

**MINUTES
MAULDIN CITY COUNCIL
APRIL 21, 2008
7:00 PM**

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

1. Call to order.- Mayor Godbey
 - a. Invocation- Councilman Hunter
 - b. Pledge of Allegiance- Councilwoman Gettys
 - c. Welcome- Mayor Godbey
 - d. Proclamations and Presentations- Pat Pomeroy, Mauldin Chamber; Administrative Professionals Proclamation; Relay for Life Proclamation
Mayor Godbey read the two proclamations.

Pat Pomeroy reported that there have been six ribbon cuttings this month as well as a few Business After Hours. A community economic development meeting is scheduled for June 5th. Everyone will be invited. She then told council that there will be a train show June 7th and 8th and 14th at the cultural center. This should be a great draw for Mauldin.

Councilman Cook made a motion to suspend the rules and go into executive session. Councilman Hunter seconded the motion and the vote was unanimous (7-0). Councilman Cook made a motion to go into executive session for a legal briefing. Councilman Reynolds seconded the motion and the vote was unanimous (7-0).

Councilman Cook reported that no action had been taken in executive session.

2. Reading and approval of minutes.

Councilman Black made a motion to accept the minutes with Councilman Hunter seconding. The vote was unanimous (7-0).

3. Public Comment.

- a. Kevin Buckner: My name is Kevin Buckner and I reside at 1415 North Harris Ridge in Sandy Springs, GA. As many of you know, we are here asking council to approve a rezoning change on East Butler. We have a power point presentation if you would like to show you, it is short but will take time. We can also do that at a later time or I can give you some short notes now.

Mayor Godbey: I think we will hold on the power point.

Kevin Buckner: Very quickly, some time ago, probably seven trips ago, we came to planning and zoning for a change. Planning and Zoning had

to make a vote and I don't think that they necessarily had enough information. That was the feeling Randy gave to me which was I would like to table it but I can't. I couldn't have them table it because we needed the vote up or down. That was my impression that the vote may have been different if we had more time. My impression only. That is how we came here tonight. We are proposing 64 apartments. The appearance is like any market rate apartments you would see here in Mauldin or Greenville County.

The City staff at the meeting asked us to look at changing our site plan and we have worked diligently with staff and with the city population in trying to make changes to allow us a much larger buffer zone than we planned and maintaining the natural buffer zone that is there with the tree line. We got rid of a building and went a little higher on a couple of buildings to give more green space. Some of the residents behind us in Glendale II are worried about the buffer zone. We spent, revised the plans three times, we have it for you. We are building market rate apartments that do have the affordability factor in them. We revised the plans and have done as much at this point to do what the City and public wanted. We, in terms of neighborhood support, were asked to go and get support. We canvassed part of Hickory Lane and talked to some residents and left cards in doors. We got a mixed bag of comments, some good, some bad, and I presented that to you in the workshop.

We delivered 200 flyers out front of what we were doing and asked people to join us at the Holiday Inn Express to hear what their words were. We haven't talked to that many households. We have asked Glendale and Cameron Place and the truth is, we haven't had that much negative support. We are going to have some tonight, but as a rule, out of the 12 households we talked to, half of those people were in favor once we had an opportunity to tell them what we were doing. I am talking to Danny Day back there. I am not saying he is supportive, but we are talking. The truth is, there is not as much negative out there. It may be through apathy.

Mayor Godbey: As the presidential debates go on, I am going to keep a limit on this, cut to the chase.

Kevin Buckner: Our zoning is transitional zoning in keeping with Mauldin's future. I wish you would consider it. There is a need for high-end, affordable housing to continue your planned growth here. More importantly, we do not have significant opposition as far as I can tell.

- b. Susan Bishop: I live at 1901 Woodruff Road in Rocky Creek Apartments. I say that this is profitable for you people, a good atmosphere. These people are caring and there are so few now. In my early years, I owned a home in Glendale II, and I think this would be a very big asset to Mauldin and I live on Woodruff Road, which is a very busy road- very busy. If this opportunity came to Mauldin, I may want to relocate and be a Mauldin citizen because I have lived in Mauldin the better part of my life and I think it is a beautiful town.

Mayor Godbey: If you will talk to the administrator we will look into annexing you.

- c. Bonnie Nisley: I live at 104 Old Hickory Point with a Greenville address, even though we live in Mauldin. I am here to read a statement from the Garden Club.

“The Mauldin Garden Club wants to thank the City of Mauldin for taking time to consider our list of concerns about the log cabin landscaping project that was presented to you last week. The Garden Club was established in 2005 and started with 12 members. Today, we have 50 members consisting of men and women. We are a working Garden Club and give back to the community and help to beautify the community we live in.

Our members have given of their time, talents and money for over three years now to help beautify the cultural center. We have completed two projects that continue to be ongoing projects for the Garden Club. Our first project was to make over the front of the cultural center and our second project was the completion of the Serenity Garden which opened in May, 2006. We maintain the grass, bushes and flowers in both of those areas. One of our members has mowed, fertilized, and edged these two areas for the last three years. He has used his own equipment, paid for the gasoline, and the fertilizer out of his own pocket. To date, he has logged almost 200 hours maintaining the lawns of these areas over the past three years at an average of \$45.00 per hour for a total of \$9,000 that he has donated.

There are also members that use their own vehicles to pick up numerous plant materials that are needed to complete and maintain these areas. Gas money is not reflected when we turn in receipts for landscaping material. The Garden Club is frugal with its budget. We know our prices when it comes to landscaping material and search for the best prices.

We average at least one workday per month to landscape and maintain our last two projects. For the past three years, our club has probably logged in over 40 volunteer hours per month for a total of 480 hours per year at an average of \$10.00 per hour, for a total of \$14,400 donated to the cultural center for this three year period. These figures don't come close to the countless hours put in over the last several months over three years planning our spring fling fundraisers. Over \$2500 was raised from our first spring fling, which was put back into the cultural center in the form of hardscape for the Serenity Garden. Last year's funds and the money that will be raised this Saturday for our third will total over \$5,000 and every penny will be earmarked to go towards the log cabin project. The Garden Club hopes this information will enlighten Mauldin City Council and that you will understand what an asset the club is to your city. At the same time, the Garden Club wants to thank the City of Mauldin for giving us the opportunity to partner with the City on our past projects and we are looking forward to being part of Mauldin Cultural Center history.

The Garden Club stood before you on February 18, 2008 and presented to you a cost and materials list for the project. The Council endorsed our project and told us to move forward to partner with the City on this project. We sincerely hope the city will move forward with this wonderful project that will be an asset to the cultural center and a learning area for school children and public use. Thank you for your time and please make plans to come out this Saturday, April 26th from 9:00 a.m.- 3:00 p.m. for our third annual Spring Fling fundraiser and support the Mauldin Garden Club.”
Thank you.

- d. Davene Anaker: I work at a tax credit property right down the road here at Rocky Creek apartments on Woodruff Road. I am here to speak on behalf of Kevin Buckner who is thinking about opening up a tax credit property here in Mauldin. I want to talk about my experience at Rocky Creek. I actually started at the property in December of 2006 and my experience has been very nice. I think it is a benefit to the community to offer affordable housing. We have a very nice group of residents and a nice property.
- e. Jennifer Groce: I am also with Rocky Creek. Affordable housing- there is a huge demand for it and there is not enough out there for residents that really need it. It offers everybody a good chance to live in luxury affordable housing and save money so they can better themselves and end up buying a house one day. We also offer a lot of service as far as free after school programs, community watch meetings to teach safety, and I think it would be wonderful if you would let them build a new property here in Mauldin.
- f. Cathy Lisick: I live in Rocky Creek Apartments and have lived here in Mauldin and I wanted to keep my children in the schools here and that really was a benefit and it is a nice place to live and I haven't had any problems.
- g. Larry Phillips: I am also a resident of 1901 Woodruff Road. Originally from New York City, I have been able to see the type of living that has been afforded to residents of lower income that could not afford the types of things that other people may have. I served in the military for nine years and moved to South Carolina. Living in the tax credit property gave me the time to basically find a job outside the military without having to come out of my pockets with a lot of money. I was able to live comfortably and in a nice environment. The people who run the property are very professional and the people who live at the property are very professional. I have even had times to meet my neighbors and they are hard working people who may not be able to afford the type of living that other properties may offer. Me being a hard worker myself and having a wife and two kids, I really think Mauldin would benefit from a tax credit property as they may offer a nice living to those who cannot afford it due to employment or any other situation. Thank you.

- h. Nancy Nelson: I live at 1901 Woodruff Road. I want to say a few words about the apartments I live in. I got a separation from my husband a year ago and found myself to be a single mom with three children and I was very worried about a place that I would be able to afford. When I heard about the Rocky Creek apartments, which are really nice, I was given a tour and felt welcomed by the staff. I applied and got in and friends of mine who are more influential than I am that helped me move in said how wonderful the apartment was. They told me it was really nice and they were impressed. I live in a safe place and have families around me. I really appreciate the opportunity to live there.

- i. Bobby Laemmel: I live at 108 Bethel Drive in Mauldin. Thank you for letting me address you. What I have to go off of is what the developer has given out to the residents and the information I got at the Planning Commission meeting. One thing besides the traffic, one thing I want to make council aware of, is if you look at this plan, there is a retention pond located near the creek. I can't tell from this map if it is located within the 100 year flood plain. Where I live, there are townhomes behind me behind CVS. They built a retention pond for runoff. It is very effective at controlling the runoff from the property. The problem is the slope of this land, Butler Road sits up high and slopes to the creek. In order for these ponds to retain water, you have to build the bank up to get it high enough for that pond to handle the amount of water coming off the property. In a sense, you have built a wall there. This is something I think needs to be addressed for this property and any other property that will be built along this creek. The townhomes behind me, before they were built, I would get 50% of the flood and the property would get 50%. Now because you have built the wall, a dam essentially, now I don't get any more water from the townhomes, now I get 100% because it can't go into that retention pond. Am I communicating effectively?

When I look at this plan, I don't know if any of this is truly to scale, but if this is built, if this will contain water for the property, I don't think this pond is big enough. It is noble to control the water coming off of the property, but everyone on the other side is going to be impacted. If you talk to residents on Hickory Lane, that water was close. Those guys and myself are going to be flooded. I know this will be developed, but I don't think this is the right development. The construction of these things is causing a problem on the other side. Thank you.

- j. James Moore: I live at 106 Wilson. I am here to ask council to deny passage of home internet service to council. I have received the information I requested from the FOIA request and found that some council members are already receiving home internet service. They are as follows: Mayor Pro Tem Bob Cook at \$44.99 a month, James Kennedy at \$25.90 a month, and Dale Black at \$37.95 a month. Past Mayor Rufus Jones also received internet but I don't have an amount.

Service began 01-25-07 through 05-10-07 for all the members with the exception of James Kennedy who got it 05-10-07, he was set up for monthly reimbursement. Tom Lynn was set up to pay on his credit card for these services. He also authorized these charges. I do not think administrators, acting administrators, or assistant administrators can authorize this type of service without prior approval of council. Administrators and department heads do not vote because they are city employees. With the economy costs and gas prices at \$3.25 a gallon, I do not think the tax payers need to be burdened with costs of cell phones at \$71.92 a month for Council members Black and Cook. The council members I have referenced need to govern themselves accordingly based on the information and facts that I have provided.

Councilman Cook: May I make some comments. The comment was made that we did not vote on the internet- we did. It was in last year's budget. Second of all, I just read that James Moore has been the only city employee to receive reimbursement for home AOL internet account for \$21.95 monthly from 1999 to 2001. It increased to \$23.90 until he left in July, 2004. That is hypocritical.

James Moore: Mr. Cook, that is not correct. That was for my office.

k. Beverly Cheeks: My name is Beverly Cheeks. I live at 2 Marsden Road.

Samantha Vijay: I am Samantha Vijay and I live at 3 Bridges Crossing.

Beverly Cheeks: We are here to support the Mauldin Garden Club for their log cabin project. I am a teacher at the Montessori School in Mauldin as well as Ms. Vijay and we have a program with the Garden Club to educate our children with gardening. We also feel this is educational for the children in this area to have a hands-on facility. The Montessori school families will benefit from this. We are here as teachers to state our support.

4. Appointment of Mayor Pro Tem

Councilwoman Gettys nominated Gabe Hunter for Mayor Pro Tem. Councilman Reynolds seconded the motion. Councilman Kennedy nominated Bob Cook with a second from Councilman Black. Councilwoman Gettys voted for Hunter, Councilman Cook voted for Cook, Councilman Hunter voted for Hunter, Councilman Kennedy voted for Cook, Councilman Black voted for Cook, Councilman Reynolds voted for Hunter and the Mayor voted for Hunter. Mayor Pro Tem Hunter was voted in 4-3.

5. Report from City Administrator

Trey Eubanks: I want to report on some projects. The Main Street project is underway. We met and narrowed the 13 firms that bid on this project down to four. I appreciate the participation on that from council and John Gardner was with us as well. We are going to interview the firms at County Square. We have some excellent choices.

We had a pre-construction meeting on the demolition of the 1967 wing of the cultural center. A bid was awarded by GCRA previously. The work should begin by the end of this month. The specifications require them to be done by August 15th. The contractor has indicated that it will be a lot sooner than that. Hopefully he will come through with that. We will meet at 3:00 p.m. this coming Wednesday with the Foundation Board and we are defining the roles and responsibilities of the board and discussing updating the master plan. One thing I want to offer tonight, at the last meeting, there was discussion on going out to bid to get an architectural firm on board. I had to leave that meeting early, but if there is any interest, please direct me and staff to pursue that. The next big step is updating the master plan and it has to be professionally facilitated. It will give us a good focus as we move forward.

We have the Atlantic Coast S Gaugers planning to come to our cultural center in June for a couple of weekends. The show will be June 7th and 8th and June 14th. This will be in the auditorium of the cultural center. They represent NC and SC. It is the type of event that draws the public to the city center of Mauldin. This is the type of event that the cultural center should be used for. I want to thank Pat Pomeroy for coordinating all of this with her contacts. The chamber is going to provide the hotel rooms and food for the modelers. If you would like to endorse that tonight, we can certainly follow through with those plans. As you can see, there is a lot of interest in this.

We had an energy assessment and they reviewed our utility accounts. We are going to save over \$2400 annually. The way we accomplish this is by switching from a general services rate to a time of use rate. You see the graphic. We will take savings any time we can get it. This firm has experience working with government and other businesses.

This council worked through the proposed budget and did not feel that the April 16th workshop was needed. We want to have one more public meeting following first reading of the budget at the May Council meeting. The next proposed date is a budget workshop on May 21st at 6:00 p.m. This will also benefit our new council member.

Relay for Life will be at Sunset Park on May 2nd and 3rd. The Recreation Director will have the facility ready and public works will clean up before and after the event. The fire chief has medical personnel ready so we will be prepared for the event.

Councilman Cook: When is the proper time to bring up the chamber's proposal on the train? Can we endorse that now?

Mayor Godbey: We can suspend the rules.

Councilman Cook made a motion to suspend the rules with a second by Councilman Reynolds. The vote was unanimous to suspend (7-0).

Councilman Cook made a motion to approve the dates for the train show and endorse this. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).

6. Reports from Standing Committees

a. Fire (Chairman Gettys)

i. Reports and Communications from Fire Chief

Chief Sapp showed some pictures of the Pierce plant that is building our new fire truck. He visited the plant last week.

b. Police (Chairman Cook)

i. Reports and Communications from Police Chief.

Chief Turner: I didn't bring any pictures. We did make the front page of the news. I am sure you are aware, the two vehicles we purchased through the state grant are here on the road. The Greenville News did a great article on that. Our March highlights, I hope you had a chance to review that, there was a lot of information surrounding the loss of our officer last month. It is bittersweet. You don't know how your department is going to do going through that, I didn't know how I would do, I wish they wrote a manual on how to get through that. Our guys and girls have responded remarkably and it speaks volumes of how we get along as a family in this department.

Other than the Mayor being locked up this month, I will leave it at that...

John Duggan: I was solicited for funds but if I don't make a contribution, they may pick him up again, so...

Mayor Godbey: Those cuffs do hurt.

Chief Turner: You probably saw a news release by Henry McMaster's office that talked about a guy that was doing some things with a computer that he shouldn't have been doing. He decided he would drive to Mauldin and see what we had to offer, and we offered him a couple of police officers. He was doing well at the GC Detention Center. We were given kudos that it was 119th case that the task force was involved in. We have a lot of things going on that you see and a lot you don't see, but let me know if you have any questions. I will tell you what I can. If I can't tell you, I will say that. So far this quarter, our accidents are down, our injuries in accidents are down, our blue tickets are down, and our warning citations are up. You can't ask for any better. The last thing, we are going to be looking at the graffiti ordinance again this evening. You are aware of the issues, I want to say we can definitely work with it.

Chairman Cook: Fox News is here on the graffiti. If we could move it up on the agenda.

Chairman Cook made a motion to suspend the rules to move the agenda item forward. Councilman Hunter seconded and the vote was unanimous (7-0).

Mayor Godbey: It can be refashioned later if need be and I am looking forward to us continuing to look at it. I would like to make a personal comment, I attended the funeral of Officer McJunkin and was impressed with our staff, her brothers and sisters in uniform, you did a wonderful job in eulogizing her life and I think the hero story you read from the middle school student would have touched her dearly. It is a loss for our community and a loss for your force and I appreciate the sensitivity in which you have handled that.

ii. Reports and Communications from Municipal Clerk of Court /
Administrative Judge- no report

c. Recreation (Chairman Reynolds)

i. Reports and Communications from Recreation Director.

Van Brannon: I want to update you on some things going on in the Recreation Department. Over the last months, our baseball and softball programs are going strong other than a few weekend showers that have canceled some games. The Miracle League has also started and is going well and the adult wheelchair softball team started last Thursday so the field is getting plenty of use between the Miracle League and the wheelchair guys.

The Senior Center, over 2500 participants last month. I did ask Key Hunt and Pam Frazier to come and then you went into an executive session and I saw a long list of folks to speak, so I sent them home. We will have them back next month. They are doing well and getting plenty of help from the veteran seniors that are up there.

The Sports Center, I am proud to say that our Biggest Loser Competition has come to a close. We had 34 people that stuck with it throughout the entire time and they lost 534 pounds. 134% of body fat was lost from those folks. They did a tremendous job and that is due to the hard work of the staff by putting that together and pushing those folks to lose the weight. That is one of our greatest assets at the sports center.

Chairman Reynolds: You are doing an excellent job.

Mayor Godbey: Membership at the sports center is?

Van Brannon: Still about 3500. We have hit a plateau.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning Director.

Peter Nomikos: There are three items on the agenda tonight which are under Committee of the Whole since we did not have a quorum at the last committee meeting. One of them is the tree removal request, the rezoning request, and an amendment to Article 10 of the Zoning

Ordinance. As the ordinance is currently written, the commission has 30 days to render a decision, otherwise it is considered approved. This would give them an additional 30 days to receive information without having such a tight time frame,. This was requested by the planning commission, drafted, and submitted

The Vinings at Brookfield, the project is now completed. 228 additional apartment buildings are over there and they are high end. We also have Alta Brookwood, there are three buildings getting ready for final inspections and they should be complete next month. As far as the Planning Commission, there is one item on the agenda tomorrow night to allow the fueling facility at the Coca-Cola plant.

We are taking applications from the Combination Inspector. We have gotten some good applications. We advertised through LLR, ACOG, and the MASC. I hope to have someone recruited within the next month.

Councilman Black: I talked with Mr. Eubanks today, I had several members of the planning commission talk to me about their concerns regarding getting their information in a timely manner. I think Mr. Eubanks addressed this through the County PC to get these documents a few days prior. They would like to review the documents.

Peter Nomikos: Mr. Eubanks talked to Tyler Stone and he has agreed to get the reports out on a more timely basis.

John Duggan: From time to time, we have businesses we audit. I try to keep you abreast of that. Mrs. Foltz did an audit of a company and they did retain counsel. I will be meeting with Mr. Nomikos and with Paula next week to go through their audit. It may ultimately come before this body to determine the appropriateness of the fee. We are working on one to try and resolve.

Mayor Godbey: This is a court of last resort for this process and there is a system to go forward on this. We have done this a handful of times since I have been on Council.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher: Thank you. I did bring pictures but not for everybody. This is Blakely Street. This is an area that is a swamp area habitually. You can see Mr. Kirksey using a chain saw. The homeowners bought this pipe and we provided the labor. Go by and look at that if you get a chance. They can use that part of their yard now. It helps us with storm drains. The next page is Springfield Park and the eyesore on the hill. What you see there is straw which was filled in with woodchips . Another picture of the bank at Springfield Park where we utilized natural resources to save money and facilitate recycling efforts.

That is the sewer van that we received and that is the back side of it and the inside. That is the sewer camera. You voted to let us purchase that. I am going to let Kelly tell you about the bucket truck because she got to go for a ride in it. The next page you see her being fitted with a harness and taking a ride at Carowinds. She saw some of what we do and she is rarely at a loss for words, but she could only say wow.

Smoke testing will start next week. We will let people know before we start so you will know what is going on. The next page gives you numbers on recycling. We are trying to get hard numbers for what we recycle in the City of Mauldin. These numbers reflect Mauldin, Simpsonville, Fountain Inn and Greater Greenville. This does give you some information. Greenville County's recycling rate is 25.5. We do better than that in Mauldin. You can go down and look at Spartanburg, they are at 61%. That is where we want to be. There is an interest from our citizens that they are on board with this. We have talked about doing stuff in elementary schools and setting up a recycling station. That is coming.

I received numbers from Bionomics. They are cameraing and cleaning the sewers, 52,236.5 feet have been done so far. Mauldin being Tree City, you have Mount Leafmore and roots in the sewers. We have had to cut 1,404.1 feet of roots out of the sewers. I showed Kelly some of the process and we are as of right now, now doing any more Insituform this year because our budget does not allow it. We are going to camera our own lines now so we can view some of the areas of the city that are problem areas.

Chairman Kennedy: We appreciate what you are doing. Thank you.

Councilman Black: Is Kelly going to make you a good employee?

Greg Fincher: I think she is. She was a trooper. There were a lot of folks that didn't think she had it in her, but she did. I was going to bring a hard hat tonight and walked out and forgot it. But, she got a good taste of public works.

f. Finance and Policy (Chairman Black)

i. Reports and Communication from Finance Director.

Lisa White: Thank you. I don't have pictures either. I do have some good news. You will find a report for the period ending March. I did peek into April and we are doing very well there. We have over \$1.7 million dollars and budgeted \$1.475, so we are going to come in at least \$250,000 over budget and that is not including delinquents that Mr. Duggan referred to. I do want to let the Recreation Director know that the sports center revenue will also come in over budget. So, that is good news. That should give us some comfort as we talk about the budget one more time. If this is a reflection, we should be ok with the numbers we projected.

I do want to let you know about our investment earnings. We budgeted \$340,000 worth of earnings, we have gotten \$229,000. There is 32% and we should have 25% remaining which means interest rates have gone down from when we did our budget. That is to be expected. It shouldn't be as bad as I originally thought. I am sure you ran into the auditor upstairs. He is back. We can't get rid of him. He is doing his interim field work for about a week, then he will be back when the year ends.

7. Unfinished Business

a. Consideration and action on anti-graffiti ordinance. (Police)

Chairman Cook made a motion to approve the ordinance on second reading. Councilman Reynolds seconded the motion and the vote was unanimous (7-0).

Councilman Hunter: It is not as strong as I would like, but we can live with it.

John Duggan: We had to make sure it was in the right form. I want to commend the Chief in researching some good working materials and did a good job on that in working out the rest of the issues. It is a good ordinance.

b. Consideration and action on committee meeting change ordinance. (Finance)

Chairman Black made a motion to accept this ordinance to change the committee meeting format. This gives the chair the option to cancel a meeting if he/she determines there is no need for a meeting. It will still be advertised that the committee meeting will be canceled.

Councilman Cook seconded the motion.

Councilman Reynolds: I don't see the reason to change the format because we are going to be there either way.

Councilwoman Gettys: If you cancel the meeting, are there going to be so many days in which you will get that information out to the public?

Chairman Black: We advertise a week ahead.

Mayor Godbey: The meeting would be announced as canceled in the same way that we advertise the meeting?

Chairman Black: Yes. We don't anticipate this happening very often. We didn't have enough people there for a meeting a few times and some times you don't need a meeting because there is nothing on the agenda and there is no sense in calling a meeting just to have one and then adjourning it.

Councilwoman Gettys: You wouldn't know if there were people who wanted to speak ahead of time, would you?

Chairman Black: If there are no agenda items, they can bring those items to the full council.

Mayor Godbey: We are all at these once a month meetings at 6:00 p.m. and since we are there, having a few moments to announce the committee has nothing on the agenda and adjourning the meeting makes sense to me. I support Mr. Reynolds.

Councilwoman Gettys: I feel like we would be taking the opportunity away for the public to show up and we can cancel it then, we are there anyway. I don't see the purpose of changing.

Councilwoman Gettys- no, Councilman Cook- yes, Councilman Hunter- no, Councilman Kennedy- no, Chairman Black- yes, Councilman Reynolds- no, Mayor Godbey- no. The vote was 2-5 and the motion did not carry. There will be no ordinance change.

- c. Consideration and action on ordinance of Textile Communities Act for TCA Mauldin, Inc. (Committee of the Whole)

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

8. New Business

- a. Consideration and action on internet service funding. (Finance)

Chairman Black: This was brought up during the budget process. It was voted on in the 2007-08 budget and is already in place. The budget ends June 30th of this year. I would like to move to keep it in place at this time.

Councilman Cook seconded the motion.

Councilman Reynolds: I want to comment on Councilman Cook in a good way. He receives his entire packet on computer. This saved the city in trees and the cost of the packet. That is commendable and I wanted to thank him for that.

Chairman Black: I got this and I use it but I see the cost factor to the city if they reimbursed me for mileage coming to the city for different meetings, that would cost more with the price of gas. I see it beneficial, plus we are in the age of electronics. I told him it would be nice to present everything on the screen down here so the public could see it and scroll through everything. It is a cost factor but also a cost saver.

Councilman Hunter: Since this item was in the budget and it was approved, I would support leaving it and then we will discuss it for the 2008 budget.

Councilwoman Gettys: Are we just voting for it to stay I the budget that has already been voted on?

Mayor Godbey: Yes. That is the motion. In the 2009 budget, I would not be in favor of continuing this service. But because it is the budget for 2007-2008, I have no problem continuing it until the end of June.

Councilman Hunter: That information just came to light today.

Mayor Godbey: About it being in last year's budget? Yes, sir.

Councilman Kennedy: I am in favor of keeping it in the budget since it is a budgetary item,. I think it is fair and maybe next year you can take it out or replenish it, whatever.

Councilman Cook: We have been criticized for our internet service. We do 100-150 page book monthly and it has been two books. That causes \$25-37.00 a book. I have been criticized and thank you for your support on that, Mr. Reynolds. The budget book cost \$50.00, I got my budget on a disk and gave mine to Ms. Kelly, the newspaper lady. I will go with council, but if it comes up, I am going to start getting my book.

The vote was unanimous (7-0).

b. Consideration and action on committee meeting requirements. (Finance)

Chairman Black: This was forwarded with the recommendation that the quorum requirement be eliminated. The committee chair will be allowed to forward items to council without a quorum. I move we adopt this on first reading.

Councilman Cook seconded the motion.

Mayor Godbey: I am not in favor of having a chair move forward to council as a whole. If a quorum is not present, the items shouldn't move forward at all.

Councilman Reynolds: I don't see a problem in this council, but I think in a different council that it could be taken advantage of- possibly.

Councilman Hunter: That only comes into effect when we don't have committee members present. It would take two people being absent for that to occur. It minimizes the ability of council to function because the chair can't do anything without suspending the rules and adding it to the agenda. I can see how it could be under different circumstances a problem, but I don't think it will happen with this council.

Mayor Godbey: Suspension of the rules is the mechanism as a safety valve for that.

Councilman Reynolds: When you take the quorum requirement out, I forgot, let me think about it. Bob...

Councilwoman Gettys- no, Councilman Cook- yes, Councilman Hunter- yes, Councilman Kennedy- yes, Councilman Black- yes, Councilman Reynolds- no, Mayor Godbey- no. This passed first reading 4-3.

- c. Consideration and action on Tree Removal Request – 216/218 East Butler Road (Committee of the Whole)

Councilman Hunter: Attached to this are two letters from an arborist and the SC Forestry Commission. In both instances they say that the tree is in good shape and that it can stand alone because it has been. There is some evidence of bores, but not significant enough to remove the trees unless the property is developed. If it is developed, the tree roots would have to be protected. This item is contingent upon development. I see nothing wrong with the tree and I make a motion to retain the tree.

Councilwoman Gettys seconded the motion and the vote was unanimous (7-0). The request is rejected.

- d. Consideration and action on Rezoning Request – 216/218 East Butler Road (Committee of the Whole)

Councilman Hunter: We have heard input from the developer and residents in a similar property. I have gone down Hickory and looked up the hill to see what I would think if I were living there. I didn't like what I saw. I share the concern of Mr. Laemmel of the water causing possible flooding. I do like the development as presented, but I would rather that piece of property remain commercial. I make a motion to reject the request for rezoning. Councilman Black seconded the motion to reject.

Councilman Reynolds: Being that it is C2 currently, and watching the market, I don't see the development doing much more than an RM. Mr. Gardner spoke to me about this and I asked him now, that is C2 up front and RM in the back and he said yes sir. That is because of the runoff in the back. I think Mr. Bucker has done a great job to work with everyone. I don't see anything else there.

Councilman Kennedy: This is transitional with the C2 and RM. I understand the back side of the property is RM. On the other side is C2, correct? Ok. I don't have a problem with that as long as we can get stipulations from the developer about the retention of the water there.

Councilwoman Gettys: I have a couple of questions. The development that the residents spoke from, Rocky Creek, is that the same type of development and was it developed by the same company?

Mr. Buckner: Thank you. It is a similar property that uses tax cut dollars for subsidizing construction. We did not build that. We brought them because we wanted to put a face to affordability. We have gotten comments on what kind of people would live there and some of it was negative, so that is the reason we brought them here. We don't own that complex but it is exactly the same type. We have an engineer here to talk to retention ponds.

Engineer: We haven't done an extensive study, but did talk to Mr. Nomikos. This property falls into the Gilder Creek watershed. Being such, we are required to 100 year storm, whereas DHEC only requires 25 year. These are a lot stricter regs from the City of Mauldin based on the property being in this watershed.

Councilman Kennedy: You will make some kind of feasibility study there?

Engineer: Absolutely.

Councilman Kennedy: Analysis.

Mayor Godbey: The question from Mr. Laemmel about the pond creating more floodwater management on his side of the property.

Engineer: I understand what he is saying. We haven't done a study. We would not be able to create a dam as far as I know in the Gilder Creek water shed. I don't know when the neighboring development was constructed and if these regulations were around when it was. I believe I am hearing no from Mr. Nomikos. I don't know anywhere else in the state that requires a 100 year rain event, so it is a very aggressive approach to alleviate the problem. The City is doing their part.

Councilman Reynolds: Do you mind if Mr. Gardner comes up and gives his assessment as well?

John Gardner: We had many of the same concerns expressed. Runoff and buffering were two big ones. We were also concerned about traffic access. The developer worked with us but it is still not an ideal situation. There are issues with East Butler Road. We hope we can work on those with future improvements but that may be a number of years in the distance. The developer did agree to not add driveway access at Old Mill Road because we have got some existing problems there. He addressed the stormwater retention which is a state statutory requirement in this basin.

Mayor Godbey: I will make mention that the folks that had a presentation with the planning commission have owned that they weren't very well prepared for that. It was voted down 5-2. It will take a supermajority of the council to overturn. The residents of the other complexes that are here lend support that this is a well thought out and quality development that is probably the only option for this area to have. The concerns of the water retention and Gilder Creek flooding, I have the concerns of Mr. Hunter on how this will impact that general area. We are all aware of traffic issues on Butler Road. It is not an easy call to make but a call we have to make.

Councilman Reynolds: I would like a roll call vote.

Mayor Godbey: This is a motion to reject the rezoning. If you vote aye you are voting to reject and if you vote no you vote to support rezoning.

Councilwoman Gettys- no (accept rezoning), Councilman Cook- yes (reject), Councilman Hunter- yes (reject), Councilman Kennedy- no (accept), Councilman Black- yes (reject), Councilman Reynolds- no (accept the rezoning), Mayor Godbey- no (accept rezoning). The vote was 4-3 to accept, but it did not pass because a supermajority was needed to overrule the planning commission. The vote had to be at least 5-2 to overrule and accept the rezoning. The rezoning change was rejected.

Mr. Buckner: As much as I am saddened by the decision, the City took a hard look at it for us including Mr. Hunter and council. I give you lots of credit for the way it was handled by staff and council. It was nice to have this and I appreciate what you have done for us. Thank you and have a good night.

- e. Consideration and action on Text Amendment to Article 10 of the Zoning Ordinance (Committee of the Whole)

Councilman Hunter: The Planning Commission can currently postpone something for thirty days. Within that thirty days if no action is taken it is considered approved. This will allow for more information to be gathered and will increase the time from thirty days to sixty days. I make a motion to approve this on first reading.

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

John Duggan: I will double check that this conforms with statutory requirements which do have timelines for zoning requests.

Councilman Hunter: When I served on the Planning Commission, this came up all the time. You wanted to table something but you couldn't because if you did, the thirty days expired and it was approved. I fully support changing this providing it is legal.

Peter Nomikos: The 60 day timeframe is consistent with the County's ordinance that they have had in place for a number of years.

Mayor Godbey: Subject to a review between now and the next council meeting , we will have the opportunity for feedback and undo whatever we do here if legally we need to do that.

The vote was unanimous (7-0).

- f. Consideration and action on budget amendment to match donations for a thermal imaging camera for our fire department (Committee of the Whole).

Councilman Black: On Tuesday, April 15th Mayor Godbey, Council members Black and Gettys, Chief Sapp and other staff were present for a check presentation from Bi-Lo for \$2,500 to go toward a new thermal imaging camera. Previously, C&S Wholesale also donated \$2,500. The equipment costs \$8,000. This partnership between the City of Mauldin, Bi-Lo and C&S will enhance our ability to provide fire suppression services by providing an additional thermal imaging camera. This technology improves the safety and effectiveness of our firefighters by allowing them to better assess conditions and identify "hot spots." I think we had a case in the Bilo freezer to use this one time.

I would like to make a motion to do a budget amendment in the amount of \$5,000 to go towards this. It will come out of the fire capital outlay.

Councilwoman Gettys seconded.

Mayor Godbey: They will be using both thermal imagers to identify hot spots and looking at wiring that hasn't gone bad but could.

The vote was unanimous (7-0).

- g. Consideration and action on a resolution approving a 10 year Capital Improvement Program for the Mauldin Fire Service Area. (Committee of the Whole)

Councilman Black: This is a ten year improvement plan. Our contract is coming up with the County. The implementation of the Capital Improvement Plan will result in:

- Reduced response times for calls for service;
- Reduced ISO ratings resulting in potential savings in homeowner's insurance premiums;
- Enhanced fire protection services being provided throughout the Fire Service Area; and

- The real potential for saving lives and increasing safety for firefighters.

I move we adopt this resolution.

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

- h. Consideration and action on Tree Board request. (Committee of the Whole)

Councilman Reynolds: On February 18th, City Council endorsed a landscaping plan for the area around the cabin presented by Garden Club President Bonnie Nisley. On April 2, Mayor Godbey convened a meeting of the Tree Board for the purpose of demonstrating the city's support of the board and responding to their concerns for the trees around the log cabin at the Cultural Center. The Tree Board presented the attached concerns and recommendations. Furthermore, the Tree Board approved the following motions; 1) Obtain input from a certified landscape architect for the updating of the Cultural Center Master Plan, 2) Engage the services of a "neutral" arborist to oversee cabin area grading, 3) Do not install permanent irrigation around the cabin area until the master plan is updated, 4) Obtain a written report from a certified arborist or landscape architect pertaining to trees around the cabin area. Public Trees including those on the grounds of the Cultural Center are under the purview of the Tree Board per our Tree Ordinance.

Jimmy Walters, Regional Urban Forester with the SC Forestry Commission has reviewed the issue and provides the attached correspondence.

The major issue to be addressed is that the Garden Club's plan has been endorsed; the Tree Board adopted a motion that no permanent irrigation be installed until Master Plan is updated and Garden Club representatives take the position that no landscaping can be installed until irrigation is provided.

We have all kinds of stuff in our packets here. We need to consider the board's request. I need a clarification of what we need to do here.

Mayor Godbey: You are allowed to make a motion regarding the Tree Board's request in whole or in part. It is up to the council members to provide support of any or all or none of the recommendations as I read this.

Councilman Reynolds: I make a motion that we accept the request of the Tree Board.

Councilwoman Gettys seconded the motion.

Councilman Cook: I don't think we should go against what Council has endorsed. We could get an arborist in there and let them proceed with

their grading with the arborist there. If the Tree Board wants to get someone, then that is fine. I hope that it doesn't turn political. I think that is where it is heading. I think that the Garden Club needs to understand that we gave them the endorsement. The Tree Board knew what we were proposing several months ago and they are just now coming up with this. My thing is, and I will make an amendment if it is proper. I amend the motion that we support the Garden Club and will let the Tree Board bring in an arborist and we go ahead and proceed with what we told the Garden Club they could do.

Mayor Godbey: The amendment is that the Tree Board get an arborist and facilitate the garden club to pursue the landscaping.

John Duggan: As I understand it, the recommendation, Tree Board recommendation in your packet, what I understand the original motion is to vote on the recommendation of the Tree Board which what I thought Mr. Cook is suggesting which is we halt things until an arborist can be hired to conduct a site evaluation. I may be mistaken.

Councilman Cook: You are mistaken. Let me clear my thoughts, I would like the Garden Club to get permission to do the grading and they get an arborist in there to make sure we don't damage the trees. That is my amendment.

Mayor Godbey: Amending the motion to have an arborist on site for grading.

Councilman Black seconded the amendment to the motion.

Mayor Godbey: We have talked about a master plan which would include irrigating the whole site. That was supported by Ms. Nisley. Piece meal the irrigation system will create additional costs. I have concerns that without a master plan, we are continuing to produce something that doesn't have that overall scheme to it. I do support the work of the Garden Club over the last three years. I have been a member of the Garden Club and want that to continue. I don't discount what they have done.

Councilwoman Gettys: My question is, from the information we have, the amendment conflicts with what the two entities are disagreeing about. I don't know how we can do this.

Councilman Kennedy: I have a question too. There is a lot of redundancy here. These are recommendations. The garden club is continuing what they are doing and that is conflicting with the recommendations that are being asked for. I read in here about a neutral arborist. That is the only thing that is being asked for. The other things in here are basically what they are already doing. I am a member of the Garden Club and have been involved with their development. I don't see what they are doing any differently from the recommendations you are asking for. I think they are conflicting really.

Councilman Hunter: Both of these entities are very important. The Garden Club has spent much money and many hours to beautify the cultural center grounds. The Tree Board has the responsibility as commissioned by the council for trees on public property in the city. Both of these organizations need to sit across the table from each other and prioritize what needs to be done. I think the two need to talk to each other. That is my recommendation, that council takes no action tonight and suggests that these organizations sit and talk and work out a plan that is beneficial to each organization and to the city.

Skeet Prinze: Does the council have the letter from the Forestry Commission? Could you please look at the last paragraph.

Councilman Cook: I believe she is out of order.

Mayor Godbey: I asked for her comments. Just as other council members ask for comments from engineers and developers. I asked her, Mr. Cook.

Skeet Prinze: The part about the sprinkler use. He recommends it come outside of the perimeter. I think they want to carry it through there and damage the trees.

Councilman Cook: That is what he says but not what the Garden Club says.

Skeet Prinze: This is a forester. Pardon me. I apologize.

Mayor Godbey: We need to continue to operate under the decorum we have established. We are doing pretty well. There is information in your packets. I agree with Mr. Hunter that both entities are strong supporters of the greater good of the community. What we have before us, though, is the amended Mr. Cook has put forward. This is to have the Tree Board get an arborist and allow the garden club to proceed with grading to carry out their design.

Councilman Cook: I want to make a comment. My understanding is the Garden Club's position is that irrigation will come around it on the outside. Mr. Waters, that is his opinion. They want to do the perimeter and push the water over in there which won't be digging a trench all the way through.

Mayor Godbey: If you vote yes, you are voting in support of Mr. Cook's amendment.

Councilwoman Gettys- no, Councilman Cook- yes, Councilman Hunter- no, Councilman Kennedy- yes, Councilman Black- yes, Councilman Reynolds- yes, Mayor Godbey voted no. The amendment carries 4-3.

Grading will be allowed and the garden club can continue as the Tree Board gets an arborist to ensure protection of the trees.

Councilman Black: I want to commend the garden club. They have done an excellent job of trying to satisfy the Tree Board. This is addressed in the letter. This is the SC Forester. We voted to let the Garden Club do this at the February meeting. I think the concerns have been addressed about sprinklers and fill dirt. I think the recommendation for the sprinkler is to go around the perimeter. That is around the asphalt, not the tree roots. The heads will spread water into the complex. The garden club have spent numerous hours and dollars on this and if we had to put a price tag on what they have furnished to the city, it would be a shattering amount. I commend the Tree Board also, but the Garden Club has done an excellent job. If not for them, the cultural center would not look as it does today. The master gardeners and all this and I think they have more knowledge about this than any of us on council. I support them wholeheartedly. I know we have rules, but I don't think they are going against any of them.

Councilman Hunter: These entities are important to the beautification of our city and the well-being of our trees. This shows how little communication there is between these two entities. This is deeper than just this motion. We need to have these two groups talking. What effects one, effects the other. I don't think we have a mechanism now to make that happen but we need to make that happen.

Mayor Godbey: I too have a concern that these two valuable entities need to collaborate. Their goals is the same. The preservation of trees and we are involved in redefining the cultural center property as a whole. This is a major project for the city as a whole and is vital. Moving forward with diverse opinions should be anticipated but should not get in the way of two organizations talking to one another. I think we should put in the motion to require the Tree Board and Garden Club to talk to one another.

Councilman Cook: I don't want to require that. I would like to suggest. Council doesn't need to tell them to get together. They are men and women and they should be able to get together.

Councilman Hunter: Could we ask the administrator to set up a vehicle so that these two groups can communicate with each other?

Councilman Cook: I don't have a problem with that. Just don't require it.

Councilwoman Gettys: Was there a vote taken on the landscaping plan or was it endorsed?

Mayor Godbey: The February meeting, Mr. Eubanks was given authority to work with the Garden Club regarding their project and has done that faithfully to this point. That is how I recall. Mr. Cook agrees and when you have the two of us agreeing, it is sure to have been that way.

Councilwoman Gettys: I don't think there is a question as to the importance of either organization. The only comment from me, and I am inexperienced in this, the Tree Board is set up by an ordinance from the city. I don't think we can ignore what they are proposing or suggesting. I think your comments about getting the organizations together is good.

Mayor Godbey: As the attorney has pointed out, the amended motion can be tabled also. What we have now is the discussion, we voted on the amendment, and it got incorporated into the motion.

Councilwoman Gettys: Can I make a motion to table? I want to do that.

Councilman Hunter seconded the motion to table the amended motion.

Councilman Cook: I appreciate her comments. We are prolonging, prolonging, and prolonging. We have given them permission to do it already. We are stabbing them in the back and telling them they can't do it. We are prolonging just like we do with everything else. I want to vote it up or down and not table it.

Mayor Godbey: My feeling is we are asking a lot from these organizations. I want to allow dialogue. I am in favor of holding off any movement and have long been on record as wanting a master plan for that whole area.

Councilman Cook: You and I will discuss the political part of it. This is getting political. Van, where is Van? Van, I would like for you to get me the minutes for the meeting of the tree Board. If you don't have it, that is tough. Get them. I want to know who voted what and how it was voted on.

Councilman Black: I am like Mr. Cook. I don't want to prolong this. I want to vote it up or down. I would hate to see the Garden Club pull out completely and we lose all their services to the City. I don't think you could replace them. If I was on there and people had this much doubt about my abilities and won't let me do what has already been approved, I would think twice about being a member of the Garden Club in the City of Mauldin.

Councilman Kennedy: I think the same thing. You need to have this particular club sit down and talk to the Tree Board. You need some dialogue. These people have come too far to be reneged on, I would say that. It would make me angry to see them get upset or despondent that we can handle. We can handle this. We are working in trivialities right now.

Councilman Hunter: I don't see this taking any length of time for Mr. Eubanks to get these two organizations to sit down. That project across the street is important to the city. We don't want those trees killed and we don't want an irrigation system to cut the roots. Now, these two organizations are adults and under the guidance of Mr. Eubanks I am sure that they can come up with a plan that doesn't destroy the trees.

Councilman Cook: I am not supporting to table. If we ask the administrator to get them together, my hope is none of the politicians get involved with it. It would be between the tree board and garden club and us stay out of it.

Councilman Hunter: I agree,

Trey Eubanks: May I make a comment? Ms. Gettys had some good questions. I have provided a report that you have read. I like where we are heading. There is a lot of support from the city for both organizations. The tree board is obligated by ordinance to protect city trees. The garden club is a volunteer group. They have done a lot of work. I look forward to working with both groups. My intent throughout this whole issue, and we know there are issues under the surface, but my objective in dealing with this issue is to focus on what is best for the city, and to be fair. I am going to continue to do this as I work with these two groups. I look forward to coming up with a solution to keep everyone happy.

This vote is to table.

Councilwoman Gettys- yes, Councilman Cook- no, Councilman Hunter- yes, Councilman Kennedy- no, Councilman Black- no, Councilman Reynolds- yes, Mayor Godbey yes. It carried 4-3. It is tabled until next month.

Mayor Godbey: This will be carried out by the administrator without the interference of council. I will hold to that.

9. Public Comment.

- a. James Moore: My question is, these figures I got from the FOIA, nowhere in there, and I spent about 2 ½ hours reading this information that was furnished to me, was there ever a vote for internet service reimbursement to council members. You said that was discovered today?

Mayor Godbey: Yes. The information about the vote on internet service was embedded in the budget. The wording was in there.

James Moore: Was this in council's budget or the budget we are in now?

Mayor Godbey: The city's budget that we voted on twice and had a public hearing. I will try and answer your questions.

James Moore: I just know I spent a lot of time reading information that did not pertain to it if there had already been a vote.

Mayor Godbey: I know. This information came to light prior to the meeting tonight.

James Moore: Mr. Cook. Mr. Chair, may I speak to Mr. Cook?

Mayor Godbey: After the meeting.

James Moore: Why?

Mayor Godbey: Robert's Rules indicate that you are to address the Chair and we are going to keep this civil.

James Moore: He made an accusation that I was getting home internet service at my home. I was not. I got internet from AOL at the fire department which I paid for myself until the city provided it to departments. I think the purchase orders are there to back that up.

Councilman Cook: Let me say. If I am wrong, I will publicly apologize. That is the information I got.

James Moore: Thank you, sir.

- b. Bonnie Nisley: I want to say I hope all of you took time to read the letter I gave all of you on Friday. It answered all the question the tree board has brought up. We already worked with Trey and had everyone worked out before we presented this in February. As far as the irrigation, we cannot put in the first plant without irrigation. The irrigation can be put in around the perimeter. We had consulted two separate irrigation specialists who agreed with us that it can be put in without any damage to the trees. We are as concerned about the trees as the tree board.

We are very offended because the tree board has never contacted any of us on the executive board with their issues. I have talked to Van Brannon and discussed things with him. I have invited him to our meetings and I told him I would be more than glad to represent the Garden Club and come to the last three meetings that were held and answer any questions. I have contacted Liz Cox. No one from the board has contacted any of us. I have answered all of Liz Cox's questions and we have bent over backwards to make sure we partner with the city. We partner with the city, we don't work for the city, and we have done our best to work with everyone. We have proven ourselves and we do not appreciate being treated like this.

10. Council requests.

Councilwoman Gettys: I would like to thank everyone on the staff and board that has been helpful in getting me up to speed. It has been a lot of information.

Mayor Godbey: I might say it has only just begun. I appreciate your participation.

11. Adjournment. – Mayor Godbey adjourned the meeting at 10:15 pm.

Respectfully Submitted,

Cindy Miller

Municipal Clerk