

**MINUTES
MAULDIN CITY COUNCIL
APRIL 27, 2015
7:00 PM**

Members present were Mayor Dennis Raines, Councilmembers Taft Matney, Bob Cook, Terry Merritt, Scott Crosby, Larry Goodson and Dale Black. City Attorney John Duggan 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
Mauldin High dance team proclamation; Two Mauldin basketball team proclamations; Scott Rhymer, SC PTA Principal of the Year; PTA President of the Year, Kelly Yanity; Greenville Water Proclamation; National Day of Prayer Proclamation; Concerns of Police Survivors Proclamation

Proclamations were read and certificates were given.

3. Reading and approval of minutes.- Council minutes March 16, 2015- Councilman Cook made a motion to approve the minutes with Councilman Goodson seconding. Councilman Black would like the word baseball inserted into the minutes because he asked Van /Brannon to get him participation numbers for softball and baseball. With that change, the minutes were approved unanimous (7-0).
4. Public Comment.

Dean Kirkland: I am a minister because I serve him. He goes before me and beside me. I hate no one, but I hate sin. Let's go to tax fraud first. Exodus 22:22 says don't misuse widows or orphans and that includes single parents and low income people who don't understand what their taxes are being spent on. I represent him and myself. God is good to me. When I was here in February, I

didn't make March, I asked council to put the Sunset Park property back on the market and sell it to do the work of God. I am not backing off.

When I was in the military I had a patch right over my heart. Can anybody tell me what that patch was? It was a rattlesnake. It said Don't Tread on Me. I am harmless but when you tread on me, you might find yourself my enemy. I know how to defend myself, and I am not talking physically. Wisdom, understanding, and the power of God. I have been told there is some speculation about the property behind the Church of God. That is not a good thing.

Over forty years ago, I took a Mensa test. I scored between 136 and 138, the threshold is 132. That is in the top 2% of the population. It doesn't mean nothing unless you give it to God. It is my truth. Number two, what was my next subject?

Mayor Raines: You signed up to speak on fraud and alcohol.

Dean Kirkland: Alcohol. Would it have been any less of a miracle if Jesus had turned it into grape juice instead of wine? There are all kinds of arguments on that all over the world. If you don't start a fire, you may not have to put one out and that means flirting with women and tinkering with other things. I have seen alcohol ruin many a life. If we can't manage other things in the City- I read, how can we manage legalizing alcohol on city real estate? We are arguing about sewer, I don't want their money in my pocket. I have waited three weeks for the city attorney to call me and he won't. Judge Davis in Simpsonville doesn't understand why he won't call me. I don't either. If I am not your brother, and you can't return my three phone calls? I don't understand, Sir. I am a counselor, too.

Mayor Raines: Mr. Kirkland, can I ask you not to get personal?

Dean Kirkland: He made it personal, Sir.

Mayor Raines: I believe your three minutes is up.

Dean Kirkland: Don't treat me like a door knob.

5. Report from City Administrator

Trey reported the Veteran's Walk is complete and the concrete is poured. The stone bases for the plaques are complete. The additions will be in good shape for Memorial Day. We are looking forward to Ms. Holcombe doing what she does for the Veterans.

At the last PEDC meeting, I was directed to form a working group for wayfinding signage. We met on the 20th and had a productive meeting. John Gardner did a comprehensive job on this. We met with the PEDC committee, staff, and DOT. That issue will come back through committee next week and we should have something for full council to consider on May 18th.

The Recreation and PW committees met on April 9th on improvements to Springfield Park. It was a very productive meeting and those items will come to the PW committee next week.

6. Reports from Standing Committees

a. Public Safety (Chairman Cook)

i. Reports and Communications from Police Chief- Chief Turner reported on the CALEA conference that police staff attended. We maintained accreditation. The Police Department participated in Light Up for Autism, which is a fundraiser for Autism. The department has participated in local job fairs to market ourselves and widen our applicant pool. The PD has a new app, my PD that can be put on smart phones. It is a way to stay more involved with the police department.

ii. Reports and Communications from Municipal Clerk of Court / Administrative Judge- Angela Martin has her report on file. Last Friday, the most recent jury trial term ended.

iii. Reports and Communications from Fire Chief.- The department has run 212 calls for the month and the response time was 2.9 minutes. Councilman Merritt pointed out a problem with the graph information not adding up. That will be corrected.

b. Planning and Economic Development (Chairman Matney)

i. Reports and Communications from the Economic Developer- John

Gardner's report is on file. There is a neighborhood off of Ranch Road that has inquired about annexation. There is a detailed scope of work for the East Butler corridor study. This should start before school is out. There have been some delays with Laurens Electric regarding the street lights at MHS. The landscaping that was installed is doing well.

The gateway signs have been held up some because of the weather. The soil is too wet for installation. Councilman Black asked about the increase per month on the Chicora Alley lease. John said it will go up \$100 a month, not \$100 a year.

- ii. Office of Cultural Affairs report- George McLeer reported that 5000 people have attended events at the cultural center. He showed the selection for the public art project for this year. The kickoff event for the Capital Campaign for the cultural center is Wednesday, April 29th at 5:30 p.m. There are requests for donations going out. There is a five minute video and a link from the cultural center website. Two concerts were held this weekend. The Spring Fling for the Garden Club had about 1000 attendees and went very well. Councilman Merritt asked Mr. McLeer if the art explanation would be displayed as well so that people would understand what it represents. George said yes. Councilman Merritt asked if there is a link off the website for the fundraising campaign. George McLeer said the link will be live on Wednesday.

John Duggan asked if the contributions to the cultural center were tax-deductible. George said it is set up through the Cultural Council and would be deductible.

c. Public Works (Chairman Goodson)

- i. Reports and Communications from the PW Director- Mike Lambert reported on department activities. The numbers are standard for Maintenance and Sanitation. Parks and Grounds is staying busy. The inflow protectors are being watched in the Sewer Department. The Cary Street bus shelter is

handicapped accessible now.

Councilman Matney asked who in the PW Department maintains landscaping along exit ramps and roadways. He said he is seeing vegetation we did not plant. Mike said that is the Parks division. Councilman Matney asked about a culvert missing a top. The question is whether it is in the City or County. The culvert is in Knollwood. Mike will check into it. Councilman Merritt asked if the inflow protectors are in a particular basin. Mike said they were looking at them in basin one. Mayor Raines said the rockwork at the Veteran's Walk is great. Mike said the same contractor that did the work at Cleveland Park came in and did a great job.

Chairman Goodson said the rockwork makes the plaques look permanent and it completes it. He says it is perfect. Chairman Goodson asked that Bermuda grass at Sunset Park be put on the PW agenda next week. It is worn down. Councilman Matney said it is getting a lot of use.

d. Finance and Policy (Chairman Black)

- i. Reports and Communications from Finance Director- Holly reported that revenues look good. Business licenses are coming in and are still being posted. Property taxes are \$75,000 less than projected, but we still have three months left to collect. Chairman Black asked if the business license shortfall was due to Bilo leaving. Holly said that was a big part of it. Also, licenses have come in but have not been posted yet due to the large number that come in at the same time. Chairman Black said we have some delinquent property taxes that are also due. Holly said the MASC business license fees will come in June and will be a large item.

Councilman Merritt said there is a shortage in the fire fund. More money was spent than budgeted- almost \$1,000,000 in the last two years. Holly said the money was transferred from the general fund.

e. Building Codes (Chairman Crosby)

- i. Reports and Communications from Business and Development Services- Kim Hamel reported on license permit activity. 143 commercial permits

have been issued to date. 108 residential permits have been issued to date.

Brookwood phase two is getting ready to start with another 90 units.

16 plan reviews were done this month and RCI continues to help with building inspections. Councilman Goodson asked about a variance for a business owner regarding landscaping. He asked if council could help him if the variance is turned down. Kim said if there is an amendment passed that is less restrictive it could be changed.

Councilman Matney asked about the increased numbers for inspection activity with RCI. Kim said the department is more business friendly and the in-house inspector is out in the field answering questions and making connections. He is also working on ADA coordination. Councilman Merritt said Paula did a good job at the Zoning Board meeting with making it easy for common people to understand. Mayor Raines asked if we were under budget with RCI. Kim said we are.

f. Recreation (Chairman Merritt)

i. Reports and Communications from Recreation Director.- Van reported a few highlights. The Seniors had over 2500 participants. A fitness day will be on May 1st at the sports center. Spring youth activities are going well. Games are being made up due to the weather. Cheerleading signups begin the first of May. Chairman Merritt said the cutting and pasting is redundant on the monthly report. He asked that more numbers be provided on youth activities. Councilman Black asked about the numbers for baseball and softball. Van said he would get those out tomorrow. Councilman Black said he would like that on the monthly report and it would be nice to have it broken down in-city or out of city,

Councilman Matney said if someone had told him 2 years ago that the parks would be full with baseball, softball, Lacrosse and other events, he wouldn't have believed it. He would have thought that was at least five years down the road. People are getting advance notice of signups. He thanked the Recreation Department for their hard work on that. Councilman Goodson

asked what the flag football activity at the parks was over the weekend. Van said he did not know, but would check into it.

7. Unfinished Business

- a. Consideration and action on fraud policy (Finance)- The City Attorney has looked at this after the auditor suggested we pass a fraud policy. Chairman Black made a motion to adopt this policy. Councilman Merritt seconded and the vote was unanimous (7-0). Councilman Crosby asked if this applies to Council as well. It is in the policy that it does.
- b. Consideration and action on dress code (Finance)- Chairman Black made a motion to send this back to the Finance Committee. Councilman Goodson seconded the motion and the vote was unanimous (7-0).
- c. Consideration and action on sign amendment (Building Codes)- This will correct inconsistencies and help with flexibility. The amendment will do the following things:

Revised Illustration and text to clarify monument base standards

Definitions to clarify when a flag is considered as being used for commercial purposes

Extends sign permit approvals for permanent signs from 6 months to one year

Gives the Business and Development Services Director authority to approve an extension on sign permit approvals for permanent signs and Banner in lieu of permanent signs (allows an extra 30 days when warranted).

Revised the Temporary Signs standards by Increasing the advertising periods for grand openings and temporary advertising displays

An exemption to allow Sponsorship and Fundraising signs and banners on public property

Added Flexibility in placement of temporary signs when attached to the primary structure

Revised standards that provides a greater sign allowance for non-commercial religious messages for Places of Worship (i.e. sermon message series)

Councilman Cook said he has no problem with the sign ordinance except for the banner ordinance. In January 2009, a banner ordinance was passed. The ordinance was changed in 2013 and he would like it changed back to the 2009 version. Councilman Cook made a motion to accept this sign ordinance and go back to the 2009 banner ordinance.

Chairman Crosby said the old 2009 banner ordinance allowed only banners, not A-frames or anything and only for single tenant. The only banners allowed for multi-tenants are on the building. The 2013 banner ordinance allows banners for multi-tenant buildings and strip malls. Councilman Cook said that is cluttering the City, because they can have 4-5 banners or as many tenants as there are at a strip mall. Mayor Raines restated that Councilman Cook wants to accept this ordinance and pull the 2009 banner ordinance into it. Councilman Cook said he gets heartburn when the department head gets upset that Council does not go along with his/her recommendation. No second was received.

Councilman Merritt said this probably failed because you can't approve amendments and replace it with 2009. Council is just amending what took place in 2013, not going all the way back to 2009 ordinances. Councilman Merritt made a motion to send this item back to committee for discussion. Councilman Goodson seconded the motion. Councilman Cook said everyone received the 2009 ordinance. Don't say you didn't receive it. The vote was unanimous (7-0).

8. New Business

- a. Consideration and action on special event policy (PEDC)- The current event application is a one size fits all application and our events are all different. Mr. McLeer developed a new application with indemnity contracts, site plan, buffer zone provisions and increases insurance liability. Chairman Matney made a motion to adopt this new policy and application. Councilman Crosby seconded the motion. Councilman Merritt said he has heartburn about the buffer zones. There is a vague reference to a site plan. It basically gives the person reading it permission to infer what they want to. Chairman Matney said the devil is in the details and that staff can handle this part. There will be flexibility in the plans.

The buffer zone depends on the event. The smaller the event, the smaller the buffer zone. Mayor Raines asked about TULIP. Trey said that is a liability policy that the person who is putting the on the event can purchase through MASC's division of risk management. It is cost-effective coverage. Trey said the larger the event, the more planning. There will be ample time for input regarding the buffer zone. Councilman Crosby said don't forget the parade. Buffer zones will be variable. Councilman Goodson said this is not something the council gets involved with. Staff would handle it.

Councilman Merritt said things like this are nice to allow various events, but Council is elected by the people. Sometimes staff makes decisions that do not reflect the will of the people. The people's recourse would be through council not staff. He called this item to question.

The vote was 6-1 to accept this policy as written. Councilman Merritt opposed.

- b. Consideration and action on alcohol policy (PEDC)- The City allows alcohol service inside at the cultural center and senior center. A number of events have requested that we look at allowing alcohol on the grounds at both places. This would amend the current ordinance to allow that and creating different classes of events. The police department will make sure the events are controlled. Minors will not be served, wrist bands will be given out, and liability insurance must be provided. Chairman Matney made a motion to accept this policy with Councilman Crosby seconding. Councilman Merritt asked if we had lost any events because we do not allow alcohol outside on the grounds. George said we have. Councilman Merritt said we have approved three already this year. George McLeer said we have lost at least two events this year because of the alcohol restriction. Chairman Matney said people can very easily go down the road to another City.

Councilman Merritt said Simpsonville has gates and fences to where they restrict alcohol. Fountain Inn has a downtown area and a farmer's market area and the road is blocked when alcohol is allowed. The Younts Center also allows it inside the building. Councilman Merritt says he has an issue with trying to get into the Sports Center with people who are drinking. They would be walking around the Sports Center parking lot with cups and perhaps using the Sports Center's restrooms. Councilman Merritt would like to amend the attached site plan. The parking facilities and the driveway adjacent to the sports center would be accessible, but the other parts would be blocked off. Councilman Merritt made a motion to amend the motion by expanding the site plan buffer zones. There was no second.

Councilman Goodson said he does not believe the city is ready for this and would like for us to get a few more events under our belt and think about protecting the Sports Center. He said we could even look into the possibility of our members going to a different facility as a guest while events are taking place at the cultural center.

Councilman Black asked why this didn't come to Finance and Policy since it is an amendment to the alcohol policy. Councilman Crosby said he thinks we are ready for this. The City of Greenville handles their events very well and he has never seen any major problems. He believes our police department can control the events. Councilman Black asked if the city would be responsible for selling the wrist bands and if we would keep the money for those. He believes the City would have more control over the event if we handed out the wristbands. George said the revenue stream comes from the tickets that are sold to purchase alcohol and food. Wristbands will be controlled by the City and the City would receive the revenue from them.

Councilman Merritt said again, that downtown Greenville is barricaded off. He has not heard any mention of barricades here in Mauldin other than the entranceway and exits would be controlled. He said he has talked to private citizens and small groups about the alcohol issue. People who he respects have told him to give people the choice. He personally is against alcohol on the grounds. Councilman Merritt said he doesn't like the thought of inebriated people walking around the sports center. He said he can have a good time without alcohol and does have fun at the cultural center events. Chairman Matney asked what Mr. Merritt thought about having the whole parking lot off-limits. Councilman Merritt said he thinks there would be a problem getting into the parking lot since the entrance would be blocked. Chairman Matney said the parking lot would be blocked for large events anyway. Councilman Merritt said this was the south, it is not beer and bbq, it is iced tea and bbq.

George said the special event application that was just approved would apply to the events with alcohol as well. Councilman Goodson said this would get rid of council approval of alcohol request. He said a wedding could go dance at the amphitheater. George said that would be a class 3 event with all restrictions. Councilman Goodson asked if the City would sell beer at our events like the BBQ. George said we would get a third party vendor to do that. The City does not need to be in the business of buying and selling large quantities of alcohol.

Mayor Raines said he doesn't think the City wants the liability of the wristbands. John Duggan said the wristbands bring up accountability for money and payment of staff. Councilman Cook said all of this is taken out of our hands with the special event policy and he has a problem with the alcohol portion being out of council's control. Mayor Raines said he doesn't think council has ever denied an alcohol request. Councilman Cook said that is inside and it is different when it goes outside. Councilman Black said where does this end? Next it will be alcohol at City Park, Sunset Park, etc.

Councilman Merritt asked if there is one officer per 100 attendees, and then 101, would be two officers, 201 would be three officers. George said yes and reminded Council that the Police Chief and City Administrator also sign off on special event application. The other department heads sign off on the site plans. Councilman Merritt said he would like to add the wording under approvals "plus the council committee chairperson." If someone wants the Senior Center, the Rec Chairperson would sign off on it and so on. Councilman Merritt made that as an amendment to the motion. Chairman Matney seconded the motion. The amendment passed 6-1 with Councilman Goodson opposing.

The motion as amended was defeated 3-4 with Councilman Black, Councilman Cook, Councilman Goodson and Councilman Merritt opposing.

Dean Kirkland: Do not lower your standards, sir. Thank you, Mayor.

- c. Consideration and action on code amendment pertaining to Municipal Judge (Finance)- Chairman Black saw an article in the MASC newsletter pertaining to Municipal Judges and approached the City Attorney about our ordinance. Our code was inconsistent with state code, which states the judge shall be appointed for not less than two but not more than four years and until a successor is appointed and qualified. The City Judge, City Attorney and Municipal Clerk shall be appointed every two years after a municipal election.

John Duggan said any time a judge is appointed, they fall under the Code of Judicial Conduct, which is state law. The removal of a judge can only be done by the Judicial Grievance committee.

Chairman Black made a motion to appoint the Municipal Judge, Municipal Clerk and City Attorney every two years after a regular municipal election. This would apply to an Assistant City Judge as well. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

- d. Consideration and action on appointment of Municipal Judge (Committee of the Whole)- Councilman Black made a motion to appoint Judge Jessica Salvini to continue serving until the next city election. Councilman Cook seconded the motion and the vote was unanimous (7-0).
- e. Consideration and action on contract with Alta Planning and Design for Mauldin connection with the Swamp Rabbit Trail (Committee of the Whole)-

Councilman Matney made a motion to accept a contract with Alta Planning and Design for a corridor study to possibly connect Murray Drive to the Swamp Rabbit Trail. \$7500 will be expended for a feasibility study. Councilman Goodson seconded the motion. Councilman Black asked about the route. We are just looking at a small portion near 276. We cannot connect near CompX because of security issues and there is an active rail line at that location. Alta will come in and give a recommendation on what we can do. The conceptual route would come down North Main near the Welcome sign and around Murray Drive to East Butler Road. The vote was unanimous (7-0).

9. Public Comment

- a. Tommy Shaleuly: You have worn me out. I am not a drinking man, but I am ready for one. With that said, I would like to defer my issues to next month.
- b. Brie Adamsky: I live at 940 Fargo Street. We are here to request that Danbury Lane is shut or blocked, or closed. We live across the street from the opening of Danbury Lane. I have two children ages 6 and 2 and I watch two more children 2 and 5 during the day. We play in the yard quite often. It has opened up our street for cars to speed down the road and cut through. I have witnesses cars going 15-20 mph over the speed limit and every time it is to take a right onto Danbury Lane. It shouldn't be there. I feel it is unsafe. It makes me nervous because my kids are out there playing.
- c. Dean Kirkland: There are a lot of good things I can say about this town. I don't like the name Mauldin, it sounds like a dog fight, but it has been my home for 38 years. I would like to get to know you personally, I like you. When I mentioned my IQ of 136, that is a long way from 200, which Thomas Edison had. He tried 1000 times before he got that light bulb to work. I have a lot in common with him. God puts something in my head and I don't quit. I talked about getting a drill and putting a little hole in the garbage can so that those who aren't strong like I am can lift the can or take it back up to the house. I don't know anything being done about this. I heard something earlier about someone who didn't do what they were supposed when asked. They are getting another chance. That is your call.

The bible says take a little wine. You can stay in your house and get stone drunk. You saved the City tonight. Anytime someone goes to a restaurant or a bar and they leave and we put our stamp on it and someone gets hurt or killed, I will be there to stand with them. I worked for a Fortune 500 company Pitney Bowes. They had Rules and Regulations. You have them every big company does. There is a time to do the right thing. There is a fence at the end of Fargo. Put something down there so someone doesn't fall in. Going down Bethel, there are two traffic lights. There was a tragedy and the City did what they had to for that. You have a great privilege and you say you are here to serve. This taxation is not serving God.

Not closing Danbury, if someone gets hurt, just one, I don't hate the people of Montclair. I don't think that it is them. I think it is people cutting off Bethel and coming down there. It is our neighborhood, our street. I am saying

tonight that I know about rules and regulations. Your customers and clients do the right thing, Fortune 500 company. I know about these laws. I called Judge Simmons and talked to Judy. They told me the City does this. Close Danbury. There are no houses, no addresses, it is the length of a football field. What is the hold up? 8 years? You don't think the City is liable? Do you think so, Counselor?

John Duggan: It depends on the circumstances.

Dean Kirkland: You think so? I have a book that trumps everything you have. You don't contain anyone's speech time. I am the only one you do that to.

Mayor Raines: No, sir. Everyone has a time limit.

Dean Kirkland: You didn't say that. I have witnesses. The paperwork says I have three to five. Can I get five?

Mayor Raines: Mr. Kirkland, it is late. We still have work to do.

Dean Kirkland: I do too. If you want everyone to go and just us on Fargo stay, we can sit around the table and talk about it. There are things that have to happen.

Mayor Raines: I would like for you and I didn't catch her name... Please get with Mr. Eubanks and he can meet with you.

Dean Kirkland: No, sir that won't work. I am not arguing. I have a list of 60 names and I could have gotten more. There is no reason for Danbury. I want to turn that in. If you won't talk to me in three weeks, you won't talk to them.

Mayor Raines: Mr. Kirkland, your time is up.

Dean Kirkland: I asked for five, because it says on the paper 3-5 minutes. I want five.

Mayor Raines: Mr. Kirkland, I am going to ask you very nicely to sit down, sir.

Dean Kirkland: The papers I requested from the police department on Friday afternoon...

Mayor Raines: That is a personal issue. We are not judge or jury. I am going to ask you one more time, sir, to take your seat.

Dean Kirkland: If he will jerk my chain, he will get yours. He is a rogue cop...

Mayor Raines: Mr. Kirkland, you are out of order.

Dean Kirkland: I might be, but you just blew your chance to hear the truth.

Mayor Raines: Thank you, sir.

10. Consideration and action on an executive session for a personnel matter (Committee of the Whole)- Councilman Crosby made a motion to go into executive session with Councilman Cook seconding. Councilman Merritt amended the motion to ask that the executive session be held at a later date because it was getting late in the evening. The vote was 3-4 and there was no executive session. The four opposing the executive session were Councilmembers Black, Goodson, Merritt and Cook.

11. Council requests.

12. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk