



**Minutes
City Council Meeting
October 19, 2020
7:00 p.m.**

Meeting Location: Mauldin City Hall

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

- 1. Call to Order** Mayor Terry Merritt
- a. Invocation- Councilman Reynolds
 - b. Pledge of Allegiance- Councilman Reynolds
 - c. Welcome- Mayor Merritt

- 2. Proclamations and Presentations**
- a. K9 Paco Proclamation- Mayor Merritt read K9 Paco's proclamation
 - b. Red Ribbon Proclamation- Mayor Merritt read the Red Ribbon proclamation

- 3. Reading and Approval of Minutes** Mayor Terry Merritt
- a. City Council Meeting –September21, 2020

Action: Councilman Black made a motion to approve the minutes with Councilwoman King seconding. Mayor Merritt made a correction of a typo on page 8 of the minutes.

Vote: With the change in the minutes, the vote was unanimous (7-0).

- 4. Public Comment-** None

- 5. Report from City Administrator-** None Brandon Madden

- 6. Reports from Standing Committees**
- a. Finance and Policy (Chairperson Reynolds)- Chairman Reynolds mentioned the three items coming up for consideration on the Council agenda tonight.
 - b. Public Safety (Chairperson King)
 - c. Public Works (Chairperson Kraeling)

- d. Economic Planning and Development (Chairperson Matney)
- e. Building Codes (Chairperson Kuzniar)
- f. Recreation (Chairperson Black)

7. Unfinished Business Ordinances – None

8. New Business

Standing Committee Items

- a. Amendment to the Purchasing Policy

The City of Mauldin purchasing policy was adopted in December 2007 and has had subsequent revisions in 2016, 2017 and 2019. Currently, the policy mandates that purchases greater than \$25,000 follow a formal Bid procedure. As part of that procedure, advertisement is required. The policy states that, “All purchases...shall be publicly advertised at least once in a newspaper of general circulation in the city at least five (5) calendar days prior to the date established for receipt...” Additionally, the policy eliminates this requirement for professional services.

Additionally, City Ordinance Sec. 2-304. - Award to lowest bidder; advertising; when required., states that, “Newspaper notices, when required by the procedures manual, shall include a general description of the articles or services to be purchased, and shall state where specifications may be secured and the time and place for opening the bid.”

Newspapers have been a critical part of the American news landscape, but they have been hit hard as more and more Americans consume news digitally. Since the year 2000, newspaper readership has declined 51% (2019 - *Pew Research Center*).

However effective this publication requirement was, it is now less than half as effective. The advent of the information age has allowed for goods and services to be searched nationwide and prices to be obtained instantly. The ultimate goal of obtaining exactly what is budgeted for, at the lowest price, can be accomplished instantly on a computer.

Action: Chairman Reynolds made a motion to approve the purchasing policy change. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

b. Amendment to the Vehicle Policy

This amendment would add a gas card section to the vehicle policy. The current City gas card program is administered by way of custom and practice. The current custom and practices for the program have been updated and formalized into a policy that is incorporated into the City's current vehicle use policy.

This will allow for a formal document that can be shared with and reviewed by all gas card users to make sure they are using the cards properly. Also, this will allow for the implementation of measures to improve the current internal controls and prevent misuse of the gas cards.

Action: Chairman Reynolds made a motion to approve the vehicle policy change. Councilwoman Kuzniar seconded the motion.

Vote: The vote was unanimous (7-0).

c. 206 Libby Lane Demolition

During the historic flooding event in 2015, multiple structures along Libby Lane that were located in the FEMA (Federal Emergency Management Authority) flood zone sustained significant flood damage. Following the event, the City engaged hazard mitigation consultant Jeff Ward & Associates to manage the purchase and demolition of those properties through a FEMA hazard mitigation grant program.

During the original scope of work in 2017, 206 Libby Lane was not able to be purchased and demolished. Subsequently and prior to the closing of the grant program, FEMA announced additional funds that would allow the city to purchase and demolish the site.

No new funding is being requested. The matching funds needed total \$20,000. \$29,237 is available in the FY2021 budget for this available for this project.

Action: Councilman Reynolds made a motion to demolish 206 Libby Lane. City Administrator Madden noted a typo on the Council agenda that reflects 26 Libby Lane. The property to be demolished is 206 Libby Lane. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

d. Discussion on Boards and Commission Appointment Procedure

Chairwoman Kuzniar opened this item up for discussion. Councilman Matney said it bothers him that some applicants say if they are not appointed to the Planning Commission, they will apply for the Zoning Board as second choice. The Zoning Board is a quasi-judicial arm of the City, a powerful governmental entity and should be treated with the dignity it deserves. In the future, he would like the commission and board applications to be separate.

Councilman Matney said he would also like to have the opportunity to talk to the candidates to gauge their interest and qualifications. He would like them to come to the Council meetings. The City's future is being decided by these boards and commissions. He appreciates the discussion tonight so that an actionable item can be brought to committee.

Councilwoman King said looking at this application process is overdue. It is beneficial for committee members to conduct an interview and also allow the candidates to be aware of what they are applying for. Councilman Reynolds said restrictions on qualifications also limits the pool of candidates and he would like an approach that helps us seek out people to serve. Mayor Merritt added that these boards do take an amount of understanding of the future of the City and the development process. As Mr. Matney pointed out, the ZBOA is a quasi-judicial body and an important board. He likes what Mr. Dyrhaug has presented.

No action was needed on this item.

e. Extension of Agreement with SC Dept of Corrections

This extends our current contract so if we are able to utilize inmates again after COVID, we will have the contract in place.

Action: Chairman Kraeling made a motion to extend our agreement with DOC. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

f. Lighting Agreement with Laurens Electric

Residents on Basswood Drive have complained about not having sufficient lighting. Laurens Electric performed a lighting survey and they indicated there are some dark areas. The City will pay an additional \$13.84 per month for the new lighting. The property owners where the streetlight will be installed have been notified.

Action: Chairman Kraeling made a motion to accept the Laurens Electric agreement with Councilwoman King seconding.

Councilman Black said there is a place for a term in the contract. What should the time period be, 10 years, 20 years? He said he doesn't remember discussing this on our other lights and that there must not be a timeframe for them. Mr. Madden said the City will be responsible for the bill payments unless an HOA takes them over and this agreement will last as long as the payments are made.

Councilwoman Kuzniar asked if we are a member of Laurens Electric Cooperative. Mr. Madden said he believes so. There is an extra \$5.00 charge if the City is not.

Action: Chairman Kraeling amended his motion to add that staff be allowed to negotiate an appropriate time frame for the lighting. Councilman Black seconded the motion to amend.

Vote: The vote on the amendment was unanimous (7-0). The vote on the motion as amended was unanimous (7-0).

g. West Butler Road Traffic Signal Agreement

Action: Chairman Matney made a motion that upon final approval by legal counsel, we approve the contract with Fore Properties, LLC for the traffic signal agreement. Councilwoman Kuzniar seconded the motion.

Chairman Matney said the developer is applying for funding assistance from the County and the City will not fund the project. The City is acting as an escrow agent through the County Transportation Committee.

Vote: The vote was unanimous (7-0).

h. Agreement for Improvements to Old Laurens Road (Pages _____ Councilor Matney)

Action: Chairman Matney made a motion contingent on approval of legal counsel, that Council accept the agreement with Access 100 for the improvements to Old Laurens Road. Councilman Kraeling seconded the motion.

Chairman Matney said Access 100 is developing property within the City. There is a part of Old Laurens Road that needs to be repaired. This is similar to the above agreement where the City will not fund the project and will act as an escrow agent through the County Transportation Committee.

Vote: The vote was unanimous (7-0).

Action: Councilman Matney made a motion to consider items 8 i through 8l informally. Councilman Reynolds seconded the motion.

Vote: The vote was unanimous (7-0).

Committee of the Whole Items

i. Project Crustacean

Action: Councilman Matney made a motion to enter into an agreement to allow Pop's Cabin Creamery to lease the Gosnell Cabin. Councilman Kraeling seconded the motion.

Vote: The vote was unanimous (7-0).

j. Contractual Matter- Centerpoint

Action: Councilman Matney made a motion to approve an agreement with Centerpoint Land, LLC to retain qualified personnel to conduct inspections, acceptance testing and project material certification in conformance with South Carolina Department of Transportation's Quality Acceptance Sampling and Testing Guide for the construction of the Pedestrian Bridge. Councilman Kraeling seconded the motion.

Councilman Reynolds added there would be no financial impact to the City.

Vote: The vote was unanimous (7-0).

k. Motion to enter into Executive Session to Consider a Contractual Matter Related to Diversity and Inclusion Training as allowed by State Statute Section 30-4-70 (a) (2)

Action: Councilman Matney made a motion to go into executive session as stated above. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

l. Possible action on items discussed in executive session

Mayor Merritt reconvened the meeting. Councilman Matney reported no decisions were made and no action taken in executive session.

Action: Councilman Reynolds made a motion to authorize the Mayor to sign a contract with Sharp Brain Consulting for diversity and inclusion training. Councilman Matney seconded the motion.

Councilman Reynolds said there is a funding source already for this done through a budget amendment at the last council meeting.

Vote: The vote was unanimous (7-0).

9. Public Comment

Mayor Terry Merritt

- a. Clarence Thornton: I am Minister Clarence Thornton from Greenville, South Carolina. I am here to talk about Mr. Black still needing to step down. I am going to read from my Bible. We all tend to want to quote the Bible. Proverbs 6:16 says these six things do the Lord hate. There are six things the Lord hates, seven that are detestable to him: a proud look, a lying tongue, hands that shed innocent blood, a heart that devises wicked imaginations, feet that are quick to rush into mischief, a false witness who pours out lies and person who stirs up discord. These are six things the Lord hates- an abomination.

When you make comments that the NAACP is a terrorist group- they haven't been a terrorist group to anybody. They have not gone into a church and killed anybody. You can't name an incident in which they have killed anyone, and it is really appalling that someone would make a comment and say something like that. Jesus said in John 8:36, no liar would get into the kingdom of Heaven. Matthew 12:36, every word you say will be judged. What goes in a man's mouth defines a man. Not what goes in, but what comes out. Those words came out of your mouth.

We know Western Carolina expelled 5 people because of racist comments. Kyle Larson got suspended from NASCAR for racist words. My question is if it wasn't racism, why were you on a racist site making racist comments? Also, you talked about our President. He is making racism more prominent in this country. Lindsay Graham is talking about the good old days of segregation. All these people grew up in segregated times. All of the people who came out in support lived in segregated times. Yes, we do have a problem in America, with the last vestiges of segregation trying to rear its evil head again.

NAACP, Karl Allen, Black Lives Matter, black, white, red people of all color from the community and the neighborhood. Martin Luther King said injustice anywhere affects justice everywhere. Why is this important? Mauldin is an annex of Greenville, so it not only affects the City of Mauldin, but also Greenville County. I met Tywanza Sanders, she is the mother of the son that died trying to protect her in Emmanuel 9. We had a Black Lives Matter event downtown and she came. It would behoove this Council to sit down and talk to her. Ask her about the Confederate flag. A person came in that had a Confederate belief and you will understand how important this is. She talked about how her son died to save her and another child's life.

The NAACP doesn't carry the Confederate flag, but yet you compare them to the Confederates. Racist people take good organizations and castigate their character. They use fear to make people hate the NAACP. Those actions are severe. It is a reflection on Greenville County. You annex with Greenville. It is a reflection. They will try to minimize things and say let's go back to business as usual. Well, Emmett Till was murdered because someone told a lie. Let's go with Andy and Christian Cooper, he could have been killed because a woman got on the phone and said a black man is trying to kill me. He was trying to tell her, ma'am, you need to have your dog

on a leash. John 8:6, who the Son set free is free indeed. God delivered black Americans from slavery and people are trying to push black people into slavery. 200,000 people are dead because some people think it is ok to put black people back into slavery or go back to the good old days as Lindsay Graham would say. Thank you.

- b. Joel Ann Chandler: I am Joel Ann Chandler, 125 Bridges Road. I am the owner of the Open-Air Market on the corner of East Butler Road and Corn Road. Recently I received a letter from DOT talking about a new project. I had a meeting with them a couple of weeks ago. Basically, what they want to do is take away my entrance and up to 20 feet of my parking lot, which would close the market down. This is for a second turn lane from Bridges Road. They just spent several million dollars improving the intersection. Bridges Road has a right turn lane, a left turn lane, a center lane, and a bike lane. The market has been in business for close to 40 years. We are an essential business to thousands of people. The market started from nothing. We have been running a tractor trailer since 1999. I am in Columbia twice a week loading the tractor trailer with produce. We have many elderly, disabled people, mothers with young children who will have no access to the market and cannot walk long distances. They should not be penalized. We are open every day except Christmas Day at least until 8:00 p.m.

I buy everything I can from SC farmers, and we have numerous local vendors in the market. If there is anyone here that hasn't been to the market, I invite you to come out and take a tour of the place any time. Normally the parking lot is full. Not having the access will shut the place down. I hope DOT takes into consideration this market and like I said, if there was an essential business, a lot of times the produce is picked in the morning and available to customers that afternoon. We cater to our customers. They are very important to us whether they buy a piece of bubble gum or a tractor trailer load. They are very important to us. We have people from every nationality and people who have been coming since the market opened. We also have new people come in every day. It puts a lot of money in the economy and help keep people healthier. We have local honey, which is good for allergies, elderberry syrup which is good for the immune system. We support numerous local business, and we have hot boiled peanuts. What would a Clemson or Carolina game be without hot boiled peanuts? We deliver pine needles. This has been an asset, especially right now when people can't get out. People are getting pine needles delivered so they can work in their yards. With all of this uncertainty, we need constants we can count on. We can always count on God to be there for us, and to have the market to shop at to get whatever they need. It doesn't need to be shut down to put another turn lane on Butler Road.

10 Council requests

Councilman Matney said he was at the market last week with a County Council member and asked Ms. Chandler to provide the diagram from DOT. This is appalling. DOT has already taken a large part of her property and now they are coming after her again. This is not the plan that Council previously approved. He is asking that Council urge DOT to work with our County Council representatives and Legislative Delegation members to find a solution that doesn't affect her property. This is an unneeded turn lane. DOT already had a bite at the apple, and they should be stopped from getting another bite. Not just for her, but individual property rights.

Joel Ann Chandler: Let me add that East Butler is not going to be widened all the way down, just past my property. We should help small businesses and do everything we can, not try to destroy them.

Mayor Merritt said he had some preliminary schematics and would have them available if any citizen would like to look at them.

Councilman Reynolds thanked the Mayor and Mr. Putnam for vetting several consultants for the diversity and inclusion training. He appreciates the efforts. Councilman Reynolds also said he appreciates the citizens helping us navigate through the process.

There is an election coming up and Councilman Reynolds encouraged everyone to go out and vote.

10. Adjournment- Mayor Merritt adjourned the meeting at 8:30 p.m.

Respectfully Submitted,

**Cindy Miller
Municipal Clerk**