

**MINUTES  
MAULDIN CITY COUNCIL  
JULY 19, 2010  
7:00 PM**

**Members present were Mayor Don Godbey, Council members Bob Cook, Patricia Gettys, Gabe Hunter, Michael Reynolds, James Kennedy, and Dale Back. City Attorney John Duggan and City Administrator Trey Eubanks were also present.**

1. Call to order.- Mayor Godbey
  - a. Invocation- Councilman Cook
  - b. Pledge of Allegiance- Councilwoman Gettys
  - c. Welcome- Mayor Godbey
2. Proclamations and Presentations- Representative from CCFB; Pat Pomeroy, Mauldin Chamber; Scott Wingo Proclamation

Scott Wingo was presented his plaque for the NCAA World Series Championship.

Capt. Tripp spoke about our MASC award that the police department won for its youth activities- fifth quarter, the youth camp, and youth court. Councilman Cook asked that a prominent place be found for the award.

Mayor Godbey mentioned that Wal-Mart on Woodruff Road will have a grand re-opening at 9:00 a.m. on Monday, July 26<sup>th</sup>.

George McLeer reported that the first official concert was held a couple of weeks ago at the cultural center with 150 attending. A concert schedule has been released with dates through Labor Day. Furman University will hold some art classes in September or October.

3. Reading and approval of minutes.- June 21, 2010  
Councilwoman Gettys made a motion to accept the minutes with Councilman Hunter seconding. The vote was unanimous (7-0).
4. Public Comment.

5. Report from City Administrator

Trey reported on the cultural center landscaping. Fourteen firms put in qualification statements for the grounds improvement. Work is being done on the auditorium. Frank Bane was present from Neil Prince to talk about the auditorium. As built drawings were done and a master plan was developed for a 300 seat auditorium. This item is on the cultural center board agenda for next Monday.

The centennial celebration is underway. The summer bash is this Saturday from 4:00 p.m.-10:00 p.m. at Sunset Park. The cookbook is being worked on as well.

Economic development is a goal of city council. The city is blessed by geography, a high quality of life, solid fiscal position, and great planning efforts to deal with growth. We have a group including Mayor Godbey, Councilman Hunter and Councilman Cook working to define and pursue economic development initiatives.

6. Reports from Standing Committees

a. Fire (Chairman Black)

i. Reports and Communications from Fire Chief

Chief Sapp reported on the 2:00 p.m. pre-bid conference on Tuesday for the new fire station. Bid opening is August 3<sup>rd</sup> at 2:00 p.m. and a bid should be awarded on August 16<sup>th</sup>.

b. Police (Chairman Cook)

i. Reports and Communications from Police Chief. – report on Jag grant

Captain Tripp reported that a JAG grant has been applied for in the amount of \$10,120. This will be for an e-ticketing hardware to scan driver's licenses and process tickets.

ii. Reports and Communications from Municipal Clerk of Court /  
Administrative Judge- report is on file

c. Recreation (Chairwoman Gettys)

i. Reports and Communications from Recreation Director.

The seniors had over 2800 participants this month. Two teams are still playing in all-star tournaments. Fall baseball signups will be at the end of the month. A nutrition and wellness workshop is being held at the sports center and has been successful.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning  
Director.

Peter Nomikos reported that permit activity is down.

John Gardner spoke about economic development. An application has been submitted to the CTC for funding plans for a proposed road between West Butler and Ridge Road that would have traffic benefits for Main and Butler. This Friday a meeting on reopening 385 will be held.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher reported on the APWA conference he attended and the various projects PW is involved in. The bus is being used to take the youth camp around. The soccer fields are coming along well.

f. Finance and Policy (Chairman Reynolds)

i. Reports and Communication from Finance Director

Holly reported that some revenues are still being posted. We should have some unaudited numbers by the end of August.

Councilman Kennedy asked about hospitality money. Up to 50% can now be put towards operating expenses and some can be used now for personnel.

7. Unfinished Business- None

8. New Business

a. Consideration and action on business license appeals. (PEDC)

**Case 1 – M&J Enterprises** – Michael Rock and his wife own and lease commercial rental units A-F located at 501 West Butler Road. Due to a number of personal hardships which are detailed in the attached letter, payment of the business license fee was late, and they are asking that the late fee be waived. Our business license records from CSI do not go back any further than 2005, but from 2005 until the current year, M&J properties has not previously been late in paying their business license fees. Staff is of the opinion that the applicant's late filing was accidental.

Chairman Hunter made a motion to waive the penalty for hardship reasons. Councilman Black seconded the motion and the vote was unanimous (7-0).

**Case 2 – Louis Manios, LLC** – Louis Manios owns the property at the corner of Jenkins Street and North Main Street rented by Distinctive Details. He was notified on April 12, 2010 that he owed for a business license for the current year and the three years prior. Mr. Manios failed to pay his license fee and penalties, and a uniform ordinance summons ticket was issued. At the court hearing, the judge fined him \$250 and ordered him to obtain his business license immediately, which he did finally do. He is now requesting that all late penalties be waived. Due to the fact that the applicant is a public accountant and well familiar with business licenses, and the amount of difficulty staff had in attaining

compliance with the Municipal Code, staff is of the opinion that this request is without merit.

Peter Nomikos said final notice was given and he didn't comply. It took the Judge ordering him to leave the courtroom and go to the business license department for him to pay. Chairman Hunter made a motion to deny the appeal with Councilwoman Gettys seconding. The vote was unanimous (7-0).

**Case 3 – JPCR, LLC.** – JPCR (Roy Metals) owns the building located at 120 and 122 McDougall Court, which they occupy one half and rent out the other half. JPCR has had a business license for their business for several years, but have neglected to obtain a license for the rental income. They were notified on April 12, 2010 that their license fee was due by April 15, 2010, and they attempted to pay only the license fee based on their erroneous assumption that Council had waived all penalty fees as reported in the Tribune Times. They submitted their appeal after making the last of 3 payments on June 7, 2010. Staff is of the opinion that their misunderstanding of what was reported in the newspaper is not sufficient grounds for waiving the late penalties.

Chairman Hunter made a motion to deny the appeal. Councilman Kennedy seconded the motion. Councilman Black asked if the people were notified because we didn't know they had it. Peter said that they were renting out part of the building. The building department previously thought Roy Metals occupied the entire building. Apparently the tenant had been in there several years. Chairman Hunter said this occurred as part of the audit that was done. The rentals were discovered. Councilman Reynolds asked if the previous votes set precedents for this case. John Duggan said each case is decided individually. The vote was 6-1 with Councilman Black dissenting. Councilman Cook said he has a problem with why this wasn't caught before now. Why hasn't it been looked for before? We are collecting three years from someone and we should have known this the first year. Chairman Hunter said this has happened because the department business has diminished and staff has had time to find these rentals. Councilman Cook said if business in the department is slow, they should cut someone.

**Case 4 – Wells Fargo** – Due to the merger of Wells Fargo and Wachovia Bank, the bank property on North Main Street is now owned by Wells Fargo and leased to Wachovia. Wells Fargo was notified on April 12, 2010 that their license fee was due by April 15, 2010, and they attempted to pay only the license fee based on their erroneous assumption that Council had waived all penalty fees as reported in the Tribune Times. They submitted their appeal after paying the penalties on May 25, 2010. Staff is of the opinion that their misunderstanding of what was reported in the newspaper is not sufficient grounds for waiving the late penalties.

Wachovia leases the property from Wells Fargo. Chairman Hunter made a motion to deny the appeal. Councilwoman Gettys seconded the motion and the vote was unanimous (7-0).

**Case 5 – Cartons, Crates & Cartage** – Cartons, Crates and Cartage is located in 416-B South Main Street. In the letter requesting the waiver of late penalties, they state that the reason the payment was late was because they moved and lost the renewal form, and had to remove a partner from the business. Staff is of the opinion that their carelessness is not sufficient grounds for waiving the late penalties.

Chairman Hunter made a motion to deny the appeal with Councilman Kennedy seconding. The vote was unanimous (7-0).

**Case 6 – Midwest First Financial, L.P. IV** – Midwest First financial Limited Partnership was mailed a notice to their address of record on March 26, 2010 that they owed a business license for their rental property at 109 North Main Street. That letter was returned unclaimed, and staff contacted the tenant to get a current address and mailed another notice by certified mail on April 26, 2010. That letter, which gave a June 15, 2010 deadline for payment, was not signed for until June 7, 2010, and payment was not received until Tuesday, July 6, 2010. In their letter requesting an appeal, they state that “if properly notified we would have paid all amounts due promptly”. Official notice was given by way of certified mail, so staff is not certain what they would consider proper notice. They are requesting that the penalties be waived, and staff is of the opinion that proper notice was given, and that they have given no adequate reason for granting a waiver of the late fees.

This business moved and did not notify the department of the move. The original letter that was sent came back. Chairman Hunter made a motion to deny the appeal with Councilwoman Gettys seconding. The vote was unanimous (7-0).

b. Telephone system/ report (Committee of the Whole)

Chief Sapp reported on the telephone system. Our current system voice mail has gone down several times and a new, updated phone system, is needed. The current phone system is a DOS based program and is outdated. A quote was received from VC3 to run phone service through our new computer service with them. A local vendor was also asked for a price on this upgrade. The savings will be \$176 a month to pay toward a new telephone system. All departments will be tied in and you can dial a four digit number from anywhere in the city. The new system will be monitored and if we have an outage, they will know it in Columbia. Repair time is within six hours. We will have one sole hosting source.

Councilman Hunter made a motion to approve the expenditure and change to VC3. Councilwoman Gettys seconded the motion. Councilman Black asked if RFPs were sent out. He also asked how many lines would be provided. He wants to make sure that there is one point of contact if we have an outage. Are we comparing apples to apples?

Trey Eubanks responded that the same number of lines would be provided as we have now. The service is level three. This means that now we are going through a local provider and jumping on level three to go to the internet. Now we will have more access and accountability with one vendor. It should be much more streamlined. The contract length would be on a month to month basis. It will expand our existing services. We are not tying ourselves down to any timeframe. Because we are going through a current provider, we were not required to take bids. We did work with a local vendor to get an additional cost estimate for a comparison.

Chief Sapp said a complete inventory was done of the phone system. The cost was based on the number of phones and lines. Current cost per month is \$6371, Nuvox would be \$5382, and VC3 is \$4075 per month. Councilman Black asked if this would replace our desktop units. Is there a market for our used equipment. Chief Sapp said the newest ones would be able to be sold.

Councilman Cook called to question. Councilwoman Gettys seconded. Councilman Black dissented and the vote was (6-1).

Councilman Hunter rescinded his motion with agreement by Councilwoman Gettys. He then made a motion to table. Councilman Reynolds seconded. The vote was unanimous to table (7-0).

9. Public Comment.- None

10. Council requests.

Councilman Cook wants the media to stop referring to the amphitheater as a temporary stage.

11. Adjournment. – Mayor Godbey adjourned the meeting at 9:00 pm.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk