

Minutes
Mauldin City Council
July 20, 2020
7:00 p.m.

Members present were Mayor Terry Merritt, Council Members Taft Matney, Carol King, Michael Reynolds, Diane Kuzniar and Dale Black. City Attorney John Duggan and City Administrator Brandon Madden were also present.

1. Call to order- Mayor Terry Merritt
 - a. Invocation- Councilman Matney
 - b. Pledge of Allegiance- Councilman Matney
 - c. Welcome- Mayor Merritt
2. Proclamations and Presentations- None
3. Reading and approval of minutes- All minutes were approved by consent.
 - a. City Council Meeting –June 15, 2020
Special Called Council Meeting- June 18, 2020
Special Called Council Meeting- June 26, 2020
Special Called Council Meeting- July 6, 2020
4. Public Comment
 - a. Dr. Wendell James- Chief Clinical Officer for Prisma Health-Upstate
Dr. James was present to speak on the importance of wearing masks to prevent the spread of COVID-19. The concern is it is very contagious and the overall amount of people that can be sick at the same time is overwhelming to medical professionals and medical facilities. There is no mistaking the fact that wearing a mask helps mitigate the spread of this virus. Dr. James said he would like to see the whole County adopt an ordinance requiring masks like the one to be considered tonight. The state does not want to have to go back to shelter in place. This issue is not about rights, it is about responsibility. It is our responsibility to protect our fellow citizens.

We can flatten the curve by masking, social distancing, getting tested, self-isolating, and hand sanitizing.

Councilwoman Kuzniar asked about masks being worn by employees in retail stores, beauty shops, etc. Should both the employees and the customers be wearing masks?

Dr. James answered the CDC has found that in situations where both parties wear masks, the virus has much lower or no transmission. The highest risk places to transmit the disease are bars, beaches, and swimming pools because of all the socializing people are doing without masks.

- b. William Swent was present on behalf of Dollar General. Dollar General's model serves rural communities and has discounted prices by wholesale agreements with the companies whose products are sold. They are designated essential because they sell cleaning products and paper products such as toilet paper. There are two Dollar Generals in Mauldin, one is 20 years old and one is 10 years old. There is a Dollar Tree in Mauldin, so there are three small box variety stores in Mauldin. Mauldin is concerned about small box variety stores creating a food desert, but Mr. Swent's opinion is that this ordinance is not the best way to encourage healthy eating.

Mauldin has a Farmer's Market and that is a good way to put healthy options in front of people; education and access helps as well. Healthy options can be put in small box variety stores, but people's buying habits are not going to change. Small box variety stores have three managerial positions whereas grocery stores have one manager. Which one is better from a job perspective?

- c. James Hood: I beg you to pass this mask ordinance. My daughter is in a nursing home. I cannot go see her. Before the virus count got so high, I could sit outside and talk to her through a window. Now I cannot do that. Sunday, I take her flowers. Wednesday I take her candy. I have to pass it through a window and now I can only look at her. All of you can go home to your loved ones tonight; I would like to do that. Think about that. This virus is out of control. My daughter is married to a doctor. He said he would beat my butt if I do not wear a mask. I am urging you and begging you to pass this ordinance. Please.

d. Ann Smith: I do believe we should wear a mask, but at the Sports Center, there is no way I could wear a mask and take Amanda's class. On the treadmill, or working out, you cannot wear a mask. It is not healthy. I cannot do it.

5. Report from City Administrator- None

6. Reports from Standing Committees

a. Finance and Policy (Chairman Reynolds)

b. Public Safety (Chairwoman King)- Chairwoman King congratulated George Miller on his promotion to Lieutenant.

c. Public Works (Mayor Merritt)- Mayor Merritt thanked Public Works for their hard work in operating under trying times. There are no inmates available right now to help with the work. The department is catching up with limb pickup.

d. Economic Planning and Development (Chairman Matney)- Beachin' Fridays has been canceled due to not being able to provide for social distancing.

e. Building Codes (Chairwoman Kuzniar)

f. Recreation (Chairman Black)

7. Unfinished Business

Ordinances - Second Reading

a. Consideration and action on an Ordinance to Extend a Moratorium to Temporarily Suspend the Acceptance and Issuance of Permits and Business Licenses For Small Box Discount Stores Pending the Consideration of Amendments to the City Zoning Ordinance

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

David Dyrhaug reported Mauldin City Council adopted a moratorium on new dollar store development on February 17, 2020. There has been concern about the possibility that the current moratorium could expire before the draft ordinance is adopted. The current moratorium expires on August 17, 2020. Right now, the draft ordinance is on pace to be adopted by City Council at second reading on August 17, 2020. In case the draft ordinance needs to undergo any revisions, the City Attorney,

Daniel Hughes, has suggested it may be practical to extend the current moratorium. The ordinance has been prepared by Mr. Hughes and in effect extends the current moratorium for small box discount stores by 3 months.

Councilwoman Kuzniar made a motion to pass this ordinance with Councilman Matney seconding. The vote was unanimous (6-0).

8. New Business

Ordinances – First Reading

- a. Consideration and Action on an Ordinance to Amend Article 10 of the City of Mauldin Zoning Ordinance by Establishing Special Standards and Definitions for Small Box Variety Stores and Like Businesses and to Establish the Zoning Districts for Which They Can Locate

Since January, the Planning Commission has been studying issues pertaining to the proliferation of small box variety stores including dollar stores. These stores typically only offer a limited selection of processed foods and no fresh vegetables, fruits, or meats. This practice has led to concern that these types of stores are growing at a rate that might crowd out full-service grocery stores and thereby exacerbate the issue of food deserts. The Planning Commission approved unanimously to forward to council. Chairwoman Kuzniar made a motion to pass this on first reading. Councilman Matney seconded the motion. The vote was unanimous (6-0).

- b. Consideration and Possible Action on an Ordinance to Require Face Coverings Under Certain Conditions

Chairman Matney made a motion to pass this emergency ordinance requiring individuals to wear face coverings in certain conditions and matters thereto. Councilwoman Kuzniar seconded the motion.

Councilwoman King said she has gone back and forth on this ordinance. She appreciates the doctor coming in. She wears her mask when she goes out. Councilwoman King said she does not want to tell people what they have to do. She has a problem, too, with the second part of the ordinance which tells certain types of businesses that their employees have to wear masks, but the patrons do not. She wants people to have a choice whether they wear a mask or not.

Councilwoman Kuzniar said she thinks that if the employees of restaurants, beauty shops, grocery stores, etc. have to wear masks, the patrons should as well to help stop the transmission of this virus.

Councilman Black said he believes in masks but does not want to tell someone they have to wear them. He would like the residents to use common sense. He also does not understand how this ordinance will be enforceable. The police department does not have enough people to enforce this.

Councilman Reynolds said he does not think the Council has the power to pass this ordinance. He would support a resolution, but not an ordinance that will be hard to enforce.

Mayor Merritt said he was sent some information. Masks help someone else avoid the virus. Governor McMaster said he would not pass a state-wide mandate because it is ineffective and impractical and not enforceable. It gives a false sense of security. Municipalities can pass rules, but the rules must be narrowly tailored.

Attorney General Wilson says a City can pass an ordinance such as this because this is a medical emergency, but it needs to be narrowly defined. An ordinance can violate a person's rights but must be handled on a case by case basis. This ordinance is similar to one that stops people from smoking in restaurants.

Councilman Matney said customers going into grocery stores and pharmacies would be wearing masks. Some employees who work in these places are teenagers and it is up to the adults to look after them. Ultimately, it is up to customers to wear their masks. There are exemptions in the ordinance if you cannot wear a mask because of health reasons. To speak to Councilman Black's comment, the fines are put in the ordinance as a deterrent. Law enforcement has other things to deal with. If there is a person being belligerent about wearing a mask, things may escalate.

The virus can go from nothing to everything. We do not know how it will affect people. Councilman Matney said he knows people who have no symptoms, some who were very sick, he has a neighbor who is in the hospital on a vent, and one whose family member died. This ordinance will expire on the 61st day. It is incumbent on us to adopt a 60-day emergency ordinance for our friends and people we serve.

Councilman Reynolds said this may be the first time the government has given this type of power to a municipality.

Mayor Merritt said he wears a mask and sometimes gloves. It makes common sense. He went to Maggie Valley and it is mandated County-wide there. He went to Gatlinburg and it is not mandated there, and people were everywhere, some wearing masks and some not. This is a controversial issue.

The vote was 3-3 with Councilman Black, Councilwoman King and Councilman Reynolds dissenting. The motion failed.

c. C- Fund Collaboration Request

Council is requested to consider a request from Mark III Properties to assist in funding the redesign of Standing Springs Road and Ashmore Bridge Road interchange in cooperation with the County of Greenville. Mark III Properties is the developer for the subdivision and is partnered with Greenville County and the SCDOT in a multi-jurisdictional project to improve the intersection of Ashmore Bridge Road and Standing Springs Road. The City has been asked to help fund the project in the amount of \$50,000. The project cost is about one million dollars. The developer, SCDOT, and the C-fund committee will be asked to fund the balance of the project.

Chairman Matney made a motion to approve this request for \$50,000 towards the interchange project with Councilwoman King seconding.

Mayor Merritt said we have had some experience with DOT projects, and they tend to have cost overruns where they come back and ask for more money. Greenville County just approved \$30,000,000 for the Woodruff Road improvement project. The Standing Springs/Ashmore Bridge intersection has been a failing project and they have not put any money in to repair it. Will they come back and ask for more money from the City? Van Broad said it is a DOT project and they will not ask for additional money. Mayor Merritt asked how many new homes will be in the area. Mr. Broad answered Bonnie Brae has 700-800, Ryan Homes has 200 homes coming, and there is more property out there for development.

Councilwoman Kuzniar asked what would happen if the City does not contribute the \$50,000. Mr. Broad said the project would continue and the developers would have to pitch in more money. He said the project really hinges on C-Funds, because the infrastructure of the road would not

be paid for without those funds. David Dyrhaug said asking the City for money helps when they go to the C-Funds committee for funding because it shows multiple agencies will be funding the project.

John Duggan asked if the money from the City could be contingent on the C-funds being approved. Mr. Dyrhaug indicated yes.

Chairman Matney made a motion to amend his motion to make the \$50,000 contingent on the approval of C-funds money. Councilwoman King seconded the motion.

Councilman Reynolds said the intersection was poorly designed by DOT, not in the city limits, and we are being asked to fix DOT roads. Mayor Merritt said this intersection is in the city limits. Councilman Reynolds thanked the Mayor for the additional information.

The vote was unanimous (6-0).

9. Public Comment- Mayor Merritt said we are close to the 30-minute time limit on speakers.
 - a. RC Jones- I am doing something I have never done before. First of all, I want to meet the Administrator. I have never met you before, but I have talked to you on the phone a couple of times. Before I start, I want to tell Mr. Black face to face, and I have not seen him to do this, but this dumb thing, when you told me you made a mistake, it was a mistake. I do not agree with it whatsoever and I do not think you would say you agree with it.

What I am here for tonight, I sat in that seat where Mr. Black is for two years, and I was Mayor for 8 years. I am going to try to tell you something. I have known this man for 42 years, and so for the sake of the press, let us assume 40. I am going to tell you something about this man that you probably do not know. I am going to compare his life to anyone's on this Council or in this building. I would like to, Mr. Mayor, and I know the rules, but when I get to a certain point, I want to ask him two or three questions real quick and it is a yes or no deal. It is your meeting.

Mayor Merritt: Normally there is not a discussion.

RC Jones: I understand. I can't compare my life to Mr. Black's. Mr. Black had two daughters and I had three. They went to school together, Mauldin High School, about the same time. I am going to take you

through Mr. Black's life as I know it. The reason I am doing this is Pastor McCluney asked me to. He said we don't know this man at all. For 48 years, Mr. Black has lived in the same community. For 46 years, he has gone to the same church. For 37 years, he worked for the same company. The company would not have tolerated racism or sexism. He retired from there. When I left that seat, he ran for it, and has been there for 26 years. Either he is the smartest person, or we are the dummies. I served with him for six years. I have been in hundreds of meetings with him in those six years. I have had hundreds of meals with him, we used to go to Tommy's Snack Bar. I have never once heard that man say anything negative or racist about anyone.

I am going to ask a couple of questions. Real simple. Mr. Black, when Mr. Madden came up for this position, and it is a position, not a job. This is the captain of the ship; he makes more money than all of you make in two years. The top job in Mauldin. A position. When he came up, you didn't vote against him, did you?

Councilman Black: No, sir.

RC Jones: You voted for him.

Councilman Black: Yes, sir.

RC Jones: Let's go back about 15 years or so ago, in the neighborhood or vicinity of about 15 years ago. I was Mayor then. We came up with a position, and without misunderstandings, let's call it Assistant Judge, Miss Angela Martin. You didn't vote against her?

Councilman Black: No, sir.

RC Jones: So, you voted for her too?

Councilman Black: Yes, sir.

RC Jones: You surprised me. I started to get confused. Was Mr. Madden the only person that applied for the job?

Councilman Black: No, sir. There were 4 or 5 people we interviewed.

RC Jones: All black people?

Councilman Black: No, sir. He was the only one.

RC Jones: So, there were white people and you didn't vote against this man, you voted for him.

Councilman Black: Yes, sir.

RC Jones: Undoubtedly, I am confused. If you can still say this man is a racist, knowing he made a good choice with Brandon, you did make a good choice. We find ourselves here with someone that did something stupid. Someone asked me a few years ago if I had a Facebook, and I said I didn't want one, well this is why. I don't want to know your business and don't want you to know mine. People put silly stuff. Irregardless, there were people sending stuff out. So, you resend a tweet. Was that dumb? Absolutely. But according to my Constitution, we the people choose that seat. If we start tearing at the fabric of the Constitution and the Bill of Rights, this country is going down the tubes. Look at what is happening in Washington right now.

What I tell everyone is the Constitution says you will have elections and the people can send out their literature and have an election and whoever gets the most votes wins the election. If you get 500 and I get 500, it doesn't matter and two weeks later you have another election. If someone gets one more vote, they are the winner and that is how you get your seat. If we start trying to undo the Constitution, we are in sad shape.

All I want to say, and the people have the right to protest it, they don't have to agree with me and I don't have to agree with them. They don't have to agree with anything I say. But what I want to say is this, back in 1956 or 1957, there was a gentleman that would preach the gospel. And he was standing in the pulpit in 1968 and he preached the Bible. The Bible that I use says Jesus said "Forgive them, Father, for they know not what they do" as he was being killed. Martin Luther King was preaching the gospel from the Bible and he got killed by a lunatic. Well, what stuck in my mind, Billy Graham and Martin Luther King, I am from Georgia and he is from Georgia, so I knew him well. My dad got killed at age 41. I was 11.

Martin Luther King was killed at age 39 and his son was 10, so I know what they went through.

When we look at all this, and what goes through my mind is I Have a Dream. You all have heard that. He would come into something about the dream he preached about. What comes to me is how stupid this country used to be. But we are making progress. Are we there yet? Absolutely not. Let me tell you this, when a man stands there and says I have a dream and I hope one day I can stand in a nation where my kids don't have to be judged by the color of their skin, but by the content of their character.

I just told you what his character is, Dale Black. I know him well. Mayor, I have known you for 30, 35 years, but I have known him for 40 plus years. I served with him for six years, never ever, and no one can stand here and say that they have ever heard him say anything racist about anyone. Anyone. Hitler, anyone you want to name. So, when Pastor Carl McCluney asked me to say something about Dale Black, he said we aren't trying to crucify the man, we just want to find out about him. I don't know how to make it any clearer or plainer. I couldn't stand here and talk to you about any of these other people except the Mayor. I have had some conversations with them, but don't know them. I am going to leave this with you.

Back in 1955 or 1956, 60 or 65 years ago, I heard this song. You can believe me or not, but about two weeks ago, this song popped in my head, and I haven't heard it in 65 years. But it won't go out. I go to bed, it's there, I get up, it's there, I eat lunch, it's there. It was a song recorded by several people- Waylon Jennings, Porter Wagoner, Hank Williams. It was true when Christ was on there, true back in 56, 57, and it is true today and true forever. I want the people to listen to this, Mayor. It is real short. Just listen to this.

Audio recording. RC Jones sings along "Unless you have made no mistakes in your life, be careful of stones that you throw. If you have never made a mistake in your life, be careful of stones that you throw." Thank you for the time. I have never done this before. I apologize for hurting your ears. I can't carry a tune in a bucket, but those words are so, so true.

The last word I have for you is this according to my Bible this old waggly tongue is going to send more people this way than this way. Dale should apologize, apologize, apologize, it was wrong, but it was nothing to be thrown out of that seat for. The Constitution says it is not done that way. When you run again, they need to vote you out.

Mayor Merritt: We have exceeded our thirty minutes of public comment. However, I am going to give anyone who wants to speak on the rebuttal side- Reverend McCluney. Mr. Wilson, you signed up to speak. Strike that.

Bruce Wilson: I think it is best if I speak, Mayor. It is best if I spoke.

Mayor Merritt: No, you have already spoken to this body before.

Bruce Wilson: I put my name on the list. You let this man speak all this time.

Mayor Merritt: Then we can just gavel this over.

Bruce Wilson: Then gavel it over then. You just let that man talk for that long of a time. We got here early, put our names on the list.

Mayor Merritt: We are over the thirty minutes. I read that before we started this meeting.

Bruce Wilson: You said you would let it go over... Be respectful now, Mayor, come on now.

Mayor Merritt: Reverend McCluney, if you would like to speak, please do so.

Bruce Wilson: You actually going to go for that? Don't do that bro. Don't even do that. That is the problem now. We keep letting them control us. Don't do that. Let him close it if he wants to. I would prefer that to happen. After that man talked that long. Don't even go for that. We have to stand up and stop it. I want each one of these members to get this, these text messages. Talk about freedom of speech, Mayor, I wanted you to read this. See what freedom of speech is really about when you talk about killing somebody.

Mayor Merritt: I will let you speak, Mr. McCluney.

Bruce Wilson: That is absolutely ridiculous. You can't be hand picking. That is what we call it, hand picking. You can't be picking who you want to speak for this community. That is what the problem is now. We allow individuals to get hand-picked and pacify the oppressors. That is the problem. Do you know what this picture is? This is a young lady that got bit. Here in Mauldin. Mauldin. Not nowhere else. Mauldin. When this woman got bit, the guy said white power. Bit her face and said nigger blood tastes good. This happened in Mauldin. This happened in Mauldin. Mauldin. When we start talking about white supremacy and racism, that is what this is. This happened in Mauldin.

Mayor Merritt: Alright, we are adjourned. Any council requests?

Bruce Wilson: I hope your request is to let me speak. I am going to be very respectful.

Mayor Merritt: You are out of order. Mr. Wilson, sit down.

Bruce Wilson: I will never sit down, sir. Not like that. Not like that. Go get the Chief. I will not sit down. You can put me out, but I will not sit down. I will not sit down. No, I do not. Don't you tell me to sit down. I am the wrong person. Not me.

People in courtroom: Let him speak, let him speak, let him speak, let him speak...

Woman in courtroom: That's racism at its finest. Teach your kids what to do. I have been out here since 9:00 a.m. I have walked and learned. Be ashamed of yourselves. Get out of my face. Get out of my face.

10. Council requests

11. Adjournment- Mayor Merritt adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk

