

Minutes
City Council Meeting
June 15, 2020
7:00 p.m.

Members present were Mayor Terry Merritt, Council members Taft Matney, Carol King, Dale Black, Michael Reynolds and Diane Kuzniar. City Attorney John Duggan was present remotely. City Administrator Brandon Madden was also present.

1. Call to order

Mayor Terry Merritt

- a. Invocation- Councilwoman Kuzniar
- b. Pledge of Allegiance- Councilwoman Kuzniar
- c. Welcome – Mayor Merritt

2. Proclamations and Presentations- None

3. Reading and approval of minutes

- a. City Council Meeting –May 18, 2020 Mayor Terry Merritt
The minutes were approved by consent.

4. Public Comment- None

5. Report from City Administrator

Mr. Madden had no report, but asked Pat Pomeroy from the Mauldin Chamber to give a report on activities. Ms. Pomeroy reported on a ribbon cutting for a new law firm that will be upcoming. The Chamber Golf Tournament will be held on August 10, 2020 at Holly Tree Country Club. This is the largest fundraiser of the year for the Chamber.

Ms. Pomeroy also reported that she had been in contact with CU-ICAR about this year's Memberfest. CU-ICAR may be unable to host the event, but they are talking with the Chamber on this item.

6. Reports from Standing Committees

- a. Finance and Policy (Chairman Reynolds)
- b. Public Safety (Chairwoman King)
- c. Public Works (Mayor Merritt)
- d. Economic Planning and Development (Chairman Matney)
- e. Building Codes (Chairwoman Kuzniar)
- f. Recreation (Chairman Black)

7. Unfinished Business

Ordinances - Second Reading

Councilman Reynolds made a motion to suspend the rules to move item 8c to the front of the agenda. Councilman Matney seconded the motion and the vote was unanimous (6-0).

8c. Consideration and action on Event Coordinator.

This item needs to be voted on before the FY 2021 budget ordinance is considered. There was a special called meeting last Friday to discuss this item. Chairman Reynolds made a motion to appropriate \$39,313 from the H&A Tax fund balance to fund a full-time event coordinator position for the Community Development Department. Councilman Matney seconded the motion.

Councilwoman King said she was originally against a full-time position, and does not like to make changes to the budget once the workshops and discussion have been completed, but there was some additional information given to Council at the special called meeting on Friday that made it clear to her that a full-time position is needed. It is impossible for the current staff to be able to cover events at the cultural center during the evening.

Councilman Black said the taxpayers bought the facility and there should be someone present from staff any time someone is using the cultural center. He then asked if there was a job description for an Event Coordinator. Mr. Madden said the City does have a job description, but if this position is approved, the description will be presented to the Finance Committee for vetting.

Councilman Matney thanked Council for considering this item. The funding for the additional hours would come from hospitality and accommodations this year. He said it is appropriate to fund this position out of H&A because the Cultural Center is a destination that brings people to Mauldin and helps economic development. Councilman Black said the funding would come out of the general fund next budget year.

Mayor Merritt said funding a full-time position out of H&A has never been done before. A full-time position has 35% more overhead costs than part-time. Mayor Merritt said during the Council goals workshop, there was no mention about any department needing additional staff. During the budget workshops that were held, there was only mention of part-time hours for this position. The City has been blessed by our hospitality and accommodation funding. This year, the amount dipped a little. He wants to be fiscally conservative and see how things continue before deciding to fund a full-time Event Coordinator.

Councilwoman King said she regretted the Mayor was not present on Friday during the special called meeting in which this was discussed. City Administrator Madden brought forth several points on the need for a full-time position. The City is growing, and the Economic Development and Community Development Departments are staffed with only 3 people. Having a full-time Event Coordinator would allow Mr. Van Broad to be able to focus on Economic Development,

which is why he was hired. She has struggled with this decision but does see the need for a full-time position.

The vote was 4-2 to fund the full-time Event Coordinator position with Mayor Merritt and Councilman Black dissenting.

- a. Consideration and action on an Ordinance to Amend Section 18-95 Of The Noise Ordinance In The Mauldin Municipal Code Chapter 18, Environment, Article li, Nuisances, Division 3, Noise

This ordinance proposes to restrict construction noise from 9:00 p.m. to 7:00 a.m. The previous ordinance restricted construction noise from 10:00 p.m. to 7:00 a.m. Councilman Black reiterated that emergency situations such as repairs do not fall under this ordinance. Councilman Matney said there has been several discussions with people in industry and with the Home Builders Association and they agree with the 9:00 p.m. restriction. Chairwoman Kuzniar made a motion to pass this ordinance on final reading. Councilman Black seconded the motion and the vote was unanimous (6-0).

- b. Consideration and action on an Ordinance to Authorize A License Agreement Between the City Of Mauldin And New Cingular Wireless Pcs, LLC D/B/A AT&T Mobility For the Placement Of A Small Cell Wireless Facility At 137-P W. Butler Road, Mauldin, South Carolina

AT&T has expressed an urgent need to erect a small wireless facility at the corner of Cary Street and W. Butler Road. This location is adjacent to Chick-fil-a. AT&T is proposing to install a 32- to 34-foot metal stealth pole. The 5G antenna will be concealed in a canister located at the top of the pole. The associated cables and wires will similarly be concealed inside the pole. Chairwoman Kuzniar made a motion to pass this ordinance on final reading. Councilman Matney seconded the motion and the vote was unanimous (6-0).

- c. Consideration and action on an Ordinance To Provide Amended Appropriations For The Fiscal Year Beginning July 1, 2019 And Ending June 30, 2020 For Ordinary And Other City Purposes; To Provide For A Levy Of Taxes On All Taxable Property In The City Of Mauldin For All City Purposes, Including Sufficient Tax For Any Principal And Interest On Outstanding Indebtedness Maturing In The Fiscal Year; To Provide For The Expenditure Of Said Taxes And Other Revenues Coming To The City During The Fiscal Year

Chairman Reynolds made a motion to pass the amended budget ordinance on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- d. Consideration and action on an Ordinance To Provide For The Issuance And Sale Of Not Exceeding Three Million Dollars (\$3,000,000) City Of Mauldin, South Carolina, General Obligation Bonds, Series 2020; To Prescribe The Purposes For Which The Proceeds Shall Be Expended; To Provide For The Payment Thereof; And Other Matters Relating Thereto.

Chairman Reynolds made a motion to pass the FY 2021 budget ordinance with the addition of the full- time Event Coordinator position. Councilman Matney seconded the motion. Councilwoman King mentioned that this budget also includes up to a 3% merit raise for employees as well as provisions for salary increases in the fire department to keep Mauldin competitive with surrounding cities. The vote on the budget ordinance was unanimous (6-0).

City Administrator Brandon Madden brought it to Council's attention that the FY 2021 budget ordinance was not listed on the agenda. John Duggan, City Attorney, was asked for his opinion. Mr. Duggan said because the ordinance was not specifically listed on the agenda, it could not be considered for action tonight under FOIA law. Councilman Matney made a motion to rescind the motion and call the vote null and void. Councilwoman King seconded the motion. The vote was unanimous (6-0). A special called Council meeting will be called before June 30th to take second reading on the FY 2021 budget.

Chairman Reynolds made a motion to approve the Ordinance regarding issuance and sale of GO bonds on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- e. Consideration and action on an Ordinance Providing For The Issuance And Sale Of Not Exceeding \$2,900,000 City Of Mauldin, South Carolina Accommodations Tax And Hospitality Tax Revenue Bonds, In One Or More Series; And Other Matters Relating Thereto

Chairman Reynolds made a motion to pass the ordinance on final reading providing for issuance and sale of accommodations and hospitality tax revenue bonds. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- f. Consideration and action on an Ordinance Authorizing The Execution And Delivery Of Documents Relating To The Provision Of Municipal Facilities; Consenting To And Approving The Issuance Of A Not Exceeding \$2,750,000 Mauldin Public Facilities ; Corporation Installment Purchase Revenue Bond, Series 2020, By The Mauldin Public Facilities Corporation (The " Corporation") To Provide Funding To Finance The Costs Of Acquiring, Constructing, Renovating, Equipping, And Installing Public Facilities; Consenting To And Approving The Execution Of A Base Lease And Conveyance Agreement By And Between The City Of Mauldin, South Carolina (The " City") And The Corporation; Consenting To And Approving The Execution Of A Municipal Facilities Purchase And Occupancy Agreement Relating Thereto By And Between The City And The Corporation; Consenting To The Form Of An Indenture To Be Entered Into By The Corporation And The Purchaser Of The Bond; And Making Provision For All Other Matters Relating To The Foregoing.

This is the IPRP bond. Chairman Reynolds made a motion to accept this revenue bond issuance ordinance on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- g. Consideration and action on an Ordinance Establishing A Sewer Pump Station Fee For The Indigo Point Development; Creating A Lien For Unpaid Sewer Pump Station Fees; And Other Matters Related Thereto.

Chairman Reynolds made a motion to pass this ordinance on final reading. Councilwoman Kuzniar seconded the motion and the vote was unanimous (6-0).

8. New Business

Ordinances – First Reading

- a. Consideration and action on an Ordinance to Extend A Moratorium to Temporarily Suspend The Acceptance And Issuance Of Permits And Business Licenses For Small Box Discount Stores Pending The Consideration Of Amendments To The City Zoning Ordinances

Councilman Matney made a motion to consider this item informally. Councilwoman King seconded the motion and the vote was unanimous (6-0). Councilman Matney made a motion to accept this ordinance on first reading with Councilwoman Kuzniar seconding. The vote was unanimous (6-0).

Standing Committee Items

- b. Consideration and action on Selection of Auditor

Chairman Reynolds made a motion to select Greene Finney to continue as our auditor. He pointed out that not only did they have the lowest cost of the submittals, but they are an in-City business. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- d. Consideration and action on a Resolution For the Purpose Of Establishing The Mauldin Public Facilities Corporation, Stating Its Purposes And Appointing The Members To The Board Of Directors Of The Corporation

This resolution will establish the Mauldin Public Facilities Corporation and appoint members to the Board of Directors for the Corporation. These board members act on behalf of the City and would only be required to meet periodically and would serve a three-year term. Chairman Reynolds asked that more time be given for consideration of this item. There were concerns that Council was given the list of proposed members of the board on short notice. Chairman Reynolds made a motion to hold this item and bring it back to a special called council meeting to be held later this month. Councilman Black seconded the motion and the vote was unanimous (6-0).

e. Boards and Commissions Appointments

The terms of the Planning Commission members serving in seats #1, 4, and 7 will expire at the end of June. The volunteers currently serving in those seats have each applied for re-appointment. This includes Michael Forman (seat #1), Jonathan Paulsen (seat #4), and Dean Oang (seat #7). Each of these volunteers has provided a breadth of planning and development knowledge to the Planning Commission and has been outstanding in their service to the City. Staff fully supports their re-appointment to their respective seats. In addition, Mr. Ted Allison (seat #5) has indicated that his schedule no longer allows him to continue to serve on the Planning Commission. Therefore, he has stepped down from his seat on the Planning Commission. The City has a need to fill the remainder of his appointment which expires at the end of June 2022. The City has received an application from Mr. Michael King to be appointed to the Planning Commission.

The terms of three Zoning Board members will expire at the end of June. In addition, there is presently an open seat on the Zoning Board. Therefore, the City needs to appoint four volunteers to serve on the Zoning Board. The City has received an application from Mr. Paul Calabrese and Mr. Michael Burns for re-appointment to the Zoning Board. Staff supports and recommends the re-appointment of Paul Calabrese and Michael Burns. The remaining open positions can continue to be advertised.

Chairwoman Kuzniar made a motion to re-appoint Michael Forman, Jonathan Paulsen, and Dean Oang to the Planning Commission as well as appoint Michael King to the Planning Commission and to re-appoint Paul Calabrese and Michael Burns to the Zoning Board. Councilman Matney seconded the motion and the vote was unanimous (6-0).

The other two positions on the zoning board will continue to be advertised and come back to council at a later date.

f. Consideration and action on Permit and License Software

Chairwoman Kuzniar made a motion to select Citizenserve to provide permit and license software for the City and that City Council authorize staff to contract with Citizenserve for the provision of permit and license software services. Councilman Matney seconded the motion and the vote was unanimous (6-0).

g. Consideration and action on Traffic Calming – Edgewood Drive

In October 2019, a resident of Edgewood Drive relayed a concern to the Public Safety Committee about excessive speeds and residential safety. At the request of the Public Safety Committee, a speed measurement study was completed on Edgewood Drive. The first traffic study started on October 11th and continued until the end of the month. Data collected showed the road met volume requirements to be eligible for traffic

calming, and also met the minimum threshold of 32mph at the 85th percentile. The speed limit for Edgewood Drive is posted at 25mph. At the conclusion of the first traffic study, a digital sign board was positioned on Edgewood Drive to alert drivers of their speed and the speed limit. This display was left active for two weeks. This posting of the signboard on the street was part of Level 1 Traffic Calming methods. Following the education efforts, MPD officers were assigned to work directed traffic enforcement (RADAR/LIDAR) along the roadway. This assignment began on December 6, 2019 and continued until after the Christmas Holiday. During this time, no warnings or citations were issued. This extra enforcement was also completed as part of the Level 1 traffic calming methods. On Tuesday, December 31, 2019 the Digital Sign Board was repositioned on Edgewood Drive to capture data post education and enforcement efforts. This study concluded on January 9, 2020. The following data was provided from the 10-day collection period. Speed at the 85th percentile has decreased to 24.3mph and the average daily volume on the roadway was 172.8, with a total volume of 1555 vehicles. At this point speeding at the 85th percentile is not considered to be a major factor as it falls under the threshold of 32 mph. In addition, roadway traffic is not considered to be "cut through" in nature.

On March 23, 2020, a petition was returned for traffic calming measures and the process began on verifying signatures. On April 27, 2020, a final portion of the petition was provided, and the petition was verified. A total of eighteen property owners have signed the petition requesting traffic calming measures. Although a total of 30 homes comprise the study area, this petition meets the 60% as outlined in the traffic calming policy.

Chairwoman King said even though most of the violators are residents, this is a serious problem. There are children in the neighborhood who need to be protected from speeders. She believes the petition is a good representation that the residents want traffic calming measures on Edgewood Drive. The financial impact is less than \$1,000.00. Councilman Black asked if the speed humps would have signage warning that they are upcoming so cars can slow down to go over them. Chairwoman King said there would be appropriate signage. Councilwoman Kuzniar asked if you can go over a speed hump at 25 mph. Chief Turner said you could, but it was best to slow down. The purpose of the humps is to slow traffic down before it goes over the hump and continue the slower speed down the road. Councilman Black asked if these humps would allow emergency vehicles to travel over them. Interim Fire Chief McHone said there are humps in other neighborhoods and the fire trucks and other vehicles can get through.

Chairwoman King made a motion to install traffic calming measures. Councilman Matney seconded the motion and the vote was unanimous (6-0).

h. Consideration and action on Police Mutual Aid Agreement

In recent years, the Mauldin Police Department has aided various SC Law Enforcement Agencies. In late April 2020, a request was initiated by the City of Mount Pleasant to have our officers assist the department. In reviewing our existing mutual aid

agreements, it was observed there is not a current mutual aid agreement on file between our agencies. SC Code requires the governing body to provide approval to all mutual aid documents. The documents provided by the City of Mount Pleasant have been reviewed by the City Attorney. Chairwoman King said we already have mutual aid agreements with 10 other agencies, including Horry County and Goose Creek. She considers this a compliment that a large department such as Mt. Pleasant would have need for our assistance.

Mayor Merritt said he was concerned that Mauldin would not receive a fair trade, but since this does not pose a financial burden to the City, he has no objections.

Chairwoman King made a motion to approve the mutual aid agreement with Mount Pleasant. Councilman Matney seconded the motion and the vote was unanimous (6-0).

i. Consideration and action on the Walking Trail located at City Park

Through its Park and Recreation Development Fund (PARD), the SC Department of Parks, Recreation & Tourism manages the PARD grant program which is a state-funded noncompetitive reimbursable grant program for eligible local government or special purposes district entities within each county which provide recreational opportunities. The PARD grants are available to eligible local governmental entities within each county area for development of new public recreation facilities or enhancement/renovations to existing facilities. The grants require an 80-20 match. The City is eligible for \$22,288.51 for 2019 which must be spent and reimbursed by May 31, 2021. Staff recommends using the 2019 PARD grant funds to resurface other portions of the trail that are in disrepair with cracks and damaged asphalt. \$22,288.51 in PARD grants funds are available, which require a 20% match or \$4,457.70. The needed matching funds are available in the current Council approved budget. If approved by Council, the matching funds will be encumbered for use in FY2021 as the project completion deadline is May 31, 2021. Chairman Black made a motion to fund \$4457.70, which is 20% of the \$22,851 PARD grant to resurface other portions of the City Park walking trail that are in disrepair with cracks and damaged asphalt. Councilman Reynolds seconded the motion and the vote was unanimous (6-0).

j. An emergency ordinance to temporarily waive penalties for the late payment of fees for business license permits and local hospitality tax and local accommodations fee payments; and matters related thereto

Councilwoman King made a motion to consider this item informally with Councilman Reynolds seconding. The vote was unanimous (6-0). During its March 23, 2020 Special Called Emergency Council Meeting, Council approved an Emergency Ordinance which amongst other provisions, waived late fees associated with City hospitality tax and local accommodations fee payment through May 23, 2020. Given the impact of COVID-19, the waiver of late fees associated with City hospitality tax and local accommodations fee payment through June 30, 2020 may assist businesses as they mitigate the fiscal impacts resulting from the COVID-19 pandemic. Councilwoman King added that the tax returns are still due at the regular time, but the payment must be made by June 30th. Councilman Reynolds made a motion to pass this emergency

ordinance on its first and only reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

9. Public Comment

Mr. Tafta- Stormwater and flooding- Audio recording sometimes unintelligible

I have some photos. I will be brief. My wife Jordan and I... The house would flood once or twice a quarter with water in the basement. We have encapsulated the crawl space, replaced sheetrock. We welcomed our first child and have two perfectly healthy babies. It is frustrating to see the outcome of eight months of labor. Antifreeze, bacteria from pet waste, oil. I cannot sell this home to anyone in good conscience. I am coming to you for help. Mauldin Public Works has been helpful and courteous in helping to clean up the water out of the front yard. The photo of my back yard has a white drain. You will also find a document from Greenville County. My understanding is that the City has no provision for stormwater management. Since this is our first meeting, I want each of you to know, I am not angry with you. I know you are doing your best and that times are desperate. I would love to raise my children in a healthy home in Mauldin.

10. Council requests- Councilman Black said he had received a department commendation for the Fire Department on a call for help for a resident.

11. Adjournment- Mayor Merritt adjourned the meeting at 8:50 p.m.

Respectfully Submitted

Cindy Miller
Municipal clerk