

**MINUTES
MAULDIN CITY COUNCIL
APRIL 16, 2018
7:00 PM
COUNCIL CHAMBERS**

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

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

Police Officer of the Year and Police Civilian Employee of the Year Presentations

LaQuendin Counts and Kelli Stevenson were present to receive their awards.

AED Presentation from South Carolina Racquetball Players Association- Chief Turner received two AEDs from the racquetball association.

3. Reading and approval of minutes.- Special Called City Council March 12, 2018; City Council minutes March 19, 2018

Councilman Goodson made a motion to accept the March 19, 2018 minutes with Councilwoman King seconding. The vote was unanimous (7-0).

About half of the special called March 12, 2018 meeting was recorded. The rest of the minutes come from the memory of staff and council. The Attorney General, the Ethics Commission, and Jeff Shacker with the Municipal Association were all asked what to do in this type of situation. Robert's Rules of Order was also consulted. No one had ever come across this type of problem and could not offer an opinion regarding how to handle the minutes. We are asking tonight to submit these minutes to the best of our recollections, but not formally adopt them. Daniel Hughes said through his research, this is the proper way to handle the minutes. If someone objects to a part of these minutes, the objections will be duly noted in the record. Objections can only be made by the person who is noted in the minutes. There can be no objection by another council member to a statement someone else made. These minutes will be posted on the website and available by request.

Councilman Matney asked what the official notation should be. Normally, minutes note adoption by council and the vote. Daniel Hughes said there is a notation where the recording ended. We could note they were not officially approved, but due to the failure of the recorder, this is a reconstruction of the minutes from the special called meeting.

Councilman Matney made a motion to submit the special called minutes with Councilman Crosby seconding.

Councilman Black asked that the notation up at the top saying he was not present at the meeting be changed to reflect that he was out of town. Out of town is accurate and does not give the impression that he just didn't show up to the meeting. The change will be made to the minutes. Councilman Black then stated he would not vote for or against the minutes because he was not present at the meeting.

Councilman Merritt said he spoke to the city attorney a few times as well as the ethics commission. Everyone was stumped as to what to do. Councilman Merritt said there are a few factually incorrect statements in the minutes but he did not make them so he cannot speak or object to them. Mayor Raines said Councilman Merritt could have a discussion with the particular council member. The vote for submission of the minutes was unanimous (6-0) with Councilman Black abstaining.

4. Public Comment.- None
5. Report from City Administrator- The municipal lighting project RFPs should be issued before the end of the month. Mauldin has had some good press regarding our growth. Some of the projects we have been planning for years are starting to come to fruition. Mauldin is focused on our departments and programs as well as investing in our city facilities. We are serving developers well through the Business and Development Services department. This is a big reason why we are experiencing growth. They thanked Council for helping us move forward as a City.

Councilman Goodson asked to suspend the rules to allow public comment at the beginning of the meeting. Councilman Matney seconded the motion. The vote was unanimous (7-0).

- a. Angela Tanner: I live at 15 Oak Glen Drive. Thank you for the accommodation of allowing us to speak a little earlier. My question I hope is a simple one, and that is are AirBnbs legal in the City of Mauldin? We have different answers and it seems to me it should be yes or no. I would like some clarification from someone and an answer whether it is or not. Police have some idea where it may be illegal and others say it is not. Is it a 30 day rental or 11 rentals per year? That is my ask tonight. We have many,

or two neighborhoods represented here tonight and we would like to know. There is a lot of concern, at least in my neighborhood.

Mayor Raines: Yes, ma'am. You are asking a very easy question, but a very complicated one. Our Building Codes committee will taking this up in May. We have modeled an ordinance after the City of Beaufort. Is it legal or not legal? I will leave that to the experts. If it is being operated, it will have to follow the ordinance we pass. I don't believe we have one currently. Is that a correct statement?

Trey Eubanks: The zoning ordinance is mostly silent on this issue. We do have a draft and the city attorney has reviewed it. The ordinance will come through the Building Codes committee. It will establish regulations pertaining to this. I will be glad to provide you a draft if you would like to give me your contact information tonight.

