

**DRAFT
MINUTES
MAULDIN CITY COUNCIL
FEBRUARY 18, 2019
7:00 PM
COUNCIL CHAMBERS**

Members present were Mayor Dennis Raines, Council members Carol King, Taft Matney, Terry Merritt, Scott Crosby, Dale Black and Larry Goodson. City Attorney John Duggan and City Administrator Brandon Madden were also present.

1. Call to order.- Mayor Raines
 - a. Invocation- Councilman Merritt
 - b. Pledge of Allegiance- Councilman Merritt
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations- Beta Club proclamation; TMALDI presentation

Mauldin Elementary' s Beta Club was presented with a proclamation by the Mayor.

Curtis Ingram gave a presentation on the activities of TMALDI, a mentoring program for boys being raised by single mothers.

Pat Pomeroy from the chamber mentioned that Mauldin has been invited to a Tourism Day at the SC Welcome Center and will be participating to promote Mauldin to newcomers to the state.

The chamber directory will be issued in March.

3. Reading and approval of minutes.- City Council minutes January 22, 2019- Councilman Matney made a motion to approve the minutes with Councilman Goodson seconding. The vote was unanimous (7-0).
4. Public Comment. – None
5. Report from City Administrator
 - a. Police Officer of the Year- Chief Turner presented a plaque for 2018's Officer of the Year to Sgt. Kara Boyd. He then presented a plaque for 2018 Police Civilian Employee of the Year to Amy Ketchum.
6. Reports from Standing Committees- Reports are on file
 - a. Building Codes (Chairman Black)
 - b. Recreation (Chairman Raines)
 - c. Finance and Policy (Chairwoman King)
 - d. Public Safety (Chairman Crosby)

- e. Public Works (Chairman Goodson)
- f. Economic Planning and Development (Chairman Matney)

7. Unfinished Business

- a. Consideration and action on rezoning at 161 Verdin Road (Building Codes)-
2nd reading

Chairman Black made a motion to annex and rezone 161 Verdin Road owned by Smith and Griffin. This is 2.4 acres to be zoned City C2.

Councilwoman King seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to annex and rezone 161 Verdin Road owned by Green. This second tract is also approximately 2.4 acres to be zoned City C2. Councilman Crosby seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on annexation at Quartz Circle and Standing Springs Road (Building Codes)- 2nd reading

This item has 5 ordinances associated with it. Chairman Black made a motion to accept the first ordinance on second reading which is at Ranch Road owned by Hejaz Temple Holding Corp. and is a 10-foot strip.

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

The second ordinance is also a ten foot strip on Standing Springs Road owned by Regenia D. Brashier. Chairman Black made a motion to accept this on second reading. Councilman Matney seconded the motion and the vote was unanimous (7-0).

The third ordinance is at Standing Springs Road and is owned by Quartz Road, LLC. It is a 25-foot strip/right-of-way and sewer easement. Chairman Black made a motion to accept this with Councilman Goodson seconding. The vote was unanimous (7-0).

The fourth ordinance pertains to 2220 Standing Springs Rd owned by Quartz Road, LLC. It is ± 1.3 acres requesting as City R10. Chairman Black made a motion to accept this on second reading. Councilwoman King seconded the motion and the vote was unanimous (7-0).

The final ordinance is Quartz Circle owned by Riddle Family Number 9, LLC and is ± 92.0 acres. They are requesting City R10 zoning. Chairman Black made a motion to accept this on second reading. Councilman Matney seconded the motion and the vote was unanimous (7-0).

- c. Consideration and action on noise ordinance (Public Safety) - 2nd reading
This is an ordinance to replace our current noise ordinance. Chairman Crosby made a motion to accept the ordinance on second reading with Councilman Goodson seconding.

Councilman Matney said committee has taken this very seriously and thanked Chief Turner and the police department for the field testing that was done. As data was looked at, the noise as well as vibration was considered. Committee looked at including db © but decided to leave it out of the ordinance because ambient noise was contributing to the maximum of the range. Readings taken at the Knollwood Pool with nothing around but trees were over the maximum of dbc because of the noises of nature. In the Chief's old neighborhood, the sound of people's HVAC units was louder than the dbc levels would have allowed.

This ordinance will allow the police officer latitude within their judgement as to whether something is too loud.

Chairman Crosby said this ordinance hasn't been touched in over 20 years and is due for an overhaul.

Councilman Merritt asked if page 81, the dba table, was not included in the ordinance. Councilman Matney said that is the police department data table. John said that table is an attachment, but not part of the ordinance.

Mayor Raines asked Chief Turner if he was comfortable that the officers could be trained on the new ordinance. Chief Turner answered yes. Mayor Raines then asked if this was driven by complaint only. Chief answered no, there were two components. One is by complaint, one is by officer's discretion. An officer can take action if he/she deems that a noise is too loud.

Mayor Raines asked what the penalty would be. John Duggan said to refer to the general penalties in the code of ordinance which provides for \$500 or 30 days in jail per violation. The Judge has discretion on the sentence.

Councilman Merritt asked if our officers do not have to rely solely on the scale to determine whether something is too loud. Chief Turner said that was correct, the ordinance talks about technology to assist, but the officer does not have to have a reading to move forward- they can go off of what their senses are telling them.

Councilman Black asked if the violation should be included within the body of the ordinance. John said the ordinance refers to the general ordinance penalty provision. Chief Turner said the ticket would be written based on the penalty section of the ordinance and the judge would set the penalty.

Councilman Black asked if Chief Turner thought this ordinance was going to prompt a flood of noise complaints. Chief Turner said they get calls already now that take them away from their normal duties. He said he talked to an elderly female two weeks ago about a loud muffler. This is a guideline to help with the calls that will be received. Councilman Black said he thinks

we might have to modify the ordinance at some time if we start getting too many complaints.

Councilman Matney said regarding dbc, in looking at other ordinances, in each one, it was only in rare circumstances that based on the scale did the ambient noise of a neighborhood not exceed the maximum. The ordinance needs to be adjusted and probably will be looked at again in the future.

Councilman Black asked about sleeping facilities from 10:00 p.m. to 7:00 a.m. John Duggan said more noise is tolerated during the day time, with more traffic and construction. The sounds that are tolerated depends on the time of day. Councilman Merritt said the police department might want to check the time that VLS dumps their containers in the morning.

The vote to accept this ordinance was unanimous (7-0).

8. New Business

- a. Consideration and action on annexation and zoning for property on Plant Street (Building Codes)- 1st reading

This is 26.1 acres on Plant Street near Rose Circle off of West Butler. The owner is Planters Crossing Property, LLC. They are requesting City RM1 zoning. Chairman Black made a motion to adopt this on first reading. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on annexation and zoning assignment of certain property for RA Land Development (Quartz Circle) (Building Codes)- 1st reading

This ties in to the properties on Quartz Circle that council just took second reading on. They are requesting R10 City and the property is 7.8 acres. Chairman Black made a motion to adopt this on first reading. Councilwoman King seconded the motion and the vote was unanimous (7-0).

- c. Consideration and action on abandoned building certification for 117 South Main Street (Building Codes)- 1st reading

This is the old Shealy's Texaco building that is abandoned next to Hardee's. This certification will allow for tax credits. The property will be repurposed for a pediatric dental practice. Chairman Black made a motion to adopt this

on first reading. Councilman Merritt seconded the motion and the vote was unanimous (7-0).

- d. Consideration and action on Automatic Aid Agreement and Resolution (South Greenville Fire District) (Public Safety)- only requires one reading

During its January 22, 2019 meeting, Council gave first reading approval to an ordinance for the proposed annexation at Quartz Circle and Standing Springs Road. The annexed properties are located within the South Greenville Fire District (SGFD) and are outside of a five (5) mile travel distance from the nearest Mauldin Fire Department (MFD) Station. To make sure quality and expeditious fire protection are provided to the annexed properties, the City will enter into an automatic aid agreement with the SGFD for all calls for service for structure fires occurring within the designated areas of the MFD as set forth in Exhibit A and the SGFD as set forth in Exhibit B. This means that for all calls for service for structure fires occurring with MFD and SGFD will be responded to by a City of Mauldin engine company with a crew of at least three personnel, a MFD ladder company and a South Greenville Fire Department engine company with a crew of at least three personnel.

To make sure that all other emergencies services (e.g., non-structure fires) are provided, the City will enter into a separate agreement with the SGFD for the annexed properties located within their District. This means that for the non-structure fire related emergencies occurring on the annexed properties, the South Greenville Fire Department will respond. The City will pay SGFD \$500 a year for their response.

Additionally, since the SGFD has an outstanding General Obligation (GO) bond issued in 2018, secured by a portion of the property tax revenues from the real properties located within the Fire District including the properties annexed by Mauldin, the City, pursuant to State law, is required to remit the portion of property tax revenues that are generated to the SGFD to be paid for the annual bond payments until the bond matures in 2043. To address this requirement, the City will enter into an agreement to codify this obligation.

Chairman Crosby made a motion to approve all three agreements. Councilman Goodson seconded the motion.

Council Merritt asked that the exhibits be properly labeled when attached to the agreements. He then asked if the last two pages of the item were part of the agreement. Brandon answered yes, they are attachments to the agreement because they are plats showing the land being annexed.

Councilman Goodson said Mauldin will be automatically responding to the land that will be annexed even though we will have a mutual aid agreement that South Greenville will respond. Why is that not a part of the contract? We will respond to our own annexed property. John Duggan said we are going to give South Greenville Fire Department \$46.02 because they issued a bond until 2043 counting on this tax revenue. That is one agreement and

is only about the bond. The automatic aid agreement provides that SGFD and Mauldin will respond to structure fires in a portion of SGFD's fire district. This will help Mauldin keep its ISO Rating as we expand our boundaries. For other types of calls other than structure fires, South Greenville has agreed to respond to those as well in places including those we are annexing tonight. For that service, Mauldin will pay them \$500 a year.

Councilman Goodson said wants Mauldin to respond to everything that happens in the parts that we have annexed. John said we don't have to respond but we can. This agreement does not bind us to have to respond even to areas we have annexed. Councilman Goodson said we can't pick and choose where to respond. John Duggan said that is a different issue because this simply says you can't make us respond. The contract binds them but not us. Councilman Goodson said he wants to bind us to respond. John answered that is an issue of policy, not a contractual issue with South Greenville. Chief Stewart said this is not an issue.

Councilman Goodson said one of the properties we are talking about annexing has already 50 structures on it. He wants to make sure everyone knows that Hidden Lakes already has houses.

Councilman Black asked if the \$500 was locked into the bond. John Duggan said no. The \$46.02 is locked into the bond until maturity. The \$500 is paid yearly for how long council wants to pay it. It has no ties to the bond. Councilman Black said the way he reads this is the \$500 stays in effect until 2043. John said no, that is incorrect.

Councilman Black asked once the property is developed, can South Greenville come back and ask for more money. John said this is why he drafted it this way and why it is separate from the bond. Councilman Black asked if South Greenville could come and ask for money if a truck is damaged responding to a call. John said they could ask, but we are not obligated to give anything.

Councilman Matney asked Chief to answer these questions.

Chief Stewart said we have a county wide mutual aid agreement presently. This is basically resource management. South Greenville could be on another call and we would respond instead. Chief said he doesn't have a lot of heartburn with the proposal on sending any response to the annexed areas. The attorney alluded to ISO and this helps us maintain our ISO rating.

Mayor asked if South Greenville is governed by commissioners. Chief Stewart answered yes. Mayor Raines asked if these agreements have been looked at and approved by them. Chief Stewart answered yes.

Councilman Goodson asked if this was being done so we don't have to provide fire service? Is this agreement going to be used so that we don't respond to calls? Are we saying there is a possibility we won't go to calls? Chief Stewart said we would if South Greenville needed resources.

Councilman Goodson said he doesn't like that and won't support this agreement if that is what we are saying.

John said we can respond, but don't have to. We don't want to tell South Greenville that no matter what, we will respond. This is a contract between us and them. Not a policy. We are telling them we will give them \$500 and they will respond to everything. We may or may not. Responding is our choice. We are paying them to do that. It is up to our command staff to decide if we respond or not. That is a policy decision the City controls, we don't want to contract that.

Councilman Goodson said we had contracts about 20 years ago. The fire department had to flip through cards to see if people had insurance or not. If they didn't, the department did not respond to the call. If you put our department in that situation to decide whether we are going to go to a particular call in our city limits, that is crazy. John said it is a policy, not a contract.

Councilman Goodson said he has to have more than that. At no time there is a fire should an officer make a decision on whether to go or not.

Chief Stewart said this is the same situation as if we have resources tied up on another call and can't get away. That is why you have mutual aid agreements. Councilman Goodson said if someone is deciding whether to go on a call in our city limits, that is wrong. Mayor said it is a policy. We are not telling South Greenville we are going to respond to everything. John said South Greenville is going to respond to everything whether we do or not. It is an agreement with South Greenville on what they are going to do, not what we are going to do.

Chief Stewart said with CAD now, we can program what company goes where so it is done automatically. It is not a call by call decision by officers; it is programmed in.

Chairman Crosby asked that the city fire policy be brought to the Public Safety committee meeting in March.

Councilman Merritt said he sat in a public safety committee through MASC and the Greer Fire Chief talked about annexations and that mutual aid agreements were the greatest thing ever because they could cover areas that would not be able to be covered. They love mutual aid agreements that have allowed them to grow without huge investments. They also mentioned ISO ratings. Economic Development is helped with a higher ISO rating as people look at investing into your area.

The vote for the agreements was unanimous (7-0).

- e. Consideration and action on cost overruns for the multi-use path/sidewalk at Fowler Circle (EPD)- only requires one reading

In 2016, SCDOT oversaw the construction of a multi-use path/sidewalk along Fowler Circle beginning at West Butler Road and ending at Sunset Park. The width of the sidewalk varies between 8 and 10 feet. Initially, the cost of this project was estimated at \$325,325. SCDOT entered into a Financial Participation Agreement with the City of Mauldin for this project. The match amount of \$65,065 was remitted to SCDOT from the City of Mauldin. DOT came back and said the project was going to cost more than anticipated. 04/2016: Project was awarded to S&S Construction in the amount of \$374,759 on the authorization of Mr. John Gardner. Project cost overruns were anticipated at \$49,434.

06/2016: Additional funds in the amount of \$63,050 were approved by GPATS and included in GPATS' Transportation Improvement Program.

02/2018: SCDOT reconciled the final project costs and determined that an extra \$24,968.12 was outstanding and submitted an invoice to the City of Mauldin in this amount. After further discussion and negotiation on this issue, SCDOT has indicated that they are willing to participate in covering these cost overruns. They have proposed contributing \$12,358.12 toward this overrun leaving \$12,610.00 for the City to cover. SCDOT arrived at this figure because \$12,610 would have been the 20% match portion of the additional \$63,050 allocated by GPATS. Staff has determined that there is presently sufficient funds in the Special Projects budget line of the Community Development Department. Staff would like to recommend that City Council authorize staff to pay \$12,610 of the cost overruns for this project out of that budget line.

Chairman Matney made a motion to authorize staff to expend \$12,610 out of the Special Projects budget line of the Community Development Department to pay for the sidewalk project overrun. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

Councilman Merritt thanked David and Van for their work on this project with DOT and for getting him the information he requested.

- f. Consideration and action on Mavin Contract (Committee of the Whole)- only requires one reading

Councilman Matney made a motion to consider this item informally with Councilman Goodson seconding. The vote was unanimous (7-0).

Mavin Construction was selected as the Project Manager for the Playground/Shelter Project at the Cultural Center at the council meeting on December 17, 2018 for \$27,000. Legal counsel has gone through the contract. Councilman Goodson made a motion to approve the contract. Councilman Crosby seconded the motion.

Councilman Merritt said this is labeled a draft contract. It is not a final. On page 2, and in other references, this project is labeled as City Center Park. Council has never called this City Center Park. He would like it worded correctly as City Center Drive adjacent to the cultural enter. On page 4, this

project will be comprised of two playgrounds, so the word playground should be plural. On page 5, 1.3.6, there was a comment from legal on the indemnification. Is this the correct legal wording? John Duggan said Daniel Hughes worked on this contract with Brandon and would have to defer to Brandon tonight. Brandon answered that legal counsel struck through a portion that would indemnify the City.

Councilman Merritt then asked if the construction period would be uniform throughout the contract- 2,3,or 4 months. Councilman Merritt said this is definitely a draft and most of the wording is regarding how Mavin is not responsible for anything. Councilman Merritt said in his opinion, this is not a good contract for \$27,000.

John Duggan said council should have had a clean, final copy as well as a draft to see the changes. He doesn't know what is final since Daniel worked on this contract. Brandon said the contract is considered a draft until council approves it. It is a final document outside of the park name change. The draft watermark will be removed and the changes made.

Councilman Merritt said the attached certificate of liability insurance says Christ Church, not City of Mauldin. Brandon said that is the certificate of insurance, and we would be named on the document as soon as the contract is approved.

Mayor Raines said he is glad to see in the contract the not to exceed \$27,000 clause.

Councilwoman King asked about the completion date of June 17th. Joe said that is the target date and kicks off the summer season. Hearing from the other vendors involved, that date should be attainable. It will be firmed up and a timeline will be developed after the contract with Mavin is signed.

Councilman Goodson asked that a meeting take place between staff and Mavin at the end of the project showing what work was completed and what is being billed before payment is issued. Joe said there will be biweekly meetings as well and he will ask for bills at that time. Councilman Goodson said Bryan Turner has been very involved in this project and is sure he can help if needed.

Councilman Matney said he appreciated everyone's hard work on this but believes it may have been done in haste and pointed out a few places in the contract on page 6 that did not have numbers inserted in 2.7.4 and 2.7.5, only blanks. He said council should wait until a copy is received that has no comments off to the side and all the blanks have been filled.

The vote to accept this contract was 2-5 with Councilman Matney, Councilwoman King, Councilman Merritt, Councilman Black and Mayor Raines opposing. The contract did not pass.

Councilman Matney made a motion to hold this on the floor to allow staff and the city attorney to clean it up and bring it back to the next council meeting.

We can hold a special called council meeting if needed. Councilwoman King seconded the motion and the vote was unanimous (7-0).

9. Public Comment

Nick Dobmeir, who lives in Duncan, was present from CPL Engineering Firm. They are a design and architectural services firm. He came to council to introduce himself and his company.

10. Council requests

Councilman Merritt asked that solar reform be put on the EPD committee agenda next month. This was prompted by an email from Benjamin Culbreath of the Audubon Society. Mayor Raines said he saw where Duke Energy is meeting about solar energy this week as well.

Councilman Matney mentioned that the MHS Boys Varsity basketball team has a game tomorrow night to determine who will go to the State Championship at the Bon Secours Wellness Arena.

Councilman Goodson asked Brandon to put information on leasing a drum grinder on the PW committee agenda for March.

Councilman Merritt was wished a happy early birthday.

11. Executive Session

- a. Consideration and action on executive session- Motion to enter into Executive Session for the consideration of personnel matters involving the Building and Development Services Department as allowed by SC Code 30-4-70 (a) (1).

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

Council reconvened from executive session. Councilman Matney reported no decisions were made and no action was taken.

12. Possible action on items discussed in executive session

Brandon Madden recommended David Dyrhaug as the new BDS Director. Councilman Matney made a motion to accept the administrator's recommendation. Councilman Crosby seconded the motion. The vote was unanimous (7-0).

13. Adjournment.- Mayor Raines adjourned the meeting at 10:06 pm.

Respectfully Submitted,

Cindy Miller
Municipal Clerk