

**MINUTES
MAULDIN CITY COUNCIL
DECEMBER 19, 2016
7:00 PM**

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

1. Call to order.
 - a. Invocation- Councilman Matney
 - b. Pledge of Allegiance- Councilman Matney
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations-Mauldin Chamber; special presentation
No one was present from the Chamber.

Chief Stewart presented Thomas Guthzeit, Rookie Firefighter of the Year and Explorer of the Year Tyler Warfield. Greg Moore was voted Firefighter of the Year, but could not be present at the council meeting.

3. Reading and approval of minutes.- Council minutes November 21, 2016; Special called council December 12, 2016.

Councilman Matney made a motion to approve the November 21, 2016 council minutes. Councilman Goodson seconded the motion. Councilman Black made mention of the fact that one change had been made on section 8g. The vote was unanimous (7-0).

Councilman Merritt made a motion to approve the special called minutes from December 12th. Councilman Black seconded the motion and the vote was unanimous (7-0).

4. Public Comment.- None
5. Report from City Administrator- Trey reported on the public art installation at the cultural center. Lighting of the art should be complete soon.

The fire department sent some help to the wildfires that were burning.
Public Works sent a couple of trucks to Simpsonville to help with the clean-up after the tornado.

The budget calendar was given to council for consideration. This will come through the Finance and Policy committee in January.

Trey also said that the first Monday of January is the New Year's holiday and Monday, January 16th is MLK Day. We need to change the dates of the committee meetings and council meeting. He will send out an email to gauge council's date preferences.

Councilman Merritt asked if there will be a plaque explaining the significance of the art piece at the cultural center. Trey said that is being worked on.

Councilman Crosby took the time to read a letter from a Battalion Chief that was deployed to help with the Pinnacle Mountain fires. He commanded some people from the Mauldin Fire Department and wrote a letter regarding how professional and easy to work with our guys were.

6. Reports from Standing Committees

- a. Public Works (Chairman Goodson)- The report is on file.
- b. Finance and Policy (Chairwoman King)- The report is on file.
- c. Building Codes (Chairman Black)- The report is on file.
- d. Recreation (Chairman Merritt)- The report is on file. Construction will be starting on the parking lot at the cultural center. Chairman Merritt reminded everyone that the sports center will be open after the holidays to help people with their holiday enjoyment.
- e. Public Safety (Chairman Crosby)- The report is on file.
- f. Economic Planning and Development (Chairman Matney)- The report is on file.

7. Unfinished Business

- a. Consideration and action on smoking ordinance (Finance and Policy)-
Chairwoman King made a motion to approve this ordinance on second reading with an amendment having an implementation date of July 1, 2017. Councilman Matney thanked Councilman Merritt for allowing him to bring this item up in Recreation and Councilwoman King for taking this up in Finance. He thanked council on behalf of the kids who participate in recreation programs.

Councilman Goodson said this item started out for no tobacco products around the ballfields in the parks and has spilled over to all city buildings. This issue

now affects city employees who might smoke or use smokeless tobacco. He doesn't know if six months is long enough to stop the habit. He understands the issue, but also understands how hard the habit is to quit. Over half of the police department uses smokeless tobacco, as well as other department employees.

Councilman Merritt asked Trey if he has had any communications with the Police or Fire Chief regarding concerns of an undue burden. Trey said no, he hasn't heard any comments or concerns. The City EAP program can help with tobacco cessation. Councilman Merritt said he would like the City Administrator and HR Coordinator to communicate with all city employees on this issue and document their signup for EAP involvement to kick this habit. We have a draft personnel policy, but we need to make this a priority and get it out to all of the employees now so they can start making arrangements to quit. Councilman Merritt said he thinks six months is ample time to stop using tobacco. Once you give someone a goal to work toward, they can start. If it is good for the goose, it is good for the gander. If we want the public to stop using tobacco in city facilities, the employees should stop or use designated areas as well.

Councilman Goodson said he would like to have the no tobacco ordinance be enforced at the beginning of baseball season and hold off on the city employee section for a year. John Duggan said there cannot be two implementation dates. There is a motion on the floor right now for the implementation date to be July 1, 2017.

Councilman Merritt said his understanding is that council can always amend or undo an ordinance. Based on feedback, if the implementation date needs to be revisited, it can be. Councilman Goodson said if we are going to say July 1st, that is after baseball season. Why not just wait a year? Chairwoman King said she was thinking about the fiscal year beginning July 1st and that would give people six months to get prepared for this. The vote on the amendment was 5-2 with Councilman Crosby and Councilman Goodson opposing.

A motion was made by Councilman Matney and seconded by Councilwoman King to approve the ordinance as amended with the July 1st implementation date. The vote on the motion was 5-2 with Councilman Crosby and Councilman Goodson opposing.

8. New Business

- a. Consideration and action on temporary use ordinance (Building Codes)- First reading needs to be taken tonight so this can go to January's Planning Commission. Chairman Black made a motion to adopt this on first reading and can be changed before second reading. Councilman Goodson seconded the motion. Councilman Goodson asked if a POD unit would be allowed while someone is waiting for their house to be finished after an emergency. Kim said that was included in the ordinance. The vote was unanimous (7-0).

Councilwoman King made a motion to declare a 180 day moratorium on the issuance of permits or business licenses for temporary uses until this issue can be looked into further. Councilman Merritt seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on dispatch console (Public Safety)- The new dispatch consoles are ADA compliant. The expenditure will be \$58,347.66. We may receive 80% of this expenditure back from Greenville County. Chairman Crosby made a motion to purchase new consoles for dispatch. Councilman Black seconded the motion. Councilman Merritt reiterated that the City will spend \$58,347.66 prior to December 31, 2016 and then we will apply for reimbursement in February to March 2017. If we have a successful application, we can get up to 80% reimbursement from Greenville County. This is not a guarantee. No promises from Greenville County. Councilman Matney said it is important to make sure our public safety communications work the way it should. Councilman Merritt said this was just for new furniture. The vote was unanimous (7-0).

9. Public Comment

- a. Brenda Cauble: I live at 104 Bangor Street. I have lived at that address for 20 years. Prior to that, I lived in the townhomes next to Mauldin High School. This past October, there was a situation and it made me very aware that people in Mauldin don't know what is going on with the council in Mauldin. Policies and formats are changed. Is there any possible way that we can get the message to people? I got caught between a rock and a hard place on a permit. By the time we found out we had to have it and an inspection before the work and after the completion. I got caught in a

rough spot. I had a driveway full of red mud since October 4th. This project just was completed last Thursday. If I had known in advance, I would have called to get this done before I contracted with the contractor. Any suggestions?

I plan to be at the meetings and learn about these ordinances. If I can help, I will. I would like to find out what is going on.

Trey said he would be glad to meet with her if she will call him tomorrow. He will get staff around the table to talk with her as well.

Mayor Raines asked Ms. Hamel if there were any zoning board or planning commission vacancies. Ms. Hamel said yes.

- b. Robert Barnes: I am a small business owner in Mauldin, 104 Miller Road. I also am a coach for Mauldin Recreation. Apparently there are some situations where the kids are supposed to turn in their birth certificates so they can verify their age to play. The All-Star, some of kids were not of age to play. We won and then when we went to play at the next division, we were disqualified and had to forfeit. I wanted to comment that someone needs to look into this. There were irate parents. Luckily Willie was able to find us a different venue to compete in, but we lost. We at least need to have a verification process.

As a small business owner, I am struggling. I have tried to work the system. I have talked to many small business owners here and the most common comment I hear is that the City of Mauldin is the worst. I don't like that. I want the City of Mauldin to be the best. I strongly recommend that the City of Mauldin assign a single point of contact. This is Mary, this is Joe. The process is extremely overwhelming and extremely difficult. One of the problems is that you send an army of people, they rattle off and point to a lot of things, but nothing is put in writing. If you are not the business owner, but a tenant, the first thing a landlord is going to ask you for is a list of what needs to be done. What will it take? Before they will sign a lease with you, they want to know how much they will have to spend. If the City does not provide you with a list, you don't know.

Also, once you reach an impasse with the City, I recommend to you

adding an ombudsman- a liaison. Someone who has an internal investigative authority. I have tried to work with the City, but am now to the point where I have to go to Circuit Court and file documents against the City of Mauldin. I wish this was not the case, but the right person is not assigned. I want to bring that to your attention. I think you should go talk to the small business owners. Ask them how frustrated they are, ask them how annoyed they are. Single point of contact, a liaison, so they don't have to hire an attorney or come before council. I am available if anyone has any questions or would like feedback.

10. Council requests- None

11. Consideration and action on executive session regarding Section 30-4-70 (a) (2), discussion of negotiation incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of the claim.- Project Signal

Councilman Merritt made a motion to go into executive session for consideration on both matters. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

12. 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. – City Administrator's evaluation

Councilman Matney reported no decisions were made and no action was taken.

13. Possible action on items discussed in executive session.- Councilman Matney made a motion to support a resolution to close a portion of Millport Court for support of Project Signal. Councilman Merritt seconded the motion. The vote was unanimous (7-0).

14. Adjournment.- Mayor Raines

Respectfully Submitted,

Cindy Miller
Municipal Clerk