Mayor Raines: I am not sure we can provide the ordinance until it is adopted.

Trey Eubanks: We can provide a draft if anyone would like to provide me with their contact information noting it is only in draft form.

Mayor Raines: It will be stamped draft.

Angela Tanner: This is an outcome of the growth but we want to maintain the community we have had for many years. Thank you. Where do we submit contact information?

- b. Allen Jones: 31 Oak Glen Drive. I want to thank the City of Mauldin. When you annexed us, you fixed our park. Seriously, it is well used, it has a track, and basketball. I am glad we made the decision to go here and not down the street.

Pine Forest is a subdivision made of single family houses. Wednesday, the 4th of this month, let me back up. Easter Sunday, my wife was in the yard working on her gardens. There was a gentlemen, and I use that term loosely, he was out in

the front yard having a very loud and violent discussion with another person. There was mf this and mf that. They were there for the night at the hotel. My wife got concerned, she doesn't know those people, so she came in the house. The guy then went to the back yard and starting beating on the fence with a hammer. We didn't know what to do. The following Tuesday, I was on the back porch and I heard a lot of cars. There were six cars looking for parking places. They pulled into the driveway of the Airbnb. They got out and went in. They confronted me to ask me what I am doing. They called the owner and then the police came. The police officer comes to talk to me. I explained the people looked like they were about to have a party. He told me it is illegal to rent a place for less than 30 days. There has to be a 30 day lease. I asked what can we do? He said call the police.

The next day I went to city hall in that room, and I told them I was totally ignorant, and didn't know what to do. They said the lady that owns the place had already come in and asked for a license. It was denied because it is not legal. Next thing I did was go to the Codes Enforcement Officer. I think she got married and was not working. Then I got a copy of the police report that notes a disturbance. It had down that I didn't have alcohol or drugs, but the other people did. The designated party had come there for a bachelorette party. On the website for the rental, it says no events. To me, that is an event. Later that evening, my dog had to go pee pee, and at 2:30 a.m. there were lights on and people outside. Not only the ladies, but men also. I assume husbands and boyfriends. It was 2:30 in the morning. They were either legally renting it or they weren't.

Then there were people over there again. I got the non-emergency police number and called it when I got off of work. The police officer came over and said he would go talk to them because you can't rent for less than thirty days. He said he would wait for backup. The other police person comes and I am back in my yard. They talk for 15-20 minutes. The police woman came over to me and I said what is going to happen? She said you don't have to worry about it. I said well, they already know they can't have a permit and it is against the rules, or laws. What is going to happen? She said it has been taken care of. The owner emailed the Chief and it has been taken care of. You don't need to worry about

it. I said what does that mean to me? She said they have a lease. I said for thirty days? She said an indeterminate amount of time. I don't know what that means.

If you go to Airbnb, it is available tomorrow night, the next night, for \$100 a night. They did change their ad to a two night minimum. There are two more houses on Clearfield. Is this going to turn into motel row? It is a nice quiet neighborhood where kids play. We do have rentals. The house next door to us has been rented for the last 20 years. There have been good people and not so good people. We can call the owner and the people will be around to address the problem. Not transients.

I called the owner and she said one of the overnight guests- they have two jeeps that they rent with the house, someone stole one. They went to Travelers Rest and sold it for \$10,000. I don't know that the attraction for these transients is in the best interest of the neighborhood. It is a well established, quiet neighborhood. We want to enjoy our homes so that we don't have people coming and going . You probably know your neighbors. We have new faces, new cars.

Mayor Raines: Does the same owner own the houses on Clearfield?

Mr. Jones: It is a father, son and daughter-in-law. Same family. The second time I called, the police were aware of the previous time. I think the police department knew the rule was thirty days. Nothing happens. You said something about studying this. If I am going down the road and I get stopped with no driver's license, the police are not going to pat me on the head and say I am going down the road to talk about this and maybe I will give you a ticket. If they are breaking the law, it should be enforced. When we were first annexed in to the City, I had two vehicles. I was saving money to work on them and bring them back to life. Codes Enforcement came by and said they had to have tags and insurance. Within five days, I had them towed off and sold. I obey the rules. I think you said something in May.

Trey Eubanks: This matter will come to the Building Codes committee in May.

Allen Jones: Again, what is the law now?

Trey Eubanks: 30 days.

Allen Jones: So if these people are blatantly violating that, is there not some recourse? I am hard of hearing. I am going to lean in to you.

Daniel Hughes: Your complaints are not falling on deaf ears.

Allen Jones: No pun intended?

Daniel Hughes: We have been wrestling with this for a while. As Mr. Eubanks said, an ordinance will be considered to deal with this better. We have an antiquated zoning ordinance that does not deal with bnbs. We want to protect the neighborhood and help the police officers who are called know what to do. The police officers are not getting a clear answer from our city ordinances. We have previously cited property owners who have leased for less than thirty days. They have been tried here and found guilty.

Allen Jones: Are you looking to help the majority or tell the bnbs how they are to operate?

Daniel Hughes: We are trying to protect our neighborhoods.

Allen Jones: Ok.

Daniel Hughes: You live on a quiet street. We are trying to protect that.

Trey Eubanks: Come to the meeting. It is upstairs here. Mr. Chandler has been here before. It is important you come and hear what is said. Council wants to establish standards. We need to get our ordinances current with this new issue. Protecting the integrity of our neighborhoods is a good way to put it. Come and participate in the discussion.

Allen Jones: Are there laws to protect the neighborhood?

Trey Eubanks: This will be for the whole city. Particularly in residentially zoned areas. City-wide.

Allen Jones: So these people can boogie on?

Trey Eubanks: If they violate the 30 days, they can be tried and convicted. I am glad to talk with you if you have some time tomorrow.

Daniel Hughes: Here is the thing, our current ordinance says 30 day leases. Ms. Hamel, I think it is lodging. We have done enforcement actions in the past. I can't speak to your case specifically. Chief Turner is here and we can look at this. We take these complaints seriously.

Allen Jones: Should I call the non-emergency number again?

Daniel Hughes: You said we have police reports on record? I will talk to Chief Turner after the meeting tonight and we will put our heads together on what to do.

Allen Jones: What should I do?

Daniel Hughes: Let us handle it.

Allen Jones: Stay out of it?

Trey Eubanks: Come May 7th. Reach out to me.

Mayor Raines: We want to make this stronger so our police officers know what to do.

Allen Jones: Listen, they were great. They are confused. I don't mean that badly. They are unclear on what is going on. One complaint I have on the park. It's wonderful. Why did you take the signs down and allow dogs? We are dog lovers, but I don't think they need to be there. Kids are there playing. A lot of people are not responsible pet owners. Even though the city has put bags out, there are kids playing and not everyone is responsible. Thank you for your time and for putting up with me.

Mayor Raines: You have heard me talk about this before. We are not the only city having to deal with this. This is a major issue in South Carolina and this country. We are having to tighten this up as we go.

Allen Jones: The sanctity of a man's castle. We are not a high priced neighborhood, but would like to keep our values. These folks are collecting real estate taxes, just a question.

- c. Winston Chandler: I am here not because of the house near me. I am here on another issue. I live at 1 Pine Gate Court. How much are signs? What do I have to do to get some signs? We have so much traffic coming through there. It is awful. The people that are walking in the neighborhood are hollering at the cars to slow down. The people coming down Woodruff Road are cutting through our neighborhood. The majority of them are from Plantation Greene. They come off of Miller through our neighborhood to Smith Hines to get to Walmart.

Mayor Raines: Which road are you referencing?

Winston Chandler: Pine Gate Drive. Those cars are coming through speeding. We put in speed humps. The cars come through there and hit them and keep going. If the city wants extra money, they could sit at the four way stop at Smith Hines and Pine Gate. They could make money in the morning time and the afternoon time. Cars do not stop. I can sit on my deck and watch them. They slow down and then turn onto Smith Hines Road.

Mayor Raines: It's not you, is it?

Winston Chandler: No, it's not me. I don't go down Smith Hines. The kids, they got small kids on Pine Gate Drive. The parents say they are scared. They pick up speed and whoop over the speed humps. We should put some No Through Traffic Signs. The police could come there. I would like to see something done about that. You got it? You got it?

6. Reports from Standing Committees- The reports are on file.

- a. Finance and Policy (Chairwoman King)
- b. Public Safety (Chairman Crosby)- CALEA certification briefing by Chief Turner

Chief Turner reported that he went to Texas with several officers to meet with CALEA representatives to look into how we have been doing things for the last nine years. We had the assessors on site back in October. They had zero issues because the standards had already been uploaded to them. There are over 400 standards we have to meet. CALEA has seen our growth our workforce diversity, our complaints and we are tracking in the right direction.

Chief thanked council for buying into this idea in 2007-2008. There are only 15 agencies in South Carolina that have accreditation. Mauldin is dually accredited with the state and the federal guidelines. Mayor Raines said there are 270 incorporated cities, so only 2.7% of them are accredited.

- c. Public Works (Chairman Goodson)
- d. Economic Planning and Development (Chairman Matney)
- e. Building Codes (Chairman Black)
- f. Recreation (Chairman Merritt)- Recreation Director Lanahan reported baseball and lacrosse started Saturday. The Sports Center numbers are rising.

7. Unfinished Business

- a. Consideration and action on establishing an Urban Village zoning designation (Building Codes)- Chairman Black said this would give an opportunities for people to have businesses and residences in the same location. There would be a business on the bottom and a residence on the upper floor. This came about because of the Bridgeway Station project. People can live where they work which cuts down on traffic. Chairman

Black made a motion to pass this on second reading. Councilman Goodson seconded the motion. The vote was unanimous (7-0).

Mayor Raines said both items a and b come to council as Committee of the Whole items. He asked for a motion to consider these items as Committee of the Whole. Councilman Crosby made the motion to consider these items as Committee of the Whole. Councilman Matney seconded the motion and the vote was unanimous (7-0).

8. New Business

- a. Consideration and action on franchise fee for Level 3 Communications, LLC (Committee of the Whole)- Councilman Black said this ordinance would allow Level 3 to place fiber optic cables on utility poles and underground. The company would pay the City \$1000 to be able to place the cables in city rights-of-way. This is not a payment that would be passed on to the citizens. Councilman Black made a motion to pass this ordinance on first reading with Councilwoman King seconding. Councilman Merritt asked if this would be a franchise fee passed on to the users. Councilman Black said he wasn't sure. Daniel Hughes said he didn't see anything in the agreement stating that. State law sets the fee. The vote was unanimous (7-0).
- b. Consideration and action on standing committee rules (Committee of the Whole)

Councilman Merritt asked for a point of order. The minutes that were submitted from March 12, 2018 state that Mayor Raines asked Councilwoman King to take up standing committee rules in the Finance committee to address clarifying the role of a committee or committee chair pertaining to giving directives. Councilman Merritt said this has already been assigned to the Finance Committee, it is not appropriate for council to take action on this. Mayor Raines said item 4 under Standing Committee Rules states that a Chair can bring an item to council. Councilman Merritt said that is correct as long as the Chair is in a committee meeting. Then an item can be moved to council. There was no committee meeting in April to allow the Chair to move an item to council. Mayor Raines said if that were true, the item we just took action on would not be able to be on the council agenda either. Councilman Merritt said that item was not in a committee.

Mayor Raines said his asking that was a request. Councilwoman King said it was merely a request since we did not have April committee meetings. Councilwoman King said she requested that it be put on the council agenda. Councilman Merritt said any councilmember or the Mayor can request that something be put on a committee agenda. It does not require a vote. Mayor Raines requested that it be sent to Finance. Councilman Merritt read the quote from the March 12, 2018 minutes. " Mayor Raines asked Councilwoman King to take up standing committee rules in the Finance committee to address clarifying the role of a committee or committee chair pertaining to giving directives." That was from the copy presented to council tonight. Councilman Merritt said he reads that as put it on the Finance committee agenda. Mayor Raines said the Chairwoman would have to agree to it. Councilman Merritt said Standing Committee Rules doesn't say the Chair can accept or not accept. Mayor Raines said the point is taken,

but the majority of council voted to act on this item as committee of the whole. Councilman Merritt said council went into committee of the whole but not for this specific item.

Councilman Merritt said he would refer to legal council to tell the Mayor how to violate our rules. City Attorney Hughes said he needed to understand the question better. Councilman Merritt said his point is that during the special called March 12, 2018 meeting, the Mayor asked that Standing Committee Rules be sent to the Finance Committee to be considered for clarifying committee or committee chairs giving directives. Councilman Merritt said his point is that request put it on the committee agenda. If that is correct, it precludes council from taking this issue up while it is in committee. There was no committee meeting, so there was no ability for public input, no committee agenda, and no way to send this item to council for consideration.

Councilwoman King added that this statement was made after the recording stopped and she did not interpret the Mayor putting the item on the agenda. Mayor Raines said he did not demand it be put on the agenda. Councilwoman King said the statement does not accurately reflect what he Mayor said. Daniel Hughes asked if there had to be a motion and second to send this to the Finance Committee. Councilman Merritt said not the way he reads the Standing Committee Rules.

Councilman Goodson said he brought this up as a council concern. He was comfortable talking about it during the council meeting. Mayor Raines said committee chairs have the latitude to send items to the council agenda. Councilman Crosby said this reminds him of an earlier incident before Councilwoman King and Councilman Merritt came on to council where he put items on the agenda that were not on his committee agenda.

Councilman Black suggested that this item was not time sensitive and could be sent to the Finance committee for discussion at the May meeting. Councilman Black said there are a couple of things that should be addressed regarding what the committees are responsible for. Councilwoman King said it was amended in June 2016. What is before council tonight is to take one word and put it in another department. She said she didn't realize this would cause such a disturbance. It is basically two words being referred to. We are either going to discuss this or not. If Council does not want to discuss it, we can send it to committee. These two changes have been discussed in the past.

Councilman Matney asked wasn't the original vote to take items a and b and consider them as committee of the whole. We have already discussed item a and taken action, and are getting ready to take action on item b. This is a moot point. Councilman Merritt said that is not how he reads committee of the whole in Robert's Rules of Order. Each action has to be done separately. Let the committees do their job. We are a council form of government. The Finance committee has done tremendous work in the past to update antiquated policies. He is ok with taking input tonight. The cultural center documents from the city administrator are incorrect. It said it was discussed March 12th. It wasn't. It was discussed in the goal setting

session. It was Councilman Merritt's idea to move the cultural center building to economic development since they run the show anyway. There is also wording in Recreation that does not allow programming to be done by economic development. It is not as simple as two words. It is in committee so let it go through committee. We adopted Robert's Rules, let's follow them. Mayor Raines said he does not believe we are violating anything and that they have different opinions. Mayor Raines deferred back to Councilwoman King on what she would like to do tonight. Councilman Merritt pointed out that the Mayor was making a decision to proceed as it is. Mayor Raines said no, he is simply asking the Chairwoman what she would like to do. Councilwoman King said she would like council to vote to consider this as committee of the whole. She would like discussion to continue and take a vote to pass this or not.

Councilwoman King said she didn't realize it would be such an issue. On March 12th, council did say they would consider revising the standing committee rules to reflect the Cultural Center to be moved from Recreation into Economic Planning and Development and to add in page 5, number 11, at the end of the sentence to add "or any contractor or vendor working for the city." Councilwoman King said she would like to make both things as a motion. Councilman Goodson seconded the motion.

Councilman Merritt made a motion to amend the motion that the wording of the Cultural Center be moved out of Recreation and in to Economic Development and also take into consideration the statements under Recreation that all programs and events, activities, be sent to the Recreation committee for wording and input. The Recreation committee includes Mr. Matney, who chairs the Economic Planning and Development committee and Ms. King, who chairs the Finance and Policy Committee. There could be good discussion and input and then refer it to the Finance and Policy Committee for proper inclusion and amendment.

Mayor Raines asked Councilman Merritt to repeat his amendment to the motion. The motion to amend is to send this item to the Recreation Committee for discussion on moving the Cultural Center under the standing committee rules. Councilman Black seconded the motion to amend. Councilman Crosby asked if it was simpler to add that Economic Development would "handle the cultural center events." Councilman Merritt said that does sound simple until you get to the clause under Recreation that says all city sponsored events. Which do we pick and choose for Economic Development to handle? Is the bbq festival economic development or is that recreation? It attracts a bunch of people. He doesn't know if the participants pay hospitality tax. Same thing with the food trucks at Beachin' Fridays. Do they pay hospitality tax? Is it a cultural event or recreation? Councilman Merritt said he doesn't have a problem moving the wording from Recreation to Economic Development, he just wants to make sure it is correct.

The vote was 2-5 with Councilman Matney, Councilman Crosby, Councilwoman King, Councilman Goodson and Mayor Raines voting against. The motion to amend was defeated.

Councilman Goodson said he would like as stated on March 12th, clarification of the Public Works role. He understands they are responsible for maintenance of buildings, grounds, greenways. He thinks that construction would come through Public Works. He would like for council to acknowledge this is correct. Mayor Raines said it is clear and says city owned buildings and grounds.

Councilman Black asked who would handle the events on the cultural center property. Would we have to go to Recreation to ask permission to use the building and grounds? What is a city event and when can it be held? Who will be in charge? He said that is one reason he would like this sent to committee. The rules are sort of misleading the way they read.

Mayor Raines said committee members have the latitude to discuss these issues in the Finance and Policy committee as much as they wish.

Trey Eubanks said that the committee rules are important to review and update every so often. He suggests for consideration that the bbq event and Beachin Fridays be under the Economic Development Committee. Recreation would handle the Egg Drop. We can clarify which events go where. He would like to line up the event with the department and the committee it is most closely aligned with.

Councilman Black said he would like to discuss this one time and not have to address these issues again.

Councilwoman King asked if it is necessary to list all city sponsored events and which department is responsible. Councilman Black said we have never had two departments cross before as to who is responsible for what. Councilwoman King said this will be an ongoing problem if we list special events. As we grow, we might add more events.

Councilman Matney offered an amendment that may help. Underneath Recreation, there are two occasions that say all in referencing events. If we could change "all" in two places to "associated", that should solve the problem. You could mirror the statement under Economic Development as well, putting associated programming for events and activities. That should solve the issue. We wouldn't have to spell it out or amend it with different events.

Councilman Crosby seconded the amendment. Councilman Crosby said listing events causes problems. We used to have a Mauldifest and do not anymore. We had to change rules to take that out. He agrees with the amendment. The vote on the amendment was 6-1 with Councilman Black dissenting.

The vote on the motion as amended was 5-2 with Councilman Black and Councilman Merritt opposing. Councilman Merritt said his no vote was based on what he considers a violation and disrespect of our committee process, not in opposition to the wording changes.

9. Public Comment- None

10. Council requests

Councilman Merritt said on February 16th, there was a goal setting session in which each council member had the opportunity to put on the board issues they would like the city administrator to focus on. In the session, there were 31 items on the board. It was discussed that the goals would be compiled and another meeting would be held in which each member could make a pitch for their goals and why they were important. The administrator does a lot of things, but addressing 31 items could be a challenge. He would like to schedule the session and finalize the goals before the budget process is complete.

Mayor Raines said the City has a budget workshop on Wednesday. After that day, we can get Jeff Shacker back up to help facilitate the second meeting. Councilman Merritt asked if we needed Mr. Shacker. Mayor said he was a good facilitator.

Councilman Matney mentioned that the employee appreciation luncheon and service awards are to be given this Wednesday. He would like council to say thank you to all of our employees for a job well done.

Councilman Black asked about the cultural center audit. Trey said he expects the information any day.

11. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk