

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

Members present were Mayor Dennis Raines, Councilmembers Carol King, Taft Matney, Terry Merritt, Larry Goodson and Scott Crosby. Councilman Dale Black was out recuperating from surgery. City Administrator Trey Eubanks and City Attorney Daniel Hughes were also present.

1. Call to order.- Mayor Raines
 - a. Invocation- Councilman Crosby
 - b. Pledge of Allegiance- Councilman Crosby
 - c. Welcome- Mayor Raines

2. Proclamations and Presentations-Mauldin Chamber; Katie Saunders, Teacher of the Year; Ovarian Cancer Proclamation; Red Ribbon Week Proclamation

Mayor Raines presented Katie Saunders with a framed proclamation for Teacher of the Year.

Pat Pomeroy reported that a St. Francis business after hours would be held this week as well as Memberfest.

She also said that several people at the train show asked her about the cabin and she would like us to open it for certain occasions so people can go inside. Pat said she was going to try to find the history of the cabin so she could give people some information on it.

Mayor Raines read the Ovarian Cancer and Red Ribbon week proclamations.

3. Reading and approval of minutes.- Council minutes August 15, 2016; Special called council August 30, 2016; Special Called Council September 8, 2016

Councilman Matney made a motion to approve the August 15th minutes with Councilman Goodson seconding. Councilman Merritt asked that the word informally be inserted in two places under committee of the whole action. With that change, the minutes were approved unanimously (6-0).

Councilman Merritt made a motion to approve the August 30, 2016 minutes with Councilman Matney seconding. The vote was unanimous (6-0). Councilman

Matney made a motion to approve the September 8, 2016 minutes with Councilman Merritt seconding. The vote was unanimous (6-0).

4. Public Comment.

Kelly Hoffman was present from Chick-fil-A. She is the marketing director and wanted to come introduce herself.

5. Report from City Administrator- Trey reported that the City was awarded a \$30,000 grant from the Graham Foundation for the cultural center thanks to the submission by Van Broad. The United Way campaign is continuing. A pickle ball tournament will be held on Wednesday.

6. Reports from Standing Committees

a. Recreation (Chairman Merritt)- The report is on file. Sunset Park has new playground equipment that is being installed.

b. Public Safety (Chairman Crosby)- The report is on file. Chief Doug Hooper thanked council for letting Dunklin Fire Department purchase one of our older fire trucks at a reduced cost. Councilman Merritt asked Chief Turner why the number of citations had increased. Chief Turner said warning citations are issued about 3 or 4 to 1. We have a grant officer that is now strictly traffic. Traffic volume has increased because of the construction at I385/85 so accidents and tickets have increased.

Chairman Crosby read a letter regarding the Girls' Youth Academy sent in by the grandparents of two participants who loved the program.

c. Economic Planning and Development (Chairman Matney)- The report is on file. Councilman Merritt asked if the concrete footings would be completed soon. Van said yes, we have some events coming up and they will have to be completed.

- d. Public Works (Chairman Goodson)- The report is on file. Mulch has been put down and looks good. Sidewalks needed to be cleaned up. Councilman Merritt suggested that a list could be developed of tasks that need to be completed.
- e. Finance and Policy (Chairwoman King)- The report is on file.
- f. Building Codes (Chairman Black) The report is on file. The Mayor read a letter from Restaurant Depot regarding the help received from the Business and Development Services Department. Councilman Merritt said someone had mentioned to him some signage that was on Murray Drive. It is a townhome development that is in the preliminary stages.

7. Unfinished Business

- a. Consideration and action on rezoning at 319 Neely Ferry Road (Committee of the Whole)- Councilman Goodson made a motion to consider this item informally with Councilman Crosby seconding. The vote was unanimous (6-0).

Councilman Goodson made a motion to accept this rezoning of 319 Neely Ferry Road. Councilman King seconded the motion. The vote was unanimous (6-0).

8. New Business

- a. Consideration and action on smoking ordinance (Finance)- This policy came from the Recreation committee. Recreation is in the process of adopting new park signage with new rules. The current rule is no smoking within 50 feet of play areas. It was brought up that we should look into recommending no smoking in our parks and municipal properties. Councilman Goodson said he wants to consider the impact on our employees if we make municipal property smoke and tobacco free. He does agree with having the parks be tobacco free. Councilman Goodson said he does not want someone who works in a tractor not being able to dip if he wants to.

Councilman Crosby had a list of five things he wanted to talk about regarding this ordinance. One, there is no legal or constitutional right to smoke. There is also no legal or constitution right to eat shellfish, or nuts, but those things can hurt people. He is worried about saying you do not have the right to something, so we are going to outlaw it. That could be said about a lot of things. Two, he has a problem with calling it toxic.

Councilman Crosby said his mother smoked 2-3 packs a day for 40 years and is not showing any ill effects, nor do his siblings who were exposed to second hand smoke. He doesn't believe smoking is toxic or harmful.

Third, based on his past experience with the California EPA regarding motorcycles and cars in his youth, he doesn't trust their findings. Four, scientific evidence has shown secondhand smoke is harmful. Based on his personal experience, Mr. Crosby has his doubts. Lastly, the purpose of the ordinance is to protect public health and welfare. He is reluctant to make that determination for people.

Councilman Matney said he is surprised this is just now coming up. He was struck as the Mayor read the Red Ribbon proclamation against drugs. Nicotine is a drug. It is hypocritical for us on one hand to say we are against drugs, and on the other hand allow use of tobacco, which contains nicotine. The children playing in the parks should not be exposed to tobacco. Smoking doesn't care about boundaries of no-smoking areas. It is incumbent on us to set examples for our employees. Smoking infringes on non-smoker's rights. People who do not smoke have the right to breathe deeply. People are not staying away from Greenville's events and they are tobacco free including e-cigarettes. We can offer cessation programs to employees, which may save on insurance premiums down the road.

Chairwoman King said the ordinance does mention designated smoking areas. We need to be precise on where those would be and how many feet away from areas. Employees would still be able to smoke, just in those areas. Chairwoman King agreed that she does not want smoking at the

parks because walking through smoke infringes on her rights as well as her children's.

Councilman Merritt said the Recreation committee wanted input on this item. It is his intent to meet with business owners and residents on this topic. This item does need to be considered. At the company he used to work for, it was no smoking in company buildings or vehicles. The first question a doctor asks you is if you smoke, so there must be something to it. Not being able to chew in the tractor is ok, because tomorrow another person might be in it who does not want to see tobacco on the floor or be exposed to the smell of it.

Mayor Raines said in section 18-39-2, we should add "vapes" because he thinks that is the correct terminology for e-cigarettes. He also said we definitely need to define a distance because right now we have one smoking area that is extremely close to our building.

Restaurants are self policing and they understand the benefits of not smoking.

Daniel Hughes said he said under violations, there is no language in the policy. We cannot criminalize the conduct of smoking or using tobacco. We could maybe structure the first violation could be a warning, and then step up with each violation.

Councilman Matney said he thinks the designated smoking areas could change over time and we should leave it open ended in the ordinance instead of being specific.

Councilman Goodson said he would like to give employees some lead time to let them know it is coming that they will not be able to smoke in our vehicles. This would give them some time to look into cessation programs. They said we have an employee assistance program and a wellness program to help our employees with tobacco cessation.

Chairwoman King mentioned that this ordinance was strictly for municipal buildings and property. It does not regulate any businesses or restaurants in the City. She then thanked Mr. Eubanks for presenting council with a good ordinance draft to work with.

Councilman Merritt made a motion to send this item back to committee. Councilman Goodson seconded the motion and the vote was 5-1 with Councilman Crosby opposing.

- b. Consideration and action on renewal of Freedom church rental agreement (Rec)- This is to allow the church to use the facilities at the senior center on Sunday mornings and use storage and furnishings. Chairman Merritt said the city needs to get out of the church rental business eventually, but the rest of his committee voted for renewal. Chairman Merritt made a motion to renew the contract. Councilman Matney seconded the motion.

Councilman Goodson said he does not think we should continue renting the facility because we are not meeting the current code. We currently have an exemption. Councilman Matney said this contract ends on September 27, 2016 and we can't just throw a church out with little or no notice. He does understand that we need to bring the facility into compliance.

Councilman Crosby said he agrees with Councilman Matney. We can't impose a hardship on the church and should accommodate them. Chairman Merritt said we should not put the church out but we do need to look at this issue. Recreation has an ongoing list of issues that are being worked on. Councilman Goodson said we talked about this a year ago and we haven't done anything. The downstairs bathroom issue has not been addressed and he is frustrated. The building needs to be brought up to code. Chairwoman Merritt asked Councilman Goodson to submit that to the recreation committee so we can start making some progress.

Trey mentioned that council has a process to look at each of our buildings for ADA compliance. The Senior building is a primary building. The ADA

study has been adopted and the council is determining the source of funding. Things are in the works.

The vote to renew the contract was unanimous (6-0).

- c. Consideration and action on resolution to provide for informal consideration of committee of the whole matters. (Committee of the Whole)

Councilman Matney made a motion to consider this item informally with Councilman Crosby seconding. The vote was unanimous (6-0).

Councilwoman King said Council sometimes has to consider matters on the agenda that have not gone through committee and are Committee of the Whole items. Mayor Raines asked City Attorney John Duggan to develop a resolution for provision of these matters using an informal method. This informal method is provided for in Section 52 of Robert's Rules of Order, 10th Edition, 2000. Chairwoman King made a motion to accept this resolution. Councilman Matney seconded. This will reduce a little time by providing for this informal consideration. Councilman Goodson said he just doesn't want this to circumvent the committee system. He would still like items to come through committees.

Councilman Merritt said he thinks it is a way to circumvent committees. It has been a trend to bring more and more things through committee of the whole. Committees are strong and need to be used. The committee system works well. We already follow Robert's Rules of Order. The Mayor or majority of council can suspend the rules if need be. Councilman Merritt said he was the one who brought up the informal consideration. All it takes is one motion and then the meeting progresses right along. This proposed resolution is redundant since we already follow Robert's Rules and Robert's Rules provide for this already. He does not understand the purpose of the resolution. Daniel Hughes said he thinks the purpose is to make sure everyone is on the same page. Councilman Merritt said passing a resolution for the sake of a resolution calls for more government, and he is not for that.

Councilman Merritt asked why the rezoning earlier tonight came through committee of the whole. Trey said rezonings always come through committee of the whole to spend up the development process. Mayor Raines said we can always send items back to committee and this is not an attempt to skip over the committee process.

The vote was 5-1 with Councilman Merritt opposing.

9. Public Comment- Leo Joyce: Has there been consideration of a left turn signal by Chick-fil-A? A number of times I have seen cars backed up two or three times either in to Ingles or Bilo. My compliments to the police department. On Main Street and Butler Road, there have been a number of accidents in the morning. It is a pleasure to see the police stop cars when they try to go through the red light. Also at schools. It keeps people on their toes and something is being done to protect the citizens.

Trey said he would follow up on the left turn lane. A study should be completed and DOT will determine if we meet the criteria for a turn lane.

10. Council requests.- Councilman Matney said the building has been noisy tonight. Councilman Matney got a message from a Rotary Club member asking about placing a Free Little Library at the Murray Drive Green link stop and at Mauldin First Baptist. He passed some information to Mr. Eubanks on this issue.

11. Adjournment. – Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk