

**MINUTES
MAULDIN CITY COUNCIL
AUGUST 20, 2018
7:00 PM
COUNCIL CHAMBERS**

Members present were Mayor Dennis Raines, Council members Carol King, Terry Merritt, Scott Crosby and Larry Goodson. Councilman Dale Black was out with medical issues. Councilman Matney arrived right before the first public comment session. City Attorney John Duggan and Interim City Administrator Bryan Turner were also present.

1. Call to order.- Mayor Raines
 - a. Invocation- Councilman Merritt
 - b. Pledge of Allegiance- Councilman Merritt
 - c. Welcome- Mayor Raines
2. Proclamations and Presentations-Mauldin Chamber
The chamber president reported on the car show this past Saturday and also advised council there are some ribbon cuttings coming up soon. There will be a Charleston Harbor trip upcoming and the school supply drive was very successful.
3. Reading and approval of minutes.- City Council minutes July 16, 2018; Special called minutes July 26, 2018

Councilman Merritt made a motion to approve the July 16, 2018 minutes with Councilwoman King seconding. The vote was unanimous (5-0). Councilwoman King made a motion to approve the July 26, 2018 minutes with Councilman Goodson seconding. The vote was unanimous (5-0).

4. Public Comment.
 - a. Jerald Murray: I live at 8 Baldwin Woods down the street from the 8f item. I have emailed all of you a video of a flood that happened on August 9th. We had to cut it way down because of email restrictions, but if you see one about flooding on Baldwin Road, that is what I am speaking of. It flooded and it happened again yesterday. With the present situation, and 12 years ago, something was done and it did help for a while, but it has been over the banks twice in the last 10 days.

When I talk about flooding, people say they need to put in a retention pond. That is not going to help the water from going into Moore Creek. This development requires more land and brings in two more creeks. Officially, Mauldin doesn't have plans unless something has been done since the last meeting. We have seen the plans submitted to the county and they want to build townhomes on the border on the side of Moore Creek. There won't be anything to stop the extra water from running into the creek.

We are also concerned with roads in the area that are already overloaded. Traffic is bad all over the County. I submit to you that my legacy will be fighting for quality of life. I am not against development. No one here is against development, but I am against development that doesn't make sense and development that affects quality of life. We believe we can have development and keep our quality of life but it will take people with the right mindset. If we just say build, build, build and worry about infrastructure later, where has that worked anywhere? I don't know of anywhere in the county or anywhere in the United States where that has worked. The only thing that works is planning it in advance and putting pressure on them to say have the infrastructure along with the development. If you don't, our legacy is going to be a mini-Atlanta. It will be a bunch of roads like Woodruff Road. That is not a legacy anybody will want.

So, the biggest thing I ask for is when this is annexed, do it with a code that does not allow townhomes. It is incompatible with the neighborhoods and definitely will make the flooding worse. Here is Moore creek and two others that will be affected by the development.

- b. Elizabeth Leonard: Thank you for the opportunity to speak this evening. My name is Elizabeth Leonard and I recently moved to Woodruff from Mauldin. For many years I worked at Mauldin High School. I worship here in Mauldin, I have many friends here, I do my shopping and needs I meet for my family here. I love the City and I love the people here in Mauldin. I think this is a great opportunity for growth here in Mauldin. I would like to see it grow with homes with families and businesses. The growth out at Southside Park will be good for the City financially. There will be more children attending the schools out there. It is great for the businesses. If that area would expand and develop with homes and townhomes, it would be great. If we don't expand, businesses will suffer, homes will go elsewhere. I would like to see the city grow and bring more businesses. It is good for the business, school, and neighborhoods. Some of the issues I hear with traffic are legitimate, but I also think it can be resolved amongst each other and with planning. I think it could be a win-win situation.
- c. Doug Breon: I live at 5 Baldwin Creek Way in Baldwin Commons subdivision just adjacent to this property. There are many people interested in this. We started out going to the County when the plan was submitted. As was stated earlier, none of us is against growth. We live in a growing, dynamic area and we know we have to grow. There are issues and we need to be responsible and deal with them up front.

The reason this is important this time, it is part of the annexation and you assign zoning to this. The developer is requesting R10. I am not an engineer or attorney, but in reading your website, it looks like R10 allows townhomes. Townhomes are completely out of the question for this area. It would change the whole makeup of the area. Most of the properties surrounding this are R12. There are properties adjacent to this property that are RS. The townhomes are proposed to be adjacent to people who have been here thirty years or more and who have around two acre sized properties.

Who will maintain the private roads? What about the traffic in the morning with eighteen wheelers whizzing by? How about the 5:00 p.m. traffic that is the same? We just want zoning that will match the area, which would be R12 or greater. To put townhomes here in the area is a great mistake. I know we are not going to change roads around here anytime soon. If there is a way to require a turn lane or talk to the County about stop signs, but putting more traffic in that area is going to be dangerous. Again, I ask about zoning that is a little less dense than what is being requested and addressing the traffic issues. I really appreciate your giving us the time to talk.

- d. Mike Grant: I live at 396 Baldwin Road. I apologize if I repeat statements already made by Doug but I already prepared my speech and he winged it. I can clearly see who is better in these situations. Anyway, I would like to speak of the Log Shoals and I 185 annexation, specifically 0573.01-01-007.00. I read a quote the other day from our friend at the Greenville News that the City is "likely to have a positive financial impact on this project." Likely positive does not sound like a competent response to this project. I would like to hear that it will or is going to have a positive impact. If this project has a negative impact, who will suffer from that negative fiscal impact? Will it be the taxpayers in Mauldin?

If the annexation is approved, this will affect three heavily traveled non-city roads. Who will be responsible for maintaining these roads? If it is the County, do they have the funds available? Are they prepared for the infrastructure that will be needed to accommodate a proposed development? What rights will the residents of Baldwin Road lose? Will we be able to still ride our ATV on the almost 2 + acres I own? There are almost two acres per property owner for the properties that will butt up to the development. Will this affect us? Will we be able to still enjoy our property?

This project has already started in Greenville County. It has been recommended to be turned down by council staff and also Greenville County Planning Commission. How this will be taken by Mauldin City Council? It is also my understanding that this is being requested as R10. Is this correct? Lastly, when will we be able to see the development plan? How is the environment going to be able to take the impact of this development? As a property owner near this development, who will we go to specifically about the development concerns? Environmental concerns? I have asked 15 questions in my statement. If I have asked 15 questions in less than 500 words, I hope that Council has asked 100 times that to each other in consideration of this. We just want to know our concerns are heard even though most of us are not city residents. My name is Mike Grant and I oppose this annexation proposal with all the questions that I have. Thank you for your time, Mauldin City Council.

- e. Jim Dover: 406 Baldwin Road. I will be directly affected by this development. 47 townhomes along the back wall of the property if they go with the same plan that was submitted to the County. This is a little two lane road. They are saying one car in the garage and one in the driveway. It doesn't fit the RS zoning that is there right now. I wanted to voice my

opinion. The population density for townhomes would put more people on the roads and aggravate the traffic problem. This is spot zoning that doesn't really help anyone. That's all I have.

- f. Paul Blood: Good evening. I have lived in Pine Brook Forest for 20 years now and I have seen the growth on Log Shoals and Baldwin Road. My address is 501 Cannon Circle. Baldwin and Log Shoals are used as a connector to Donaldson Center. There is a high density of traffic that will be added to by the new development going in on Log Shoals by Greenbrier Elementary. There is also another development coming in on McCall Road and near the new fire department. I think there needs to be a traffic study. I don't see how they will be able to put in turn lanes to Baldwin. Standing Springs is already congested with a proposed development. I really request your due diligence in looking into this development. I signed my wife up next but she will waive her time.
- g. Gilman Allen: Good evening. I live at 9 Cedar Crest Court in Simpsonville. With the help of one of my neighbors, I sent you all a rather lengthy letter recently which we don't need to rehash. I addressed the traffic and the increase in flood zones. I am also concerned about the heavy fire equipment which needs certain widths to turn around and a number of other concerns. I was a city planner and received a degree in planning from the University of Virginia about a million years ago. I got out of the public side and practiced on the private side for a while. I got involved because I saw some problems with the basic tenants of land use planning. The courts are full of landmark cases on annexation and zoning. One of the examples is Ambler Realty versus the City of Euclid, Ohio. I will quote one line. The court side relative to zoning "police power must be exercised to promote the general welfare of the people at large and not for the interest of any private group." Other cases have been settled the same way.

One of the key needs for annexation is proof of the community that it is not overgrown and doesn't have any more room. I drive through Simpsonville and all I see is grass and trees, so I question the overcrowded condition. Annexation and rezoning has to be done in the interests of the people at large, not a single developer. To put that many townhomes and residences into an area that small is like trying to put a size 12 foot into a size 9 shoe. It just won't fit. I request your patience if you can get a copy of the letter I sent and I thank you for your time.

- h. Erica Grant: I live at 396 Baldwin Road. I will claim him tonight. I wasn't prepared to talk. I brought some pictures that were taken from the morning rush hour. Traffic is backed up and stopped at the red light at Standing Springs and Baldwin. I was under the impression that you aren't concerned about the traffic. Where we live at Baldwin, Standing Springs and Log Shoals, these are county roads and are not maintained by the City. The property behind us is going to greatly impact the roads we walk on to go walk our dog at the park. The City of Mauldin will not maintain that road. I also want to stress how important it is to maintain consistency with the density of the properties. We live on four acres and will back up now to a R10 zoning with a town home essentially in our back yard.

We were fighting Greenville County and now here we are with no plans. It is hard to come together since we are not sure what we are fighting. Please consider the homes in the community. There are 6-8 of us that will share the property lines with these smaller homes. Please think about who this will affect in the long run.

Mayor Raines: We are not here to fight.

5. Report from City Administrator- Bryan showed a presentation on city projects. He showed pictures of the drainage problem at the Senior Center and what is being done at present to help alleviate the water issue. There were also pictures of the GCRA project at Miller and Old Mill Roads, the Police Youth Academy, and National Night Out.

Councilman Crosby said the youth programs carry over to the schools and helps make us one of the safest cities in South Carolina.

6. Reports from Standing Committees – Reports are on file
 - a. Building Codes (Chairman Black)
 - b. Recreation (Chairman Merritt)
 - c. Finance and Policy (Chairwoman King)
 - d. Public Safety (Chairman Crosby)
 - e. Public Works (Chairman Goodson)
 - f. Economic Planning and Development (Chairman Matney)
7. Unfinished Business
 - a. Consideration and action on Holly Ridge rezoning (Committee of the Whole)- Councilman Crosby made a motion to consider this item informally. Councilwoman King seconded the motion and the vote was unanimous (6-0).

Councilwoman King made a motion to accept this rezoning on second reading to change 3.5 acres off of Holly Ridge Road from C1 to RM. Councilman Matney seconded the motion. Councilman Merritt pointed out this is a private road. There is a discussion that this road will have to be brought up to city standards before the development starts. David said Holly Ridge Court will have two developments. Both developers have agreed to cover the costs to bring the road to our standards. When the road is up to

city standards, it is expected to be dedicated as a city road. The vote was unanimous (6-0).

8. New Business

- a. Consideration and action on Planning Commission and Zoning Board appointments (Building Codes)- Council members appointed Raj Reddy and Kaitlyn Woolard to the Planning Commission and Joe Sentelle and Michael Corley to the Zoning Board.
- b. Consideration and action on cottage law ordinance (Building Codes)- Councilwoman King made a motion to pass the cottage law ordinance on first reading. This amends article 10 of the conditional use section to allow cottage food operations as long as they sell less than \$15,000 annually. Greenville County and the City of Greenville have similar ordinances. Councilman Matney seconded the motion and the vote was unanimous (6-0).
- c. Consideration and action on Loblolly Circle annexation (Building Codes)- Councilman Goodson made a motion to pass this ordinance on first reading. This is three properties that touch the city limits and is near Shanks Driving Range. Attached single family homes will be developed and they will be entry level homes. Metro has sewer lines in close proximity to this tract and will own and maintain the lines for this development. This tract will be zoned RM. Councilman Crosby asked Mr. Dyrhaug about the retention pond. David said our regulations are the strictest in the county. We require the ponds to be able to handle 100 year storms. Greenville County storm water also has strict standards. Councilman Merritt asked if access would continue to be Ridge Road to Loblolly. David answered yes. Councilman Crosby seconded the motion and the vote was unanimous (6-0).
- d. Consideration and action on Neely Ferry Road/ East Standing Springs annexation (Building Codes)- Councilman Goodson asked David Dyrhaug to speak on this project. This is two properties with about 77 acres altogether. Duke Energy has a substation on the property. The main property is owned by Standing Springs Investors and is bisected by I 185. The main part of this tract is 55 acres and they are asking for residential zoning. Metro has a sewer line there. We anticipate a positive financial impact for the City.

Councilman Merritt asked what the current units per acre for R15 is. David answered 2.9 units per acre. Councilman Merritt asked if this would be single residential. David answered yes, approximately 200 single detached homes. Councilman Merritt said after the annexation process the Business Development Department starts looking at site plans, landscaping, etc.

The section of East Standing Springs has horrible traffic. The section of 276 there has horrible traffic. David said those are DOT roads. Councilman Merritt said if we feel DOT needs assistance, there are ways we can give them feedback on these roads. We have a seat at the table to help improve the roads. Mayor Raines said we have a great relationship with DOT and the County and instead of having one seat at the table, there would be seven with the seven members of council.

Councilman Goodson asked David to expand on why we think this development would have a positive financial impact on the City. David said we don't have to maintain the sewer so that is not an expense we will pay. The most important aspect is the price point of the homes. They are expected to be about \$300,000.

Councilman Goodson made a motion to adopt this on first reading with Councilwoman King seconding. The vote was unanimous (6-0).

e. Consideration and action on Hwy 417/I-385 annexation (Building Codes)

David presented this annexation as well. This is comprised of 6 properties with three owners and is located where 385 intersects with 417. There are no immediate development plans, but the Greenville Area Development Corporation is interested in marketing it as a corporate headquarters. All the utilities are there. ReWa and Metro both have lines near the property and ReWa has said there would be no problem if the connection is towards the back. This property is in the Simpsonville Fire District but is about one and a half miles from a Mauldin Fire sub station.

Councilman Crosby said the map shows a right of way at 417. Will that be the primary entrance for the prospective development? David said the brown area Councilman Crosby is referring to is the butted right of way, and they are working with DOT on where the entrance will be.

Councilman Goodson asked if David had gotten a letter from the sewer authority saying there is capacity and they are willing to maintain the lines. David said he is working on getting that.

Councilman Goodson made a motion to pass this ordinance on first reading. Councilman Crosby seconded the motion. The vote was unanimous (6-0).

f. Consideration and action on Log Shoals Road/ I-185 annexation (Building Codes)

David said this is a series of 8 properties among 4 property owners and is located between Baldwin Road and Greenbrier Drive. The annexation of this property is contingent on one council considered earlier. The proposal to the County has been a mix of single attached and detached homes. We have not seen the plans in the event they are brought into the City. Utilities are available at the site and Metro has indicated they will maintain the sewer. The properties are in the Mauldin Fire Service District. Zoning is requested at R10. There are surrounding properties zoned R12. R12 in the County allows townhomes as well.

The traffic engineer, Roger Dyer, has found there will be no significant increase in traffic due to this development. He did say there are warrants for traffic improvement on Log Shoals Road. Log Shoals is a DOT road.

The City expects a positive fiscal impact attributed to the price points of the homes. The price point for the single family homes will be up to \$350,000 and the townhomes will be up to \$250,000. This project went to the County and has been withdrawn or postponed. It did come out of the County Planning Commission with a recommendation of denial because of the siting of the townhomes proposed and issues with the design of one of the access points. The density was found to be compatible with the surrounding properties.

Councilman Goodson asked David what the next steps would be after second reading. David said there would be reviews by the Greenville County subdivision advisory committee, the DOT, the county storm water committee, and other parties. There is also postings that happen. This development will then come through the Mauldin Planning Commission. The plans will change a lot during the review process as the roads, design of the subdivision, and other things are looked at.

Councilman Goodson asked about buffering requirements. David said there are requirements, but not between adjacent single family developments. Councilman Goodson said there would be more public hearings and more opportunities for the surrounding owners to speak.

Councilman Goodson said we are prohibited from dictating what the property will be used for as long as the use is included in the zoning district that has been assigned. David and John Duggan both agreed with the statement. Councilman Goodson said that is why the zoning is looked at carefully to determine the best match for the surrounding properties.

Councilman Merritt said there is a large group of people tonight that have been involved with the County. He wants them to know if there is anything in between the two readings. Is there another public hearing? Do we require site drawings or proposals before second reading? Is there any educational or input process between now and second reading? David said the residents can contact staff any time with questions. There is no requirement for more meetings or plans to be submitted and second reading. More often, developers wait until the annexation and zoning has been approved to start working on their plans in case it does not pass final reading.

Councilman Merritt said the owners are worried about maintenance of the roads, but Baldwin Road is one of the best looking roads in the County. The area has property owners invested in homes that will back up to something they don't know about. With regards to townhomes, it would be so foreign to this area and would seem like it doesn't fit. This is similar to what we saw earlier on Brooks Road where townhomes are being proposed in rural, open areas.

Councilman Merritt understands maximizing your investment and is also a strong proponent of doing what you want to on your own property as long as it is allowed. If you don't like what is proposed, buy the property yourself

and do what you want to with it, but he also wants to keep the flavor of the area. Councilman Merritt does not see where townhomes would fit.

David said all the other zoning districts in the surrounding area allow for townhomes. There are not any there, but they are allowed.

John Duggan asked if the developer had to meet with the public to explain the development. David said that applies if the property is already in the city and is being rezoned.

Councilman Goodson said he did a job on Log Shoals and backed his van in because it is safer. He saw a lot of traffic. Maybe 15 diesel trucks gunning to make the turn. The traffic flies around Baldwin Creek and on Baldwin Road. David said this may be the shot to have some traffic enhancements installed. DOT is slow to make improvements otherwise.

Councilman Goodson made a motion to approve these ordinances with Councilwoman King seconding.

John Duggan made a point of order to say since these are separate ordinances, they need separate votes. Items 8d-8f must be voted on separately. He needs the record to show that there is action on specific ordinances separately.

Councilman Matney made a motion to reconsider the three motions and start over items 8d-8f. Councilwoman King seconded the motion. The vote was unanimous (6-0).

For 8d, Neely Ferry/ East Standing Springs, Councilman Goodson made a motion to approve the annexation and zoning I 1 of the 20 acre tract owned by Duke Energy. Councilman Merritt seconded the motion and the vote was unanimous (6-0).

Second ordinance, 8d, Neely Ferry/ East Standing Springs, Councilman Goodson made a motion to approve the annexation and zoning of a 10 foot strip along Neely Ferry and I 185 for I1 zoning plus 56.3 acres to be zoned RM1 owned by Standing Springs Investors. Councilman Crosby seconded the motion and the vote was unanimous (6-0).

8e, Hwy 417 and I 385, Spinks annexation and zoning of C2 for 3.3 acres along NE Main Street. Councilman Goodson made a motion to approve this on first reading. Councilman Matney seconded the motion and the vote was unanimous (6-0).

8e, Hwy 417 and I 385, Richardson annexation and zoning of 35.9 acres along 385 and 417 to C2. Councilman Goodson made a motion to approve this on first reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

8e, Hwy 417 and I 385, Lyn Furrh annexation and zoning of 1.7 acres to C2 at 1316 NE Main Street. Councilman Goodson made a motion to approve

this on first reading. Councilman Crosby seconded the motion and the vote was unanimous (6-0).

8e, Hwy 417 and I 385, Spinks annexation and zoning of 2.1 acres for C2 at 1316 NE Main Street. Councilman Goodson made a motion to approve this on first reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

8e, Hwy 417 and I 385, Richardson annexation and zoning of C2 of .7 acres along NE Main Street. Councilman Goodson made a motion to approve this on first reading. Councilman Matney seconded the motion and the vote was unanimous (6-0).

8f, Consideration and action on Log Shoals Road/ I-185 annexation. Susan Hayes annexation at 628 Log Shoals Road, 34 acres with a zoning of R10. Councilman Goodson made a motion to accept this annexation and zoning with Councilman Matney seconding. The vote was unanimous (6-0).

Councilman Merritt said he wanted the development and wanted it to blend in and be a transition. He is starting to feel a little uneasy. He will support first reading, but would like to hear from the developers on what they will do out at Log Shoals and I185. He wants to make sure everyone's investment is protected. He would like to hear more detail before second reading is taken. Councilman Merritt said we are close to hearing "trust me" and that scares him. Councilman Goodson said we can't hold them to build what they are saying they are going to. John said the company could go bankrupt before the project is started or change the plan as long as it is a use permitted in the zoning.

Councilman Merritt said the Corn Road project changed when council considered it. The density came down and the price point went up. Council had a lot of input into that project and heard a lot of public input, both from people inside and outside of the City. David Dyrhaug reminded Council that the project on Corn Road and Miller is a PD, Planned Development, and has a different process to go through.

8f, Consideration and action on Log Shoals Road/ I-185 annexation. Bobbie Hayes annexation at 426 Baldwin Road, 1.5 acres with R10 zoning. Councilman Goodson made a motion to accept this annexation and zoning with Councilman Crosby seconding. The vote was unanimous (6-0).

8f, Consideration and action on Log Shoals Road/ I-185 annexation. Doris Shaver along Log Shoals Road, 2.7 acres with R10 zoning. Councilman Goodson made a motion to accept this annexation and zoning with Councilman Matney seconding. The vote was unanimous (6-0).

8f, Consideration and action on Log Shoals Road/ I-185 annexation. T&R Rental Properties annexation along Greenbrier Drive , 28 acres for R10 zoning. Councilman Goodson made a motion to accept this annexation and zoning with Councilwoman King seconding. The vote was unanimous (6-0).

9. Public Comment

Rollin Hyust- I live at 204 Swinton Drive. I am here to speak on the sidewalk on Corn Road and Old Mill down to Miller. That is a suicide walk, by the way. I have talked to some people on the Greenville County School Board and they have been notified of the situation. I talked to some people here tonight who informed me there may be some grant money to put in a sidewalk and pedestrian bridge. We have a situation where I don't believe I can pursue it any further until we get a city administrator and get the ball rolling. I want to keep everyone up to date. My next move was going to be the SC highway department, but I feel I can't do that at the present time until we get a city administrator who can work with the state and school board. I am going to put it on hold and carry on.

Councilman Goodson: You have a city administrator that carries a gun.

Rollin Hyust: I learned a long time ago- retreat, retreat! Feet don't fail me now.

Greg Mott- My name is Greg Mott and I live at 211 Pinecrest Drive. Last year we had the neighborhood going in referred to as Butler Parc. One of the things addressed were some of the water issues. With the rain event that just happened, I would like to email 10 minutes of video that shows serious issues that still need to be addressed.

I just recently started working for DOT in maintenance and showed the video to some of them in maintenance and what basically needs to happen is we need some ditching and pipes so the water will actually go to the drain box. I have about 10 minutes of footage. It doesn't come close to the drain box. Where I live is in a low area. The water runs down the roads, comes around the retention pond that was built for Butler Parc and comes through my yard. I would like to show some of this video to you tonight.

Mayor told Mr. Mott that council was going into executive session after this meeting but asked him to please show it to Gary Woodson, our Public Works Director.

10. a. Consideration and action on executive session authorized by SC Code Section 30-4-70 (a) (2), the receipt of legal advice and discussion of negotiations incident to contractual arrangements- Cultural Center improvements
- b. Consideration and action on executive session authorized by SC Code Section 30-4-70 (a) (1), discussion of employment, appointment, promotion, demotion, discipline, or release of an employee- personnel issue

Councilman Merritt made a motion to go into executive session on both items- cultural center improvements and the personnel issue. Councilman Crosby seconded the motion and the vote was unanimous (6-0).

Mayor Raines reconvened the council meeting at 10:55 pm. Councilman Matney reported no decisions were made or action taken in executive session.

11. Possible action on items discussed in executive session- None
12. Council requests- None
13. Adjournment.- Mayor Raines adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk