

**MINUTES  
MAULDIN CITY COUNCIL  
MARCH 18, 2019  
7:00 PM  
COUNCIL CHAMBERS**

**GCRA Public Hearing was held before the council meeting. Imma Nwobodu reported the City should get an estimated \$205,243 in CDBG funds and \$97,494 in Home funds. Mayor Raines asked when the Miller Place houses should be completed. Imma answered GCRA's goal is this year. After the public hearing ended, the council meeting was called to order.**

**Members present were Mayor Dennis Raines, Council members Carol King, Taft Matney, Terry Merritt, Scott Crosby, Dale Black and Larry Goodson. City Attorney Daniel Hughes and City Administrator Brandon Madden 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- Michael Smith, Boy Scouts of America- was not present
3. Reading and approval of minutes.- City Council minutes February 18, 2019; special called February 22, 2019

Councilman Crosby made a motion to accept the February 18, 2019 minutes with Councilman Goodson seconding. The vote was unanimous (7-0).

Councilman Matney made a motion to accept the February 22, 2019 minutes with Councilwoman King seconding. Councilman Black, Councilman Crosby, and Councilman Merritt abstained from voting because they were not present at the meeting. The vote was unanimous (4-0).

4. Public Comment.
  - a. Ben Culbreth: My name is Ben Culbreth and I represent Audubon South Carolina. I live in Columbia and made the drive here today to be with you all. I appreciate your time. I wanted to thank the Economic Planning Committee. I was able to speak with them about three weeks ago on solar reform. Audubon South Carolina works to protect birds and the places they live. The two educational centers in the state see 16,000 visitors each year. We also provide programming for 6,000 students annually. Audubon South

Carolina owns 22,000 acres of land that we actively manage and restore. We are invested in shaping conservation outcomes in our state. I appreciate the council taking up the issue of solar reform. Audubon and our partners are really excited about the progress that is being made right now.

House bill 3659, the Clean Energy Access Act, passed the House of Representatives unanimously last month. Our organization and others with vested interest in the continuation of solar whole heartedly supports this bill and are proud of our Representatives for demonstrating strong leadership with its passage. The legislation will ensure a more competitive utility market in South Carolina, protect jobs and create new ones, and allow energy customers more choice in their energy options.

We are hopeful the companion bill, Senate bill 332, will receive a Senate vote very soon. Hopefully this week or the next.

I am here to ask that committee support solar expansion. This industry employs nearly 3,000 people across the state- many of which are in the upstate. In fact there are 10 solar companies in Greater Greenville alone. This is a very popular state for a growing industry.

The solar energy progress in South Carolina has captured national attention because it is a growing sector that stimulates economic investment in our state to the tune of \$766 million. We have the opportunity to continue this tremendous solar growth which is one more driver to push us forward as a place of economic prosperity. Audubon has joined this cause because it benefits South Carolinians. Beyond the economic impact, solar energy is better for the 400 species of birds we work hard to protect in our state. What is good for birds is good for people. A cleaner energy solution will protect the mountains we all enjoy in the Upstate and all of our beautiful lands and natural resources. Protecting the natural resources is what makes South Carolina a special place to call home. I hope you all will consider supporting this as it makes its way through the Senate. I appreciate your time.

- b. Dr. Jared Sargent: I am watching the growth in Mauldin. Some of it is great and I have enjoyed watching it. Some of it affects me. I understand that as a city you can't deter growth and business, but I encourage the City and Council to be as proactive with some projects as you have been with others. I emailed DOT that there would be a Dollar Tree next door to my office. I wish it was the Starbucks that is down the road and then I could go next door and get a coffee. I don't think the Dollar Tree is going to help me. The email I got from DOT says another preliminary plan for a poor site for a Dollar Tree. I think that sums it up. If you would like to read the chain of emails, I have copies. I would like to encourage responsible growth and for

you to think about what value stores like Dollar Tree have to the City of Mauldin.

5. Report from City Administrator

- a. Police Explorers- Misti Ross introduced the Explorers and told of their trip to Gatlinburg.
- b. East Butler Road- Brandon reported the potholes on East Butler have been repaired. There are others throughout the City that need repaired as well. We are tracking our expenses and will send an invoice to DOT.

Brandon reported to council that the First Baptist Church has asked for permission to hold the National Day of Prayer at city hall on May 2, 2019.

Councilman Merritt said Bon Air Street used to be a well maintained street and now Greenville Water has come in to do work and patch the road and has turned it into a sub-standard street. Brandon said the City would look into it.

6. Reports from Standing Committees- The report is on file.

- a. Recreation (Chairman Raines)
- b. Finance and Policy (Chairwoman King)
- d. Public Safety (Chairman Crosby)
- e. Public Works (Chairman Goodson)
- d. Economic Planning and Development (Chairman Matney)
- f. Building Codes (Chairman Black)

7. Unfinished Business

- a. Consideration and action on annexation and zoning for property on Plant Street (Building Codes)- 2nd reading

This is 26.1 acres requesting City RM1 zoning from County RS. Chairman Black made a motion to approve this on second reading with Councilman Goodson seconding. The vote was unanimous (7-0).

- b. Consideration and action on annexation and zoning assignment of certain property for RA Land Development on Quartz Circle (Building Codes)- 2nd reading

This is 7.8 acres requesting City R10 zoning from County RS. It is on the back side of the golf course and borders I-185. Councilman Goodson said

this automatic response agreement with South Greenville does not prevent us from responding to the calls. Chairman Black made a motion to approve this on second reading with Councilwoman King seconding. The vote was unanimous (7-0).

- c. Consideration and action on abandoned building certification for 117 South Main Street (Building Codes)- 2nd reading

This is for the Old Shealy Texaco property. Chairman Black made a motion to adopt this on second reading. Councilman Matney seconded the motion and the vote was unanimous (7-0).

## 8. New Business

- a. Consideration and action on annexation and zoning assignment for Phase 1 of Hidden Lake Preserve subdivision (Building Codes)- First reading

This for 67 lots. It is currently zoned PD in the County and they are requesting zoning of RM1 in the City. Chairman Black made a motion to approve this on first reading with Councilman Goodson seconding. The vote was unanimous (7-0).

The second ordinance for this property is for 19 acres and the pocket park at Hidden Lake Preserve. 67 lots. It is currently zoned PD in the County and they are requesting zoning of RM1 in the City. Chairman Black made a motion to approve this on first reading with Councilwoman King seconding. The vote was unanimous (7-0).

- b. Consideration and action on rezoning 711 North Main Street (Building Codes)- First reading

Chairman Black made a motion to adopt on first reading rezoning from City R20 to City C2. This is approximately 7.6 acres. Councilman Merritt seconded the motion and the vote was unanimous (7-0).

- c. Consideration and action on rezoning 721 North Main Street (Building Codes)- First reading

Chairman Black made a motion to adopt on first reading rezoning from City R20 to City C2. This is approximately 11.2 acres. Councilwoman King seconded the motion and the vote was unanimous (7-0).

- d. Consideration and action on half price youth programming for City employees (Rec)- Only requires one vote

This policy will be for children under 15 living in homes of employees who are full-time, benefitted staff. Councilman Merritt asked if 15 year old children would be included. Joe Lanahan answered it is for children under 15 or who turn 15 during the activity. Once they turn 15, they are no longer eligible. It is for all the youth activities- football, summer camp, baseball, etc.

Chairman Raines made a motion to accept this policy with Councilman Merritt seconding. The vote was unanimous (7-0).

- e. Consideration and action on Municipal Judge appointments (Public Safety)- Only requires one vote

On January 8, 2018, it was brought before the Public Safety Committee and later approved by Mauldin City Council to appoint John M. Read, IV and William McKibbon as Associate Judges for the City of Mauldin. They were both appointed in preparation for Judge Salvini to be appointed to either Greenville County Circuit Court or Greenville County Family Court. Judge Salvini was appointed to Greenville County Family Court in February of this year and will take office on or about April 1, 2019. As a result, one of our Associate Judges needs to be appointed as the Chief Trial Judge.

A panel was convened to include: Mayor Raines, Public Safety Committee Chair Scott Crosby, City Administrator Brandon Madden, and Angela Martin to interview Judge Read and Judge McKibbon to determine who would best serve in this capacity. Additionally, permission is sought to advertise for an Associate Judge position to replace the one that would be appointed to Chief.

Chairman Crosby made a motion to advertise the position of Associate Judge. Councilwoman King seconded the motion and the vote was unanimous (7-0).

- f. Consideration and action on HVAC at City Hall (PW) – Only requires one vote

Chairman Goodson made a motion to transfer \$2000 from the PW Admin Repair & Maintenance line item (100-433-000-260)to Building Maintenance Capital line item (150-433-000-970) to cover the expense of Unit #5 HVAC replacement. The transfer will give a total of \$12,000 for the project. The \$12,000 will be a not to exceed number. Councilman Black seconded the motion.

Councilman Black asked that a balance study be done on the building. Some portions are hot while some portions of the building are cold. He is not sure if there is a problem with dampers, but would like that to be looked at.

The vote was unanimous (7-0).

- g. Consideration and action on letter of support for potential grant for autonomous vehicles (EPD)- Only requires one vote

Clemson University is applying for a grant for automated driving systems. The federal government can be asked for up to \$10 million dollars for automated driving systems and data collection. This proposal would be for multiple autonomous vehicles and would be a four year grant. This item was discussed in the March EPD committee meeting and sent to council. The City is being asked for a letter of support. No money is being requested.

After the tests of vehicles are complete, they would like to conduct live trials in Mauldin on Butler Road. Councilman Merritt asked to make sure Mauldin is not promising any money for this project. Chairman Matney said that was correct.

Chairman Matney made a motion to approve the request for a letter of support for the project. Councilman Merritt seconded the motion and the vote was unanimous (7-0).

- h. Consideration and action on letter of support for solar action reform (EPD)- Only requires one vote

Chairman Matney made a motion to execute a letter of support for solar reform and send to Senator Ross Turner. He stated this item came out of EPD with a 2-1 vote not because he doesn't support the bill, but he thinks we would be better served by individual council members showing support and not binding the city.

Mayor Raines said each member of council could ask for an individual letter of support from the clerk. Brandon said the letter could go to the Greenville County Legislative Delegation. Chairman Matney amended his motion for the letter of support to also be sent to the Greenville County Legislative Delegation. Councilman Crosby seconded the amended motion. The vote was 6-1 with Chairman Matney dissenting.

- i. Consideration and action on GCRA resolution (Committee of the Whole)- Only requires one vote. Councilman Matney made a motion to consider this item informally with Councilwoman King seconding. The vote was unanimous (7-0).

Councilwoman King made a motion to adopt this resolution from GRCRA for HOME and CDBG funding. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

- j. Consideration and action on Greenville Health revenue (Committee of the Whole)-Only requires one vote

Councilman Goodson made a motion to consider this item informally with Councilwoman King seconding. The vote was unanimous (7-0).

During its 2018 legislative session, the State Legislature passed Act 274 which amongst other things changed the name of the Greenville Health System to the Greenville Health Authority (GHA), provide for additional powers of the authority pertaining to entering into certain agreements and leases with not-for-profit entities to fulfill the GHA's purpose; and to ratify and confirm the actions of the Greenville Health System in entering into the amended master affiliation agreement and the lease and contribution agreement based on specific provisions being included in the lease and contribution agreement.

Based on the referenced lease and contribution agreement \$1,000,000 is to be distributed among municipalities within Greenville County based on the population within the municipality. Mauldin's portion this year was \$166,555, which was received February 2019. The amount to be received in future years will be reassessed after the 2020 census reading. The City will receive that amount for the next 34 years.

The revenue remitted to the City based on Act 274 for the current fiscal year is unbudgeted. Staff is recommending that Council budget the revenue to address operational needs of multiple departments. Police Winter Tires (\$4,320), five (5) Body Worn Cameras (\$4,800), Fire Ventilation System (\$33,500), Sports Center Paint (\$11,000), Sports Center Lockers (\$14,000), AVL Fleet Management "Seed Funding" (\$24,000), and increase General Fund Balance (\$74,935.09)The remaining funds would be placed in the City's fund balance. Future revenues will be budgeted during the City's normal budgetary process.

Councilwoman King made a motion to accept funding for the above mentioned items through the Greenville Health Authority revenue. Councilman Matney seconded the motion.

Councilman Merritt said he was good with funding the fire ventilation system, because council had already talked about this issue after last year's budget process. He has not heard any negative comments about the outside paint at the sports center. The inside lobby has plaster on the walls and he has gotten complaints about that. He asked if the Sports Center lockers would cause the removal of the couch and chairs that were just put in the lounge area. Joe said no, the lounge area would stay. Councilman Merritt then asked about the gps systems on city cars. If council decides after the trial period to not continue with the program, would the money allocated for that be returned to the general fund? Brandon answered yes. Councilman Merritt said he was good with some of the items but not others.

Mayor Raines said we would have \$75,000 left and if they wanted to come back and fund more projects, council could have a vote at a later time. Mayor Raines asked how many trips the Seniors have planned before the end of the fiscal year. Joe said there is a kayak trip and a couple of others. Mayor Raines a mini bus for the seniors was asked for in the Recreation committee this month, but not recommended for the current budget. Mayor Raines said our presented budget is balanced, and if a mini bus is added to

the proposed budget, the budget will be out of balance by approximately \$60,000. Brandon said a transfer could be done from general fund to capital fund, but you can't budget funds to a future fiscal year.

Mayor Raines asked Joe to bring a list of the Senior trips that will happen before July. We are exposing our Seniors to several trips without the new bus. He also asked for information on the vehicle that will be replaced. He wants both items by the next council meeting.

Councilman Goodson asked if the Greenville Health revenue was counted on to balance the proposed budget. Brandon answered no, these funds were received this year and not budgeted.

Councilman Black asked where the \$166,000 is now. Brandon said it is in the general fund and not earmarked for anything. Councilman Black asked if there were restrictions on how the money was to be spent. Brandon answered no, there are no restrictions. The money can be used to buy anything. Councilman Black said there is some fitness equipment at the sports center that need replacing, and the municipal building lighting needs to be done. There are a lot of needs at the sports center. The city also paid for a municipal lighting study.

Brandon said he could get with Joe and develop a list of sports center needs.

Councilman Merritt said the proposed budget is still fluid. Account 421-175, tires, we are asking for winter tires though the police allocation for last year's budget said tires were included. The budget has \$7318 unspent. The proposed budget has \$11,000, and \$4000 for winter tires. Why is the number in the proposed budget if it was included in the budget last year?

Chief Turner said tire purchases are staggered. Some of the tires are dry rotted or worn. Winter tires were purchased last year, but not for all vehicles. The Dodge Chargers we have are on a larger size rim, so they need different winter tires. Chief Turner said if the tires are bought with this money, we will not have to include the \$4000 in the proposed budget. Councilman Merritt said the budget isn't truly balanced yet, because we still have workshops to go through.

Councilman Merritt asked Mr. Lanahan to also get the number of seniors that go on trips, because the department does have vans available to transport seniors on trips. There are three to four vans and a mini bus available.

Councilwoman King said she sees this as fiscally responsible and a way to purchase some things that are needed rather than to just dump this money into the general fund. The budget presented last Thursday is balanced and the best one she has seen since she has been on council.

The vote was 6-1 to accept funding the recommended items with Councilman Merritt dissenting.



## 9. Public Comment

- a. Jason Dennis: My name is Jason Dennis and I am the owner of the Tire Exchange. I appreciate the opportunity to speak. Very quick, in regards to Club Epic, it is next door to my business and Kellett's Korner. I would like to have the council investigate what is going on in terms of loitering, illegal parking, and other illegal activities I suspect are going on there. Whether or not it could be described as public nuisance, noise ordinance, it has been going on almost two years now. We have been cleaning up the parking lot several nights a week, damage to property, we have hired towing companies. We are at a loss as to what to do to protect our property and limiting our liability in terms of security and insurance lawsuits. What is going on is a danger to my business and the community as a whole. I would like to offer myself up if you have any questions. I appreciate the opportunity. I believe Robbie is going to speak on this as well, but if you have any questions, I am glad to talk to you.
- b. Robbie Kellett: I want to clear up some things for you on what has been going on. Club Epic applied for a business license in March of 2017. I had a verbal contract with the owner, Kendrick. I allowed him to park on my property. Let me take that back. I did not allow him, I told him he would have use for his patrons because he came and asked me. I told him I will not give you permission, but what I will do is I will not tow any vehicles off my property. I could not give permission because then I would be liable for anything that happens. I did not want to charge him because that would make me liable. He said he would keep the lot clean and put someone in the parking lot to make sure I had no damage to vehicles or my building.

That went on until I had a fight on Facebook Live in my parking lot. There were numerous altercations. The police department showed up and asked for video to surveil that. At that point, I sent Kendrick a letter. It was on 8-8-2017. I asked him to not park on my property again and keep the patrons off my property. Again, that was 8-8-2017. I asked him to take care of the situation and told him I had acquired a towing company. I went through TCB Towing, who decided they would not tow anymore. I used Hale's Towing, who decided they would not tow anymore. I have used the Towing Service, who decided they would not tow anymore, I used 85 Towing, who decided they would not tow anymore, I called Elgin's, who declined because they were aware of the situation. I finally started using a company called JR's Towing. Those guys started towing for me this past summer. We are entering summer again. We started using them some time in July and we are approaching July again fast.

I know there are issues on how to handle a business like that, however, I did not have time to get pictures. I wasn't planning on coming tonight. Jason came by and asked me to come here and share this with you and I told him I would. There is a problem. I understand the City has certain obligations and they have to determine how to handle this. I don't know what the solution is. I know there were shots fired across the road at Allison Plaza. I know they acquired that property to park on- this was Friday two weeks ago. The

following Saturday, which was one week and one day, they had an issue on the property. There was an issue behind our establishment. The problem is that I understand they are not on the property of Epic, but they are attributed to that. The one night we decided not to tow, is the night you had more of a problem than you have had previously. Towing is a deterrent. The Chief and I have discussed this multiple times. In fact, we discussed it before I sent the letter in 2017. We discussed signage and everything that needed to be done to stop this. We assumed that we would tow one or two cars and we would be done, but I would say if we got into the records that we have towed about 200 cars. Like I said, we have been through every towing company I could think of and now they are not interested in having a part of it.

What I am asking for tonight is having the council stand up and decide how we are going to handle this. Either eliminate it, find them a place to go, whatever. Thank you for having us.

- c. Joel Ann Chandler asked that we all remember Leo Joyce since yesterday was St. Patrick's Day.

Councilman Matney made a motion to suspend the rules to move council requests before the executive sessions. Councilwoman King seconded the motion and the vote was unanimous.

#### 10. Council requests

Councilman Matney said he is glad we had two speakers on this issue tonight, but was going to speak on it anyway. He loves this town and so does everyone in the room. Residents and businesses expect to be able to live their lives and operate without a lot of interference from government, but more than anything, they deserve to be safe. This club has been discussed on multiple occasions. He has discussed things he never thought he would as an elected official. They are property rights being violated, property being deprived. There have been nuisances that have guided council to modify the noise ordinance. Now it is more than a nuisance, it is a public safety issue. The one thing government should do above all else is keep its people safe. He does not doubt the majority of patrons are there to enjoy themselves, but people come from outside our area and engage in activities against the standards in this community. He asked that the city attorney come up with ways that the City can close the club and assure our residents and business owners that they are safe within the City.

Councilman Goodson said he rode around Friday night and there was a small crowd. People left the club, went to their cars, opened their trunks and were tailgating at Allison Plaza. This leads to drinking too much and other problems. On Murray Drive, some cars were parked out in the road and not leaving space for a fire truck to go through. There are homeowners who hate to see Friday and Saturday nights.

A tow truck driver was coming back from a wreck with a car on the back was chased and people jumped on his truck. Is he going to have to quit towing on Friday and Saturday nights? There is a stair-stepping effect.

Councilman Black said this kind of thing takes time and we need to be careful that this is done legally. Something does need to be done but needs to be done in the right way. Councilman Black said he knows people are frustrated, but council has been talking about this issue for a while.

11. Motion to move into executive session:

Councilman Merritt made a motion to go into executive session with Councilman Crosby seconding. The vote was unanimous (7-0).

Executive Session to receive legal advice as allowed by State Statute Section 30-4-70 (a)(5) (Committee of the Whole)

Executive Session for the consideration of an Economic Development Matter involving Project Square and Project Circle as allowed by State Statute Section 30-4-70 (a)(5) (Committee of the Whole)

Executive Session to receive legal advice as allowed by State Statute Section 30-4-70 (a)(2) (Committee of the Whole)

Council came back from executive session and reconvened at 11:00 p.m.  
Councilman Matney reported no decisions were made and no votes were taken.

12. Possible action on items discussed in executive session- Councilman Matney moved to authorize the administrator and/or his designee to proceed with Project Square. Councilwoman King seconded the motion and the vote was unanimous (7-0).

Councilman Matney made a motion to amend the procurement policy to provide for development agreements. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

13. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk