

This meeting is scheduled for Monday but is subject to change with notice pending weather conditions expected from Hurricane Florence

**MINUTES
MAULDIN CITY COUNCIL
SEPTEMBER 17, 2018
7:00 PM
COUNCIL CHAMBERS**

Members present were Mayor Dennis Raines, Council members Taft Matney, Carol King, Terry Merritt, Scott Crosby, Dale Black and Larry Goodson. Interim City Administrator Bryan Turner and City Attorney John Duggan were also present.

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

Councilman Black thanked everyone for all the prayers, cards, phone calls, etc. during his illness.

2. Proclamations and Presentations-Mauldin Chamber; Presentation to Home Depot volunteers

Pat Pomeroy reported on the success of the train show. Over 3000 people attended the first weekend and 500 attended this past weekend even with the bad weather.

Representative Garry Smith is hosting an upcoming Charleston Port tour for chamber members.

Jeff Bigham of the Parks Maintenance Department thanked the volunteers from Home Depot who came out and cleaned the area around the Veteran's Memorial. Certificates were presented from the Mayor.

3. Reading and approval of minutes.- City Council minutes August 20, 2018; Special called council minutes September 4, 2018; Special called council minutes September 12, 2018

Councilman Merritt made a motion to approve the August 20, 2018 minutes with Councilman Crosby seconding. Councilman Black said he would abstain from voting since he was not present for the August council meeting. The vote was unanimous (6-0).

Councilman Matney made a motion to approve the September 4, 2018 minutes with Councilman Goodson seconding. The vote was unanimous (7-0).

Councilman Matney made a motion to approve the September 12, 2018 minutes with Councilman Black seconding. Councilwoman King stated she would abstain from voting on the minutes since she was not present for the meeting. Councilman Goodson was not present at the meeting either and also abstained from voting. The vote was unanimous (5-0).

4. Public Comment.- None
5. Report from City Administrator

Bryan Turner reported on school traffic. The new school year's traffic seems to be flowing well.

The City was prepared with our emergency response for flooding, but thankfully it was not needed other than an issue with a power pole and a couple of trees that fell. There are a few staff members that are still out of the City helping with the relief efforts.

The project at Old Mill and Miller is continuing. Footings have already been poured. Multiple phases of the project are happening now.

The 8th annual BBQ festival is this weekend. The event is maxed out with the number of vendors. There are activities for all ages.

Councilman Goodson thanked Public Works for their work on Saturday to get ahead of the weather. He talked to some of the guys and morale was high.

Councilman Matney said there has been criticism for over-preparedness for the hurricane, but he thanked everyone for being prepared. If it had hit the way it was predicted to hit, we would have had serious problems had we not been prepared.

Mayor Raines advised that when the state government shut down operations due to the weather, the City did not receive the inmates that normally help us in the public works department. Our employees had to step up and fill in and did a great job.

Councilman Merritt asked if there was an update on the water issues at the Senior Center or updates on the renovation of the building. City Administrator Turner said he is not aware of an update on the renovation. He will bring some information on the water issue before council soon, but is not ready to do that now. Councilman Merritt said he wants to make sure we keep these issues at the forefront along with the installation of the new gym floor.

Councilman Black asked about the high school children walking across the street going to the Senior Center to be picked up. He does not know how to address it. Chief Turner said the school has made announcements and told the students to only cross at the crosswalk. The crosswalk is out of the way and further than they want to walk, so it is a hard problem to correct. The police department will continue to monitor the issue.

John Duggan asked about the possibility of a fence to force the students to the crosswalk. Chief Turner said the problem with that idea is the place where the fence would go is at the bus loop. You would still have to have an opening for the buses to come in and go out. All that would do is filter the students into a smaller opening.

6. Reports from Standing Committees- The reports are on file.
 - a. Recreation (Chairman Merritt)
 - b. Finance and Policy (Chairwoman King)
 - c. Public Safety (Chairman Crosby)
 - d. Public Works (Chairman Goodson)
 - e. Economic Planning and Development (Chairman Matney)
 - f. Building Codes (Chairman Black)
7. Unfinished Business
 - a. Consideration and action on cottage law ordinance (Building Codes)-
Chairman Black made a motion to accept the cottage law ordinance on final reading. Councilman Crosby seconded the motion and the vote was unanimous (7-0).

- b. Consideration and action on Loblolly Circle annexation (Building Codes)- Chairman Black said this is three parcels of land totaling 46.7 acres. They would like to annex into the City under RM zoning. He made a motion to adopt this annexation with Councilwoman King seconding. The vote was unanimous (7-0).
- c. Consideration and action on Neely Ferry Road- Duke Energy property annexation (Building Codes)- This is 20.6 acres and would annex under I1 zoning. Chairman Black made a motion to adopt this ordinance on final reading with Councilman Goodson seconding. The vote was unanimous (7-0).
- c. Consideration and action on Hwy 417/I-385 annexation (Building Codes)- 5 parcels of land with three different owners are involved in this annexation.

The ordinances have been prenumbered for clarification.

Chairman Black made a motion to accept ordinance 856, Spinks Investments with a zoning of C2 at Highway 417. Councilman Crosby seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to accept ordinance 857, Jeff Richardson Property Investments with a zoning of C2 at 417/385. Councilwoman King seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to accept ordinance 858, Lyn Furh with a zoning of C2 at 1320 North East Main Street. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to accept ordinance 859, Spinks Investments with a zoning of C2 at 1316 North Main Street. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

Chairman Black made a motion to accept ordinance 860, Jeff Richardson with a zoning of C2 at 417/385. Councilman Crosby seconded the motion and the vote was unanimous (7-0).

8. New Business

- a. Freedom Church lease renewal (Recreation)- Councilman Merritt made a motion to accept this lease renewal with Freedom Church. This is the third year we have leased the Senior Center facilities to them and they have been a very good tenant. This lease is for a one year term. Councilman Matney seconded the motion. Councilman Black asked if the gym floor was hindering the church in any way. Chairman Merritt said the sound travels better without the floor.

Councilman Goodson said he wanted to reiterate what he brought up several years ago. The City is grandfathered from having to bring this meeting space up to code because it is already leased. We should not be grandfathered in. The City should follow the same standards it makes its other businesses follow. Councilman Goodson said he wants handicapped bathrooms in the facility and they still are not there. The vote was 6-1 with Councilman Goodson opposing.

- b. Consideration and action on telecommunications ordinance and franchise agreement (Building Codes)- Chairman Black made a motion to accept this franchise agreement with MCI dba Verizon Access and to pass the associated ordinance on first reading. This will allow the company to utilize City's rights-of-way for installation, operation and maintenance of fiber optic cables on utility poles and underground located in the public right of way. The company will pay the City \$1000 annually. Councilman Matney seconded the motion and the vote was unanimous (7-0).
- c. Consideration and action on precious metal/ pawnshop ordinance (Building Codes)- Chairman Black said there is a state law that if a shop receives gold or precious metal, a permit must be issued. This would allow the pawn shop to take precious metals. A pawn shop was approved in the C2 district but restricted from taking precious metals due to this zoning. Pawn shops are currently only allowed in the S1 district. This ordinance would exclude pawn shops and jewelry stores from the zoning restrictions and allow them to take precious metals into their shop.

Councilman Matney recused himself from the discussion and action on this item due to a conflict of interest. He submitted a recusal statement that is on file.

Chairman Black made a motion to pass this ordinance on first reading with Councilman Crosby seconding. The vote was unanimous (6-0).

- d. Consideration and action on abandoned building tax credit- Britt Real Estate (Committee of the Whole)- Councilman Merritt made a motion to consider

this item informally as committee of the whole. Councilman Goodson seconded the motion and the vote was unanimous (7-0).

This is the old 84 Lumber property on Main Street. An abandoned tax credit was used a couple of years ago on the main building but excluded the two former outbuildings. Plans are now made for the property where the outbuildings stood and they are eligible for a tax credit as well. Chairman Black made a motion to accept this ordinance on first reading to certify this property as abandoned to be eligible for the tax credit. Councilman Merritt said he had previously brought up some concerns on why we were doing this again. He now sees that the tax credit Mr. Britt got the first time was just for the existing building. This tax credit being considered now is for the property where the two sheds were located. He is glad this other property is going to be developed. John Duggan said this would generate income for the City and redevelop this abandoned property.

Councilman Goodson said Mr. Britt complied with all the codes for his building and did a great job in redeveloping the property and making it look good.

Councilwoman King asked that a typo in paragraph six be corrected before second reading. Councilman Matney seconded the motion and the vote was unanimous (7-0).

9. Public Comment

- a. Jason Snyder: I live at 117 Devon Drive. I am here to discuss the ongoing problem with Club Epic. It is located at 516 North Main Street. I live across from the property. I have called the police department every weekend, and I am not exaggerating, it is usually Friday, Saturday and Sunday with the low bass noise. It rattles our windows and wakes us up every night. My kids are hearing cursing and swearing. I have made umpteen requests from the police department and had a policeman come out with a decibel meter.

It will stop for 5-10 minutes and then start right back up again. I am really not understanding why there are no consequences for not following the ordinances. There should be fines and up to jail time. It has been at least two years. I have lived in this location for four years. I decided to come to city council and help you guys understand what is happening. It is not improving the quality of life in our house. We are constantly calling and complaining about the noise. Thank you.

- b. Harold Moon: Good evening. I don't want to sound like a broken record, but I live across the street from Mr. Snyder at 112 Devon Drive. Again, as he mentioned, the low bass, which is electronic, rattles and has many different patterns. You can't sleep. There is one pattern, another pattern, and another pattern. We would just kindly ask council to take action to encourage the owners to conduct their business in a manner where the people who want to party until 2-3 in the morning can enjoy themselves and the residents adjacent to the property can enjoy themselves as well. It is possible.

The facility can be renovated with acoustic tiles to keep the low bass sounds in the building. They can do what all they are doing and it won't resonate to us. Please help us. I stand here and plead with you. My wife is at home and is disabled. She has had probably five brain surgeries and she needs meds on a schedule and it is hard to do that.

It is not just Friday, Saturday and Sunday. It is every day. Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday. We need your help. Please take some action. If the ordinance is not strong enough for commercial and residential, please have a strong enough ordinance to stop the noise and the sound carrying. The existing facility can be renovated. There are ceiling acoustical tiles, there are vertical acoustical tiles that will capture the noise and keep it there. Please help us. Thank you.

John Duggan told Mr. Moon that the current ordinance requires that the club be closed at 2:00 a.m. Mr. Moon mentioned 2:00 a.m. to 3:00 a.m. They are not allowed to be open after 2:00 a.m. Mr. Duggan said he is sure this body will look at some other recourse as well.

Harold Moon: I was hoping the ordinance was strong enough to stop the bass. The high frequencies cancel out on the decibel meter, but the low frequencies thumping do not. I don't know if it is legal or not to tell them to turn the bass down.

10. Council requests

Councilman Crosby asked that this noise issue be put on the public safety committee agenda for the next meeting and asked Chief Turner to research some possible remedies. Is there a different decibel reading we need to look at since bass travels more than higher frequencies?

Councilman Matney thanked Councilman Crosby for taking this issue up in committee. Councilman Matney then advised council that this Friday is Rec football night. The athletes ages 6-12 will be recognized.

Councilman Crosby said the high school games shut down at 10:00 p.m. and there is a gap in there.

Councilman Black thanked Chief Stewart and his first responders at the fire department. He was in good hands with the Fire Department.

Councilman Goodson said he was shocked Councilman Black needed such a long procedure for his heart.

Councilman Goodson said he was near the club and heard loud music, shots being fired, and people drinking in the parking lot.

John Duggan reminded council that a club was closed down by them several years ago and that is an option again. The police department will have to document every call out there at the club.

Councilman Goodson said he found .38 shells in the parking lot. He also said he has been riding around looking at the Air BnBs in Mauldin and they look better than some of the rental homes we have. He said there is a huge difference in the two types of homes. He would like that taken into consideration when council discusses the item again.

11. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk