

**MINUTES
MAULDIN CITY COUNCIL
APRIL 17, 2017
7:00 PM
COUNCIL CHAMBERS**

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

1. Call to order.- Mayor Raines
 - a. Invocation- Councilman Black
 - b. Pledge of Allegiance- Councilman Black
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations-Mauldin Chamber; National Day of Prayer

Trey Eubanks reported that the chamber golf tournament would be May 8th. Mayor Raines read the National Day of Prayer proclamation.
3. Reading and approval of minutes.- Council minutes March 20, 2017

Councilman Merritt made a motion to approve the minutes with Councilman Black seconding. The vote was unanimous (6-0).

4. Public Comment.

Tim Brett: I have been told by several of my friends on council not to show up with frizzy hair and be antagonistic, so I am not going to do that, but my hair is frizzy. I am certainly not mad. I am going to be friendly, but very straightforward if you would allow me. I passed out some documents to you. One is a letter from our HOA to the developer regarding our concerns and the other is some pictures taken by our secretary.

42 years ago this month I walked in to Mayor Sam Forrester's office and was sworn in as a police officer for the City of Mauldin. I was told to go buy my own gun. I later had the opportunity to go to the criminal justice academy and graduated top of my class. I was promoted as shift sergeant within two years and I served here for 5 years. I loved my job. Each of you are my friends. This is a wonderful City. I love Mauldin. I was very good at my job. Two things happened- one I got married, and second Congressman Carroll Campbell offered me a job on his staff. Each of you are friends of mine and I have done what I could over the years in various capacities to

help this City. Tonight, I am here with my HOA of Whispering Oaks. The President is John Smith. I have served on state boards, community boards, and commissions, and I assure you no one wants to be on an HOA board. It is a thankless job.

I feel like we have parachuted into a war zone. The development started in the early 2000s. The older units have been around for 29 years. Rita and I bought here a couple of years ago. We downsized because the kids were gone and we had rooms we didn't go in. It just made sense.

This development went into bankruptcy and was bought out in 2016. This development is a \$10 million investment for the City. We like it. It is great. We get great Sanitation services. Our police department patrols the neighborhood. We are very appreciative of that. I love Mauldin. The developer came in and built additional units. They took less than a year to build and sell them. We are at capacity. Then we found out that we needed a HOA. Normally there is a six month transition period, but that didn't happen. The county signed off on their part of the development. In my conversations with you, I don't believe council understands the relationship the City has with the county in these situations. The County handles the subdivision permits and the storm water. Mauldin lets them do that instead of forming those departments. The City does the inspections, business licenses, and other responsibilities. I am not here to point fingers, but the County signed off on this development as did the City of Mauldin. If the inspections had been done, I would not be here.

We found out there is no insurance purchased on the additional units. We were fortunate to catch that and now we do have it. We have been left with debris, trash, limbs, building materials. In some instances, the builder planted sod over the debris. We have also found out that our roads are private and are not in the City system. I can assure you there is not a member of Whispering Oaks that knew those were private roads. We are in a pickle. We have a mess. We have driveways that people can't get in and out of. We have debris, trash that needs to be cleaned up. This is a \$10 million investment for the City of Mauldin with Challenger, Discovery and Endeavor Lanes. We need your help. I am looking for ways you can help it. I have had a number of conversations with Mr. Eubanks, some good and some not so good.

You are to be congratulated for what you are doing to get to Woodruff Road. With Jacobs, Esurance, Ford Motor Credit, but this City has a responsibility for its

neighborhoods. I don't believe these things are our responsibility. I have three recommendations for this. Neighborhoods first. We are paying our taxes. In the future, the council needs to understand the relationship between Greenville County and the city. The county has responsibilities. I was told because the county signed off on this, the City signed off. I don't know whose responsibility it was to do the inspections. It was somebody's. There needs to be a checklist for these situations. There are two subdivisions going on right now. One is behind us. My recommendation is you understand what the process is. We are going to need buffers. Will those be private roads, too? I don't know. Look at your policies and if there are problems, fix them.

The second thing is we want you to get our mess cleaned up . Why is it our responsibility? Why should I take time off and call DHEC? I am not sure that is something I should be pushed into.

The third thing, and it is controversial, but I feel very strongly about this, is I believe the City should accept Challenger, Endeavor and Discovery Way into the city system. I patrolled the streets and they are in better shape than most of the streets you have in Mauldin. I think it would serve us well. We are stuck. They shouldn't have been private roads to start with. We have a mess. We have our hats in our hands. We are not mad at you, but we need some help. Things slipped through the cracks. I am not blaming anyone at the City or the County. I spent my career trying to make Mauldin better in a number of ways, and I believe this is a way that Mauldin can do what is right.

Trey said he agrees that these folks are citizens and we need to do what we can to stand up for our residents. We are working with DHEC officials and he will reach out to Mr. Brett tomorrow on this. There is a neighborhood in Greenville with a similar situation and DHEC is inspecting and enforcing regulations there. The developer needs to be encouraged to do the right thing, particularly with the driveways.

Tim Brett: We don't think this is our responsibility. This has been dropped in our laps. Someone missed the bill and an inspection. The roads need to be accepted into the city system. We have curbs and gutters, I patrolled these streets and they are in better shape than 90% of the roads in Mauldin. We pay taxes. I would like these roads in the City. And getting back to my earlier point, and no disrespect to Mr.

Eubanks or his staff, they do a fine job, but they need to know the policies of what the City does and what the County does. I am not sure they understand that relationship. Neighborhoods need to come first, period.

Councilman Merritt asked if the HOA was formed before the developer left. Mr. Brett said the developer decided they were finished and they left. There was supposed to be a transition period, but there was not. The neighborhood was dealing with a mess, so they decided to have their own HOA. The HOA was formed, they changed landscapers, and put fire insurance on the new units. Someone needs to inspect these issues and take responsibility for developments. Mr. Brett said he thinks the City should be responsible.

Tim Brett: The big issue is look at your policies and take Challenger, Endeavor and Discovery Roads into the City system.

Councilman Goodson asked if the discussion regarding road acceptance could be sent to the PW committee agenda next month.

Mayor Raines asked if the developer was local. Mr. Brett said they are out of Columbia and when the HOA secretary looked them up, they found some disturbing information.

Councilman Black asked John Duggan what the City might be liable for since we issued the business licenses, permits, and inspections. Our city vehicles travel those streets. If we tear up the roads with our equipment going to pick up the garbage- which is a service the residents pay for, what would we be responsible for? John said if it was a private road and outside of city inspections, we don't know if they are built to city standards. It depends on whether the City accepts the responsibility for the roads. Council is prohibited from using public money for private circumstances. John said the HOA's recourse would be to sue the developer. John also added that the purchase of hazard insurance is a private decision. The City would not have any responsibility on whether the units had hazard insurance coverage or not.

Mr. Brett said he told council about the fire insurance as an example of what the developer did. The debris and sod planted on top would not have happened if the city had inspected like they should have. Mr. Brett said he knows every street in Mauldin,

and their three streets are better than most of the city streets. Councilman Merritt asked Mr. Brett if he was familiar with DOT. Mr. Brett answered that he was a DOT commissioner and was very familiar with it, and he was not talking about DOT, he was talking about the streets the City of Mauldin owns.

Mr. Brett said it is not an unreasonable request. He thinks the neighborhoods should have been told that those were private roads. John Duggan said that was part of the public record. The developer can develop it as a private road. Mr. Brett said the City went to the neighborhoods that flood and helped them, and he wants the City's help as well.

Councilman Black asked that this be put on the Business and Development Services committee agenda to find out the background and what the City might be able to do to help. He said the residents wouldn't have known to ask whether the roads were private or in the city.

Trey said the City would take the lead with DHEC. John said the City cannot sue the developer. The neighborhood should have their attorney write the developer a letter regarding their issues. Tim said they don't have an attorney and should not have to pay for one. He said he is not an attorney but has written a lot of laws when he was in the general assembly. The City created the problem and should remedy it. Tim said he chaired the Library Committee, the cultural center committee, got the log cabin, and got traffic lights when he was a legislator.

Councilman Matney said he doesn't think the City caused this issue, the blame should lie with the developer. Councilman Matney said he would like to see the City accept the roads. This is his personal opinion. We have our vehicles traveling the roads. We don't have garbage trucks going in people's driveways, and that is essentially what they are doing here. He appreciates Mr. Goodson putting this on his agenda. As far as the storm water issues goes, it is cost prohibitive, so the County does that for us. We need to make sure the communication is there. Greenville County should be looked at just like any other third party.

Mr. Brett thanked Mr. Matney for saying he is willing to take the roads into the City. He still believes the City is responsible because we signed off on the inspections because the County signed off.

Trey said we have a good rapport with Greenville County and the process is said we will not sign off on a certificate of occupancy until we have taken the steps to check with Greenville County's land development division to make sure they have completed their inspection. Then, the City signs off on the certificate of occupancy. Trey will get some detail together and send a report on that. We check with Greenville County before a CO is issued.

Tim Brett said in his conversation with Paula Gucker, she said it is a Mauldin issue. John Duggan said the federal government passed a law regarding storm water. Cities in most areas of South Carolina do not have the option of managing their own storm water at all. Here, a City can opt to manage its own storm water system, or let the County handle it. We chose to let the County manage the system because we are already paying taxes to Greenville County to do it. The cost for Mauldin to do this is too high and would have to be passed on to the citizens through their taxes.

Tim Brett reminded council that two subdivisions are being built right now that the City needs to keep an eye out. Councilman Merritt said he thinks we should have a checklist with what the builder is required to do and what the city is required to do. Councilman Black said he was under the impression that there is such a document, but we would look into it.

Tim thanked Council.

5. Report from City Administrator- Trey reported some surveying is being done by DOT on East Butler Road. This is for the corridor study. Funding for the project would not be available for another couple of years.

Parking and playground pads at the cultural center should be completed in August. The Springfield Park concession stand/restroom should be finished in June.

The City Park outside basketball court is a PARD project and should be done by the end of May.

The sewer bond project is ongoing. All priority basins will be complete by September. The Forrester Woods storm drain project should also be completed by then.

The service awards luncheon is this Friday at 11:30 a.m.

The railroad concert series begins May 5th. Beachin Fridays starts June 2nd. The Mauldin market will run from June until August.

Councilman Merritt asked about the playground at Sunset Park and when the ADA issues would be solved. Van Brannon said soon- probably in about a month.

The City Park outside basketball court is a PARD project and should be done by the end of May.

Councilman Black asked about the ADA compliance. Has anything been done on the Senior Center? They said work will start soon and a report will be given to committee next month. The cultural center will be next after the Senior Center is updated.

Councilman Goodson asked about the public notice signs at Little Pigs BBQ. They said that would be an oil change facility. Little Pigs is closing.

Councilman Black said he called about the public hearing signs down at East Butler mini storage. Kim told him it was a setback issue.

6. Reports from Standing Committees

- a. Public Safety (Chairman Crosby)- The report is on file.
- b. Public Works (Chairman Goodson)- The report is on file.
- c. Economic Planning and Development (Chairman Matney)- The report is on file.
- d. Building Codes (Chairman Black)- The report is on file.
- e. Recreation (Chairman Merritt)- The report is on file.
- f. Finance and Policy (Chairwoman King)- The report is on file.

7. Unfinished Business

- a. Consideration and action on creation of a Human Resources Department (Finance)- Chairwoman King made a motion to approve this creation of the HR Department. Councilman Matney seconded the motion. Councilman Goodson wants the HR Director to give council a monthly report on personnel actions that have happened. Mayor Raines reminded Councilman Goodson that the only action before council tonight is the creation of the department. The vote was unanimous (7-0). Now that the department is created, this will come back to

committee for a recommendation on the job description.

- b. Consideration and action on update of International Fire Codes (Public Safety) – Chairman Crosby made a motion to accept this ordinance on second reading to bring our codes up to date. Councilman Goodson seconded the motion and the vote was unanimous (7-0).
- c. Consideration and action on landscape ordinance amendment (Building Codes)- Chairman Black made a motion to accept this ordinance on second reading. Councilwoman King seconded the motion and the vote was unanimous (7-0).

8. New Business

- a. Consideration and action on Planning Commission applicants (Building Codes)- Michael Forman was appointed to the Planning Commission.
- b. Consideration and action on dogs in parks (Rec)- Chairman Merritt stated this would allow dogs in our city parks under certain circumstances. There are Dogs in Parks rules which would have to be followed regarding leash length, cleaning up after the dogs, etc. The motion tonight would be to accept the rules and then bring this item back to committee for a drafted ordinance. Chairman Merritt made the motion to accept the dogs in park rules. Mayor Raines asked if council would specify which parks. Chairman Merritt said this would be all parks, but City Center is not a park. Councilman Matney seconded the motion. The vote was unanimous (7-0).
- c. Consideration and action on vehicle policy (Finance)- This topic came up during last year's budget workshop. This policy has been discussed in the Finance and Policy Committee for several months. This has been brought to council for information gathering so this can go back to committee with comments. The proposed policy would restrict take home vehicles to a 10 mile radius. City vehicles will be marked and numbered. There is also an inspection and mileage sheet that would have to be filled out. Chairwoman King said the 10 mile radius has been a little controversial but that she was a proponent of it. She doesn't think taxpayers should be paying for the gas and repairs for further than 10 miles for non-emergency vehicles.

Councilman Goodson asked that on Item 14- page 7 City Council would be added to the approval process for take home vehicles. He then asked if car allowances would be automatically given to employees. Trey answered no.

Councilman Black said he would like all city vehicles to be identified by logos and numbers. There is a part on page 2 that refers to removable stickers and exceptions. He asked for an example. Trey said the administrative vehicles that court uses would be an example. The judge should have a level of comfort and security and that vehicles should not be marked. Councilman Black said he thinks some specific wording should be added. He then asked about smoking and smokeless tobacco is referenced to not be allowed in city vehicles.

Chairwoman King said the smoking ordinance covered that and there will be no smoking in city vehicles or equipment.

Item 14- page 7 24 hour call out needs to be discussed again.

Councilman Crosby reiterated that he would like the administrative vehicles in court and any undercover police vehicles to be exempt from having city logos.

Mayor Raines asked about Item 6- page 4- annual review of licenses. Who would be reviewing the licenses. Police Chief or his designee will be added to the policy. On page 5- secured in city lots was mentioned. Mayor said he would like that to be discussed further.

Councilman Merritt asked about the safety committee that is mentioned in the policy. Chief Turner said he is the chair of the committee, members are from each department and Cindy Miller is also on the committee.

Mayor Raines asked if on page 8 "emergency" needs to be defined. Is a weather incident an emergency? Chairwoman King said she has thought about it. If a vehicle is home with someone who lives more than 10 miles away, can they get back to respond? Trey said employees are staged to stay here if there is bad enough weather.

Councilman Merritt said he agrees with everything that has been brought up tonight. He said that council would not have to take this issue up had it not

been abused. Councilman Merritt said he does not have a problem with a 10 mile radius from the city limits, wherever they are.

Councilman Matney said in terms of vehicle markings, the undercover vehicles and judicial cars should be excluded as well as no radius requirement for police and fire vehicles.

Chairwoman King said we will take all of the comments back and go over the policy again.

Councilman Crosby said he wants to make sure that the judicial vehicle is unmarked. Councilman Merritt said the judge can get a ride to the County from a police vehicle if she feels unsafe. He does not see the necessity of an unmarked car for her. Judges in some municipalities go up to the jail at 8:00 am and not at all times during the night. John Duggan said sometimes you have to bond people and if the law enforcement center is full, they want you to come right away and not wait until daytime. Councilman Merritt said there is a police car available 24/7. Councilman Crosby said there is a minimal night shift and it would be costly to send a car downtown. Chief Turner was asked his opinion. He said he doesn't know her circumstances, but the judge sets bonds and people remember her face. As far as an officer escorting her downtown, we do maintain minimal shift coverage. The police department has to keep a certain number of people working to cover the city.

John Duggan said the officer who arrests someone does not pick up the judge. That is done separately. Councilman Goodson said if it is not safe, it is not safe whether the car is marked or not. Chief Turner said some people who encounter law enforcement are upset at the City- any city staff. John Duggan said you will almost never see a state judge with a judge license tag. They don't want people in the public to know they are a judge.

Councilman Black asked about the police and fire radius. They said this vehicle policy will exclude public safety and the police have general orders they go by.

- d. Consideration and action on fund balance allocation (Finance)- We established a Capital Fund in FY 2015 on the recommendation of our auditor and to have a fund to provide Council a more efficient method of addressing projects/equipment needs. Also, this will allow the city to purchase capital equipment outright thereby saving the taxpayers the cost of interest. We have discussed transferring funds from our general fund balance to bring the capital fund back up to around \$1.5 million. Chairwoman King made a motion to make this transfer to capital. Councilman Crosby seconded the motion. Councilman Merritt asked if we spend all of the money through budget 2017 and 2018, our capital fund would still have \$77,000. With the \$1.5 million, we would have \$1,577,000. Holly said that was correct. Councilman Merritt said the full \$1.5 million would be a little excessive in his opinion.

Councilman Goodson said this came about because the reserve fund was getting large and the auditor recommended we transfer some of that money to the capital fund. This is not a green light to spend the money. This is the second year of transferring \$1.5 million. Mayor Raines said it was good accounting practice to minimize our general fund reserves closer to the 25-35%, and that is what this transfer will do.

Councilman Merritt asked about the balance. We had a balance of \$7,481,098 on June 30, 2016. The vote was unanimous (7-0).

9. Public Comment- It is Councilman Dale Black and Councilwoman Carol King's birthdays.
10. Consideration and action on executive session pertaining to SC Code 30-4-70 (a) (1)- Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee.- Personnel matter

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

Councilman Merritt reported no action or votes were taken in executive session.

11. Possible action on items discussed in executive session- None
12. Council requests- Councilman Matney mentioned the Palmetto Promise Institute that named Top Enterprise Friendly Cities in South Carolina. Mauldin is number 2 on the list.
Also, Lacrosse has become very popular and Mauldin was on the cutting edge of the sport three years ago. As we move into the high school playoffs, we wish the undefeated boys and the varsity girls luck.
13. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk