increases the traffic volume. We want to see if the volume is higher than it should be.

Mr. Andres: Danbury is at the rear of a closed-in subdivision. It is built out pretty much. If traffic has changed, I doubt it is very much. I implore that council consider my request to have the barricades removed and stop inconveniencing the entire neighborhood for the acts of a few.

Mayor Jones: We don't know what we are going to do- whether it is calming or this permanently- I don't know.

Mr. Andres: When can we expect a decision on that?

Mayor Jones: I would say 60 days.

Mr. Andres: 60 days?

Chief Turner: Since we have put the barricades out, they have been moved. During the middle of the night, people move them away from where we set them to begin with. We get calls at seven or eight in the evening to move the barricades again because traffic is stopped. You may be on target with your timeline.

Mayor Jones: The community came in with a petition. I forgot what the percentage was, but it was a very high percentage wanting something done. You have to start some place. We have done three and this is the fourth one.

Mr. Andres: I would like to request a copy of that petition please.

Russell Sapp: I have got it.

- c. Joyce Todd: I live at 109 Meadowbrook Drive. I have had an issue with animals and my neighbor on Whispering Brook at 102. They have five dogs. We have called several times as have other neighbors. This has gone on for a year and a half and have not had much success with Ms. Carpenter in controlling that nor have I had success with approaching the neighbors. My daughter getting off the school bus was chased by a loose dog to our home. I opened my garage door and there was a pit bull in my driveway. These dogs are out of control. I haven't had success in trying anything with the neighbors besides calling the police. I understand you are the new police chief. Thank God, that is a good thing. Maybe we can get something done. It probably seems like a minute problem to some of you, but being a nurse, I have to be at work early and I work very late. Coming home is supposed to be serene and calming and it doesn't work out to be that way. It can be very frustrating with sleep deprivation. I know that it is not important to some of you, but to me, it is. It has become a large issue to where something else has happened.

Mayor Jones: I assure you, we will take care of it. And, something else. This new ordinance- isn't there an ordinance where you can only have two dogs at one location?

Ms. Todd: The copy I had has no set amount on there.

Chief Turner: There are some covenants in residential areas that restrict the number of large dogs. I am not sure about out there.

Mayor Jones: Get Linda out there and also visit the neighbors and tell them what they have to do to meet ordinance compliance.

Ms. Todd: I live at Meadowbrook and Adams Mill. There is a vacant house there at the corner and it is definitely an eyesore. I think it was Mr. Rice's house. I saw yellow tape around it about a week ago, but it has been torn down. The chimney is down, the door is open, the fence is not locked. Plenty of kids can get in that house and get into trouble.

Mayor Jones: The building department has condemned that house.

Peter Nomikos: The owner has been talking to a civil engineer as far as a structural analysis of the building. We have not gotten a copy of the report yet. It is our position that the structure is not repairable and should be demolished.

Mayor Jones: The people know what they have to do to either rectify it or tear it down.

Ms. Todd: I live at 109 Meadowbrook. When you find this, you are more than welcome to come by my house and deliver that copy to me or whatever information you might have. I am glad to meet you. Thank you.

d. Dean Kirkland: Are you Dean Kirkland?

Mayor Jones: You thought there were two people named Dean Kirkland?

Dean Kirkland: I don't know. A couple of things I expect from the City of Mauldin is we appreciate one another. The bible talks about lawyers in a derogatory manner. We put in new pipe, Mike did, and there was concern with the neighbors that children could go over this seven foot fall and I don't know if Mr. John Duggan called me first or I called him, but if I called him, it is because the City told me to. I had at least three conversations with him- two without doubt, and each one was a put-off. The next time it went about four months. Tonight when I approached him about it, it was another put-off. He told me what he wanted me to do. I am not here for you to tell me what to do.

Mayor Jones: You wait just a minute. The attorney works for council, he was told if he comes out we are talking a lot of money.

Dean Kirkland: That is not it, sir.

Mayor Jones: Wait a minute. He was told by Tom Lynn that it wasn't necessary- that he had it handled.

Dean Kirkland: He is lying- I hate to say that, but I know for a fact. He promised me he would be there, it was cleared by the city, and he wanted me to start all over tonight. That's not the way it works.

Mayor Jones: This is not the place for this. We will talk about this later.

Dean Kirkland: I don't know if he is overworked and we can get a second one, or we can get rid of him and get a good one.

Mayor Jones: He does what we tell him to do.

Dean Kirkland: Well, he didn't. He told me two times he would meet me out there.

John Duggan: Just so the Mayor and Council and the members of the public will know, we had an issue about installing pipe underneath a street. At that time, Mr. Lynn asked me to take a look and this was all initiated by Dean in a phone call to me. I was the one that contacted Mr. Lynn and asked him to look at the problem. Subsequently, the pipes were installed and Mr. Kirkland called me again and asked me if I would come out to look at it.

Dean Kirkland: No.

John Duggan: You have had your say, Dean. I am going to tell my version of this story.

Dean Kirkland: You are the counselor. I respect that.

John Duggan: So, I called Mr. Lynn because I am not an engineer, I am an attorney, and I asked Mr. Lynn to take a look again and find out what Mr. Kirkland's concerns were and if he felt that if I needed to become involved, then I would. It costs the city money to pay me and I can't come out just when a citizen asks me to, I have to do that through the Mayor and Council and the city administrator. They have to budget for my fees. Mr. Lynn went back out and sent me photographs and said he did not believe I needed to go out there and the matter had been resolved.

Dean Kirkland: Did you tell me that a while ago?

John Duggan: So, as a result of that, I did not go back out there because I was instructed not to do so.

Dean Kirkland: You didn't return my phone call either.

John Duggan: This evening when Mr. Kirkland approached me about it, I informed him that if he discussed this with the Mayor and Council and if they felt that I should look at this as a possible legal liability concern for them, I would be happy to do that. I can't just go out for any one individual because if I responded every time a citizen called me, this body couldn't budget for the money to pay me. That is my response.

Dean Kirkland: But, is it truthful?

Mayor Jones : That is enough.

Dean Kirkland: The Bible teaches us to love our neighbor as ourselves.

Mayor Jones: Speak to council. Face us.

Dean Kirkland: Why does Mike get to face them?

Mayor Jones: He is doing them a service. Get back to your mic.

Dean Kirkland: The neighbor that had the audacity tonight to get up and talk about Fargo Street is in the top 5 violators of speeding down that hill and his wife is one of them too. Two more houses down from him is another situation. They are the worst of the lot. We have to look out for our grandkids, our property, pets, and come in here and act like he has a problem. His driveway goes straight out to Bethel. He has to make two turns to get through our neighborhood. If he thinks we are going to lay down and play dead. You need to see those 34 signatures, sir. 90% of people said close it down. I didn't get this far to roll over.

4. Reports and Communications from city officers.
  - a. City Administrator
5. Reports from standing committees.

- a. Fire (Mr. Godbey)
- b. Police (Mr. Cook)
- c. Recreation (Mr. Smith)
- d. Planning and Economic Development (Mr. Hunter)
- e. Public Works Committee (Mr. Kennedy)
- f. Finance and Policy (Mr. Black)

6. Reports from special committees.

7. Unfinished Business

- Finance and Policy Committee (Mr. Black)
  - a. Consideration and action on issuance of general obligation bond for McDougal Court.

Chairman Black made a motion to adopt this with Councilman Godbey seconding. The vote was unanimous (7-0).

8. New Business

- Planning and Economic Development Committee (Mr. Hunter)
  - a. Consideration and action on annexation Request – Essie Adams - Ashmore Bridge Road

Chairman Hunter made a motion to pass on first reading both Ashmore Bridge annexations. Councilman Black seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on annexation Request – David Adams – Ashmore Bridge Road
- c. Consideration and action on annexation request- Interstate Storage.

Chairman Hunter made a motion to pass this on first reading with Councilman Godbey seconding. The vote was unanimous (7-0).

- d. Consideration and action on annexation request- Miller Heights.

Chairman Hunter made a motion to pass this on first reading with Councilman Smith seconding. The vote was unanimous (7-0).

- e. Consideration and action on amendment to the Business License Ordinance – Declining Rate/Cap

Chairman Hunter made a motion to pass this on first reading with Councilman Cook seconding. The vote was unanimous (7-0).

- Public Works Committee (Mr. Kennedy)
  - f. Discussion on purchase of three trucks.

Chairman Kennedy made a motion to purchase the three trucks with Councilman Smith seconding. The vote was unanimous (7-0).

- Finance Committee (Mr. Black)
  - g. Consideration and action on amendment to purchasing policy.

Chairman Black made a motion to pass this amendment with Councilman Godbey seconding. The vote was unanimous (7-0).

- h. Consideration and action on sales tax payment to SC Dept of Revenue.

Chairman Black made a motion to accept the budget amendment to pay the sales tax to the state by moving some money around. Councilman Hunter seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to pay the state the money owed with Councilman Smith seconding. The vote was unanimous (7-0).

- Committee of the Whole
  - i. Discussion on council achievements.- No action
  - j. Consideration and action on executive session for contractual matter.- Revenue bond and ordinance to purchase property.
  - k. Consideration and action on executive session for personnel matter.

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

Mayor Jones called the meeting back to order after the executive session. Councilman Black reported no action was taken on either issue. On the second session, Councilman Black made a motion to authorize the Mayor to execute a contract to purchase real estate in an amount not to exceed \$750,000 plus closing costs to be paid in installments by the means of a municipal facility and occupancy agreement. Councilman Cook seconded the motion and the vote was unanimous (7-0).

John Duggan: To approve the ordinance authorizing...

Councilman Black made a motion to adopt this ordinance on first reading consenting to and approving the execution and delivery of a base lease agreement between the City of Mauldin and DTC Holdings, LLC consenting to and approving the execution of municipal facilities and occupancy agreement by and between DTC Holdings and the City of Mauldin authorizing execution and delivery of the documents relating to and making provisions of all other matters relating to the foregoing. Councilman Cook seconded the motion and the vote was unanimous (7-0).

John Duggan: There are only certain financing vehicles state law will allow a municipality to use to purchase property. This is a type of bond document. It does apply against the total amount of bond indebtedness a city is allowed to issue and is an ordinance to authorize this form of bond to purchase the property that the Council just authorized the Mayor to enter into a contract to purchase. This is to acquire real estate to be used by the City.

Mayor Jones: We have to issue a bond.

John Duggan: That type of bond is a municipal facilities purchase and occupancy agreement.

- 9. Public Comment on Items not on Agenda.- None
- 10. Council requests.- None
- 11. Adjournment. – Mayor Jones adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk