

**MINUTES
MAULDIN CITY COUNCIL
NOVEMBER 18, 2013
7:00 PM**

Members present were Mayor Dennis Raines, Council members Patricia Gettys, Bob Cook, Gabe Hunter, Scott Crosby, Dale Black and Larry Goodson. City Attorney John Duggan and City Administrator Trey Eubanks were also present.

1. Call to order. – Mayor Raines
 - a. Invocation- Councilman Goodson
 - b. Pledge of Allegiance- Councilman Goodson
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations- Curtis Ingram; Audit presentation

Curtis Ingram talked about the Get Smart program to be held on December 16th at the cultural center. This is a program through SCDOC where inmates talk to children about the circumstances surrounding their incarceration.

Michael Slapnick of Scott and Co. presented the audit. The City has gotten an unqualified opinion and had a very good audit.

3. Reading and approval of minutes.- October 21, 2013- Councilman Black made a motion to approve the minutes with Councilman Hunter seconding. The vote was unanimous (7-0).
4. Public Comment.
 - a. Craig Scott: I will be brief. I own some property behind Joe Hinson's State Farm- West Pointe Park. We bought the property in 1995 from Randall Bentley. My wife had a shop there. She passed away in 2008, but I still have the property. I understand the sign ordinance is different from the online version, because there was no grandfather clause. That is the biggest thing I wanted you to consider. The other thing is please don't underestimate the importance of signage to a small business. Sometimes that is the only advertisement they have. I just ask you to look at this. There

are some good things in the ordinance, but there are some things I am concerned about. They may be addressed in the new grandfather clause.

- b. Douglas Sprayberry: Good evening. I am with Key Real Estate. I have been here about 10 plus years. You have been fooled. Contrary to popular belief, Chevy says they are the heartbeat of America. That is wrong. Small business is. Small business makes the economy thrive and make America great. I have reviewed the ordinance, and I don't know about the grandfather clause, but I do know it puts a lot of burden on small business owners. I recently helped a client and they told me that after they signed the lease and came to get the permit that she was told that she now had to erect a monument sign. She said that had she known that before, she would not have leased the building. It might not seem like a big expense to you, but \$2000 to a small business owner might be the difference of whether they make it or not, especially if it is a start-up. Please understand how important this is that we don't overburden them with taxation.

Under abandon, what does that mean? The way I read this, is if the property is vacant for more than sixty days, you are considering that sign abandoned. If I want to put a for rent sign up there, do I have to remove it? I don't think you want a lawsuit, but the City of Travelers Rest just had a lawsuit for that very definition. If a property is vacant, they called it abandoned. The owner is still paying taxes and keeping it up and making an honest effort to re-lease it. I am sure you know the economy has been in the tank. It is hard to lease a property in 60, 90, or even 120 days. Sometimes it takes a year to re-lease. The way I read this is that you want to get rid of old signs and have monuments everywhere. They are beautiful, but most of the signs we have are on poles. Monuments block visibility. You will have accidents on Butler Road because of monument signs blocking the road. You have to look at this and realize this won't work in all instances. I was not able to come to the public hearing because I had a funeral to go to, but I am more than willing to be on a committee of small business owners to help come up with an ordinance that will be business friendly and work for everyone. You can't dump this onto the business

owners because you want to change it. I hear this day in and day out. They say I don't want to come to Mauldin, I have enough problems already. Mauldin is hard to work with. I don't want that to be the reputation. I work here. I am on your side. I hope you see the point to be careful that you don't throw taxation onto business owners. Please hear what I am saying on behalf of business owners and myself.

c. Walt McPhail: I appreciate the opportunity to be here. I am the veterinarian in Mauldin down the road. I have been here 35 years and plan on being here another twenty, good Lord willing. I also live and vote in Mauldin. Both of my concerns have been addressed by the previous two gentlemen. I am basing my knowledge on what was on the web. I would like you to explain the grandfather. I have a pole sign that looks pretty good. The second point is monument versus poles. There are a few monument signs, but most are poles. We need the advertisement. Please do not require monument signs. They will not fit on every lot. Trying to be Hilton Head is not good for Mauldin. I ask you to consider those points. Thank you.

d. Robby Kellett: My family has been in business for over 60 years. I am not as eloquent as these other guys, so I am not going to try. How many of you own your own business, met payroll, and paid the tax burden to the city? A lot of people don't understand that, because they haven't dealt with this. I would like to address the abandonment issue. I hope you will take this into consideration and appreciate the small businesses you have here.

5. Report from City Administrator

Pat Pomeroy was present from the Chamber. She discussed the Christmas parade, breakfast with Santa and the tree lighting ceremony. She introduced Judy Harris and James Stewart as well.

Trey reported on the grant that we have received for a thermal imager. Josh Cross helped obtain this equipment.

Ball field lighting will be discussed at the December committee meetings. Funding has not been resolved yet. The County has asked Clemson to conduct a study associated with Recreation county-wide. Work is being done on 385 and East Butler and will make a nice entryway. This should be completed by early December. The Bridges and Corn Road project is underway.

The energy management plan continues. Many improvements have been made to city buildings. We are working towards balancing our HVAC system as a conclusion to this.

Councilman Black asked about an electronic sign for city hall. They said there could be a LED sign installed in the cultural center sign to announce events. Councilman Black is concerned that something should be put in front of city hall as well so the public will know where the meetings will be held.

6. Reports from Standing Committees

a. Planning and Economic Development (Chairman Hunter)

- i. Reports and Communications from the Economic Developer- John Gardner reported on Meadowbrook's possible annexation. We have had more interest in the 1400 Old Stage Road site. A minor change to the Comprehensive will be coming up next year.
- ii. Office of Cultural Affairs report- George McLeer reported that the upcoming concert schedule will be released tomorrow afternoon. Christmas activities will be held the first week of December.

b. Public Works (Chairman Goodson)

- i. Reports and Communications from the PW Director- Mike Lambert reported PW is relocating some crepe myrtles from the East Butler/1385 project to replace damaged or dead trees along 276. Leaf collection continues. Street sweeping is still being done.

Christmas decorations are being put up now. Councilman Black asked what is being done with the collected leaves. Mike said a private contractor is

picking the leaves up from our site.

c. Finance and Policy (Chairman Black)

- i. Reports and Communications from Finance Director- Holly Abercrombie mentioned this year's financials look similar to last year's. We will receive property taxes beginning in January. Councilman Black asked about the Chamber line item. They said that is the bbq festival. Councilman Crosby asked what else goes into that item. They said that is the payments that go to the chamber. One more \$5000 payment will be done in January. Next budget time, the bbq expenditures will be run through the Office of Community Affairs' budget.

d. Building Codes (Chairman Crosby)

- i. Reports and Communications from Business and Development Services Director. – Kim reported that permit activity is slowing down a little bit. 42 residential permits were issued in October. Construction activity slows down this time of year.

e. Recreation (Chairwoman Gettys)

- i. Reports and Communications from Recreation Director- Van Brannon reported Kay Hunt has retired. Suzanne and Vicky have taken over at the Senior Center. The Fall Biggest Loser is being done at the Sports Center. Basketball signups are completed. The department helped with the Veteran's activity and Van said it went very well. Councilman Goodson asked if there is any interest in putting a tank at the memorial. He said it would take a phone call. Chairwoman Gettys asked to put this on the committee agenda for next month.

f. Public Safety (Chairman Cook)

- i. Reports and Communications from Police Chief- Warning citations have increased. Accident numbers have also increased from last year. We do not have a traffic safety team this year. We will push for this through various grants again to get this team. The City has a new animal control officer.

Councilman Black asked about seat belt citations for city employees.

The city has two safety belt checks a year for employees. Chief Turner said the numbers show that most employees are in compliance and do wear their seat belts.

- ii. Reports and Communications from Municipal Clerk of Court /
Administrative Judge- Angela Martin said jury trials and prelims have been scheduled for next year.

- iii. Reports and Communications from Fire Chief.- Department response time is 2.8 minutes. 224 calls were run.

7. Unfinished Business

- a. Consideration and action on new sign ordinance (Building Codes)- After the public meeting, 17 revisions have been made to the initial draft. Temporary signage with A frames are included, temporary signage will now be allowed at the street, and temporary displays for employment opportunities are now allowed. Monument signs and eliminating pole signs are not new. That was voted on in 2010 by council. Signs are considered to be abandoned in the current ordinance after 90 days, now it will be 180 days. Notice of violations will be done by written warning and then formal citation. There will be a fee structure. Non-conforming signs will be grandfathered until it is considered abandon or if you want to change the structure or significantly increase the value of the sign.

Mayor Raines added that grandfathering basically means if you like your sign, you can keep it. Councilman Goodson asked if the 180 days for abandoned signs was set in stone. Kim answered that if work is being done and permits have been obtained, or if there is a contract, it would be considered on a case by case basis. Chairman Crosby made a motion to accept this with Councilman Hunter seconding. The vote was 6-1 with Councilman Black dissenting.

8. New Business

- a. Consideration and action on alcohol request (PEDC)- Chairman Hunter made a motion to approve this request. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).
- b. Consideration and action on limb collection ordinance (PW)- Chairman Goodson made a motion to approve this ordinance on first reading. This would change the part of the ordinance that addresses maximum limits. There will be a four yard maximum per load instead of a yearly 10 yard maximum for limb pickup. Councilman Crosby seconded the motion and the vote was unanimous (7-0).
- c. Consideration and action on trash ordinance revision (PW)- Chairman Goodson made a motion to accept this ordinance on first reading. This basically requires cans that are worn out will be replaced at the homeowner's expense unless the City damaged the can. The City will try to repair cans when we have spare parts. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).
- d. Transportation committee road resurfacing program (PW)- This will be a matching grant. The City will give \$500,000 and \$500,00 will be matched by the County. \$250,000 will be taken out of this year's budget and \$250,000 will be budgeted in next year's budget. Chairman Goodson made a motion to accept this grant with Councilwoman Gettys seconding. The vote was unanimous (7-0). Last year's grant roads have all been resurfaced. Councilman Black asked if the money for elevating the manholes were taken out of the grant or if we take this money out of the street department budget. They said that money comes out of the street budget. Councilman Hunter asked how many roads we could pave for this million dollars. They said they are determining factors, such as road length, but that if he had to guess, we can probably get at least 2/3 of the 2014 list paved.
- e. Consideration and action on health insurance (Finance)- Chairman Black made a motion to accept the health insurance plan with an increase to the City and employees who choose to cover dependents. Councilman Goodson seconded the motion. The vote was unanimous (7-0).
- f. Consideration and action on change to standing committee rules (Finance)- Chairman Black made a motion to accept this change where the cultural center comes under PEDC, except for building and grounds improvements, which will remain under the Recreation committee. Councilman Hunter seconded the motion. The vote was 6-1 with Councilman Goodson dissenting.

- g. Consideration and action on cultural center improvements (Rec)- Chairwoman Gettys made a motion to approve Option B for the cultural center improvements. This includes 4 benches, 2 swings, 2 picnic tables, doors, awnings, keypads, etc. \$46,861.39 will be taken out of hospitality and accommodation tax money to fund the project. Councilman Cook seconded the motion. Councilman Goodson thanked staff for sending this out to bid. This resulted in a savings to the City. Councilman Black asked for a breakdown of the cost of the items included in Option B. They will provide this information. The vote was unanimous (7-0).

9. Public Comment

- a. Leo Joyce: 114 Old Bridges Road. I am confused on one thing. My confusion is if I open a business and I have a monument sign and the business went bust, after 180 days would I have to that sign down?

Mayor Raines: No, because a monument sign conforms. This only applies to non-conforming signs. Did I answer that correctly?

Kim Hamel: Yes, that is correct.

- b. Julie from Paradise Massage: I think I have earned the right to speak. 6 weeks ago I was robbed at gunpoint. The police were very good. I was quite shocked, as my guard has been down. I learned that Dairy Queen had a robbery a couple of weeks before, and I had I known that, I guarantee I would not have been robbed. There is a policeman whose position is Public Liaison. He tells businesses that the road will be closed for a couple of hours because of the Christmas parade, but I think he should have gone door to door to let the businesses know about the robbery. Also that there is such a gang problem here. I left my door open, so it is my fault and I take full responsibility for that. I would like to caution people to bring their cars around front. I carry, but didn't have it that night. Keep your lights on.

Four months ago I was involved in an incident by the rail road tracks. I am a nurse and I gave a class and got paid for services, and I was assaulted by two women who tried to rob me. I carry so I fought them off. The police were wonderful. Then I had someone try to break in when I was there by myself at 2:00 a.m. I have internet at the shop and I was there doing my taxes. They also busted into another store. This is kept quiet because they don't want bad publicity. What is going on in Mauldin? I thank you and pray for everyone's safety.

- c. Craig Scott: I appreciate your paraphrasing this sign ordinance. I have one question. The ordinance on the website did not have grandfathering. There is a mention about amortization. What does that term mean?

Kim: The existing code is adopted through to that. At some point we will look at that. Right now there is not a foothold on going through amortization.

Amortization means if the City wants to have a stronghold, we can say by x time the sign has to come into compliance.

Councilman Cook: We have talked about this. I want this taken out. If it grandfathered, it is grandfathered. I have two years, and we are not going to talk about amortization while I am here. I want this out. Sir, there ain't going to be no amortization.

Councilman Crosby: That will be addressed upcoming.

Councilman Cook: Are you talking about amortization? I am not reviewing that.

Councilman Crosby: I am talking about the rest.

Councilman Cook: You can review it, but I am not. I don't know if anyone else will. Let's kill it.

Trey Eubanks: That is not being considered tonight.

Councilman Cook: Why are we discussing this if we know we are not going to do it? Why are we having these people come back because we might review amortization? That is dumb. There will be no amortization.

- d. Walter McPhail: On your statement if you have a sign you can keep it, how long can I keep it? You are talking about amortization. You are saying I can keep my sign as long as I don't change it.

Councilman Cook: I don't think anyone is brave enough to change it.

- e. Bill Linse: I am from Upstate Trophies. I want to thank Mr. Goodson for coming down to talk to me about this. The question I have is, I have been here since 1989, you have businesses like Pizza Hut, Arby's, they are dilapidated, but are you going to give concessions to businesses who have not abandoned the property, they are still paying taxes? Will they be allowed to keep the sign? What if they have a hard time selling the business? They are now losing money if you make them take the sign down. The tenant has to pay for that, or the landlord has to take a loss. There are still issues that have not been addressed. Will there be concessions? I understand about the contract, but it is hard for us to justify to continue our business if we have to come back in two years to fight this again. We want to enhance our business and make it grow. It is still up in the air. We are trying to figure it out. That is why Mr. McPhail is more confused now than when he walked in the door.

Robbie Kellett: Is this passed? Can you amend it? Am I missing something?

Mayor Raines: The ordinance as submitted tonight is passed.

Robbie Kellett: Is amortization in there?

Councilman Crosby: That is not in this part. That is to be discussed later.

Councilman Cook: Why can't we do it now?

John Duggan: Council has worked through a portion of the sign ordinance, now they will address another part of it. There will be public hearings for that. The portion that has not been passed has some of this wording.

Robbie Kellett: I have read this through at least 4 times. There is something on the last page about it.

Councilman Cook: I don't want this amortization in it at all.

John Duggan: It hasn't been worked through yet.

Councilman Cook: Why is it in there?

Kim Hamel: We had to change the numbering. It has to be renumbered if anyone has a question about it.

Councilman Cook: I don't understand what you are saying. What? Can we consider amortization now? Well, why not? One more thing and then I will shut up, please put this on the committee agenda to revisit the amortization. Can we do that?

Councilman Goodman: Can we not do it as committee of the whole?

Mayor Raines: It is not on the agenda.

Councilman Cook: The ordinance is on the agenda. I don't understand that. Ok.

Councilman Cook made a motion to go into executive session. Councilman Hunter seconded the motion and the vote was unanimous (7-0).

10. Executive session

- a. Discussion of appointment to County Roads Advisory Commission- Chairwoman Gettys made a nomination to appoint Tim Brett to the Greenville County Road Advisory Commission. The nomination was unanimously approved (7-0).
- b. Discussion of property acquisition- Chairman Hunter reported no action was taken on this item.

11. Council requests.

12. Adjournment. Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk