

MINUTES  
CITY OF MAULDIN  
CITY COUNCIL MEETING  
OCTOBER 18, 2021, 7:00 P.M.  
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD

Members present: Mayor Terry Merritt, Council members Taft Matney, Carol King, Jason Kraeling, Michael Reynolds, Dale Black, and Diane Kuzniar.

Others present: City Administrator Brandon Madden and City Attorney John Duggan

1. Call to Order- Mayor Merritt

- a. Welcome- Mayor Merritt
- b. Invocation- Councilman Reynolds
- c. Pledge of Allegiance- Councilman Reynolds

2. Proclamations and Presentations

- a. Rett Syndrome Proclamation- Mayor Merritt read the proclamation and presented it to Zoe and Rose Adams.
- b. Police Officer of the Quarter- Det. Shawn Smith was recognized as Police Officer of the Quarter.

3. Reading and Approval of Minutes

a. City Council Meeting – September 20, 2021

**Motion:** Councilman Matney made a motion to accept the minutes with Councilwoman King seconding.

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

b. Special Called Council Meeting – October 7, 2021

**Motion:** Councilwoman King made a motion to accept the minutes with Councilman Matney seconding.

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

4. Public Comment

- a. Monroe Free: Thank you Mayor and Council. I was thinking earlier, it has been a few years since we have had this affordable housing crisis, and I have had the privilege of speaking to a number of Councils and committees of Councils about the issue. I do think this is the first time I am speaking to try and stop something that would hurt affordable housing. Everybody else wants to do something to help support us and we have been there to offer our encouragement. I want to say to you that you have an opportunity to support affordable housing that is at a crisis level in our County.

If you oppose these restrictions tonight, it means we can have a Restore that will build 50-60 affordable housing units. You have an opportunity to support the people that we serve- and let me be a little clearer about who we serve. It is cashiers who work in retail, restaurant workers, health care workers in assisted living centers, people who serve and service our economy. Our economy cannot survive without those low wage jobs. Habitat says you are important enough to our community and you are important enough to us to have the American dream; to have the financial security that homeownership will bring.

You also have the opportunity tonight to bring inclusivity as opposed to exclusivity. Rarely have I been more distressed than I was when I heard “we want to be an upper middle-class neighborhood.” That means 19% of the population is who you are after. The majority of folks don’t make a six-figure income. Our families are making \$24,000-43,000 according to the number of family members. You have an opportunity to say Mauldin is a community that embraces everyone, no matter what your income, your race, your religious convictions; we are going to support you.

You said in the last meeting that you would help find us a spot that fit the restrictions. We are still waiting for that phone call. It has not happened. We hired someone to do that study. There is not a place in Mauldin that fits the description you put in your amendment. It is not there. The Planning Commission knew that and said this doesn’t work. We encourage you to take advantage of the opportunities before you and provide Habitat an opportunity to open a Restore in your fine community.

- b. Mark Steenback: Every time. Steenback. Before I begin, let me apologize for my quick departure tonight. My son is playing football tonight and I would rather not miss the second half or the second game. I will make my comments and I will slip out. First off, as a worker for Habitat for Humanity, we were told that it is not about Habitat, but that is not true. You discovered we were going to go in there, and two weeks later, Mr. Broad called the property owner and said they were going to do whatever it took to keep us out of there. So, it seems to be about us. This has all come out because of us. Mr. Broad has not had the time to call us, but has had the time to contact the property owner and offer the City’s help in finding a great client for the Bilo location. Let me just tell you, that did not go over well with the property owner.

You also said you are considering your constituents and what they want, but your Planning Commission is made up of private citizens of the City of Mauldin. Their response to these restrictions was that they were arbitrary and unnecessary. Let me step back and take a personal note as a resident of Mauldin, and as it relates to the town center being the reason why you don’t want our store in the City of Mauldin. I heard the leader of this City say that he wants this to be a upper-middle class community. My question to you is, where do I go? Where do my wife and four boys go to be welcomed into a community and a part of it, as opposed to being one of the too many of us who are already here. Why am I no longer welcome?

Ms. Kuzniar, I remember specifically when you walked up to my front door and said you would be proud to represent me on Council and how important it was that families like mine were in Mauldin. What’s changed? We want to live in a community that values everyone, no matter what race, religion, or socio-economic background. I want to be proud of the community I live in for its willingness to see everyone as important and welcome. Because of what has been said by the Mayor and Mr. Matney, this vote sends a strong message to my family and many like us

about who this Council thinks belongs in this community. Who is welcome and who is not. You are right, the reputation of Mauldin is at stake here. Please don't remove the welcome mat from the hardworking families and local businesses who want to be part of this community. Thank you.

5. Report from City Administrator- None

6. Report from Standing Committees

- a. Finance and Policy (Chairperson Reynolds)- Chairman Reynolds mentioned a financial accounting award the Finance Department received for its accounting practices.
- b. Public Safety (Chairperson King)- The fire department participated in 17 events related to Fire Safety this month.
- c. Public Works (Chairperson Kraeling)
- d. Economic Planning & Development (Chairperson Matney)
- e. Building Codes (Chairperson Kuzniar)- Three new businesses opened in September, and Aldi's grand opening is Thursday @ 8:45 a.m.
- f. Recreation (Chairperson Black)

7. Unfinished Business

Ordinances – 2nd Reading

- a. An ordinance to provide for the annexation of property owned by Bo Lac Properties, LLC, and located at 2001 Fork Shoals Road (Tax Map Parcel: 0583.02-01-007.05) by one hundred percent petition method; and to establish a zoning classification of R-10, residential, for said property

**Motion:** Chairwoman Kuzniar made a motion to accept this ordinance on second reading with Councilman Black seconding.

Councilman Kraeling said this would add 2 ½ times the homes and with the condition Ashmore Bridge Road is in now, he will vote against this ordinance.

Councilman Reynolds asked if this would bring in another entrance or exit point to the subdivision. Mr. Dyrhaug answered yes, there would be an opportunity for an additional access point to Chestnut Ridge subdivision.

**Vote:** The vote was 6-1 with Councilman Kraeling dissenting.

- b. An ordinance to provide for the annexation of property owned by Cojac Whitehorse, LLC, and located at Fork Shoals Road and Union Church Road (Tax Map Parcel: 0583.02-01-007.02) by one hundred percent petition method; and to establish a zoning classification of R-10, residential, and C-2, commercial, for said property

**Motion:** Chairwoman Kuzniar made a motion to accept this ordinance on second reading with Councilman Black seconding.

**Vote:** The vote was 6-1 with Councilman Kraeling dissenting.

- c. An amendment to the Mauldin Zoning Ordinance establishing definitions and conditional use standards for thrift stores, consignment stores and like businesses and to establish the zoning districts for which they can locate

**Motion:** Chairwoman Kuzniar made a motion to accept this ordinance on second reading with Councilman Matney seconding.

Councilman Kraeling said no one on Council takes this vote lightly. Habitat is a great charity and does a great service. This is not about Habitat, it is not about one group of people, or another group of people. It is about a math problem. The problem is over the last twelve years, Mauldin has been trying to get a City Center. There are five consignment stores or thrift stores in a few blocks. When a developer comes here, they look at those stores and see too many of them. This drives down the return they can get on their investment. We are working hard to get the City Center developed. This is not about not wanting a group of people here. The developers want a return on their investment. Councilman Kraeling welcomes Habitat and other thrift stores. These are good charities and we want them here, but we also want developers to come in and spend money in Mauldin. This is a painful vote and not an easy one.

Councilwoman King said she spoke on behalf of Habitat at the last meeting and would do so again. We have come a long way in this City, with City Center and the reputation of the business license and permits department. Once a reputation is tarnished, it takes a long time to restore. If it is not about Habitat, where can they locate in our City? That says it is about Habitat, because there is nowhere to go. The realtor has asked over 100 retailers to come into this shopping space, and there has been no interest. Are we going to let the building stay vacant? The developer of this project has brought millions of dollars into the City.

Councilwoman King then asked what message this sends to our Planning Commission after they recommended two changes to the draft ordinance? Council voted 4-3 to put the standards back in. These are qualified citizens making recommendations and they took their time to do this. Her last point is that the timing is bad. Normally, there would be a moratorium for Council to look at this issue instead of rushing into an ordinance. Butler Square is nowhere near what is defined as City Center. She would encourage one more member of Council to consider maybe this is not the right thing to do. The Habitat stores are not junk stores. 30% of Habitat's revenue comes from these stores and allows for the building of new, affordable homes.

Mayor Merritt said what he stated at the last meeting has been misconstrued. He was trying to explain demographics. We have spent a lot of time trying to change the demographic information that was put out about the City. The national picture was portrayed that we were a low-income community, and we are not. The community looks like we are not interested in change, because of the older shopping centers we have. We are getting national interest and we need to continue. We have a Community Development Director working on these issues.

**Vote:** Councilwoman Kuzniar- Aye, Councilman Black- No, Councilman Reynolds- No, Councilman Kraeling- Aye, Councilwoman King- No, Councilman Matney- Aye and the Mayor votes Aye. The vote was 4-3.

## 8. New Business

### Ordinances – 1st Reading

- a. An ordinance to provide for the annexation of property owned by Gail C. Frost and Sarah S. Coates, and located at 220 Fowler Circle (Tax Map Parcel: M007.03-01-010.01) by one hundred percent petition method; and to establish a zoning classification of RM-1, residential, for said property

**Motion:** Chairwoman Kuzniar made a motion to pass this ordinance on first reading. Councilman Matney seconded the motion.

Councilman Black asked about the sewer to the property. Mr. Dyrhaug said it is anticipated they will need a sewer lift station.

Councilman Kraeling said with this zoning change, the density would change from 18-20 homes to 50-60. That is a large increase to the number of homes. He will vote no. Chairwoman Kuzniar said she thinks this project will be townhomes.

**Vote:** The vote was 4-3 with Councilman Kraeling, Councilman Reynolds, and Mayor Merritt dissenting.

- b. An ordinance to adopt a revised business license ordinance in accordance with the Business License Standardization Act (2020 Act No. 176)

**Motion:** Chairwoman Kuzniar made a motion to approve this ordinance on first reading with Councilman Matney seconding.

Chairwoman Kuzniar said there have been some changes to the draft that have not yet been approved by the Building Codes committee, so she asks that this be approved on first reading, but be sent back to committee in November.

Councilwoman King asked if the late penalty section could be looked at and consider going to a 5% penalty per month versus the 10% the City currently has. She also asked that the issue of revocation of business licenses could be looked at to add a timeframe, and to state whether the business could stay open until the revocation hearing is held.

John Duggan said we have had to close two businesses. There is a revocation method recommended by the MASC. He disagrees with the MASC method. It does not give adequate options. There is no probationary period to allow the offenses to be corrected. Also, potential penalties should be added, not just shutting a business down. Currently the provision requires the Mayor and Council to hold a hearing. A provision will be added for a hearing officer to conduct the hearing, make a transcript, and a detailed report and recommendation will be given to the Mayor and Council, who will then make the final determination.

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

#### Standing Committee Items

c. Acceptance of Donation of Veteran's Bench

**Motion:** Chairman Reynolds made a motion to accept a \$1,151 donation from Mrs. Sherbert for an engraved plaque in tribute to her late husband, former City Police Chief, and Veteran, Mr. Harold Sherbert. The engraved plaque will be placed on a bench along with the City's Veterans Memorial. Councilman Black seconded the motion.

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

d. Maintenance Agreement with SC Department of Transportation

**Motion:** Chairman Matney made a motion to recommend approval of the Maintenance Agreement with the SCDOT for the Pedestrian Bridge. Councilman Kraeling seconded the motion.

Chairman Matney said this has been discussed at length and our suggestions were rejected. We were told by DOT to either accept this agreement as presented or there will be no bridge. The City will take liability for the bridge.

Councilman Black said if someone has an accident, their insurance would cover the damage. Mr. Madden said the City is ultimately responsible for the repairs. An insurance claim could be utilized to help with the expense of repairs.

Councilman Reynolds is also concerned about the liability.

John Duggan said if a vehicle strikes the bridge and has insurance, their liability insurance would pay. If it is a personal vehicle, the maximum would be \$300,000. Mr. Duggan said he doesn't think our SCMIRF insurance coverage would cover damage to the bridge. The City may need to purchase additional insurance.

Chairman Matney said he had discussed with Mr. Madden establishing a capital projects fund for the maintenance of the bridge so that there is a reserve for maintenance and repair. Mr. Madden said there are multiple cities in the State that own bridges. DOT takes the stance that if they do not own the bridge, they will not maintain it. A representative from the bridge construction firm will be at the Council retreat next Thursday, October 28<sup>th</sup>.

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

e. Underground Utilities – City Center Streetscape Project – Phase 1

**Motion:** Chairman Matney made a motion to approve staff proceeding with the steps needed to facilitate the undergrounding of electrical lines along Jenkins St. and Jenkins Ct. as a component of Phase I of the City Center Streetscape Project. Councilman Reynolds seconded the motion.

Councilman Black asked if the surrounding business owners would have their electrical lines undergrounded or if they would have to pay if they wanted to have their lines moved. Mr. Madden answered the City is working with Duke Energy and there will not be an expense incurred by the business owners.

Councilman Reynolds stated the cost estimate provided by Duke Power for this effort is \$650,000. Duke Power will provide a dollar-for-dollar match for this project and has allocated \$482,280 for the City for undergrounding utilities. This would result in the City's portion of the project costing \$325,000. Funding is available in the City's Assigned Fund Balance or the Capital Fund Balance to cover this expense.

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

f. Springfield Park Parking Lot Paving

**Motion:** Chairman Black made a motion to award the bid to repave the older section of the parking lot with a budget amount of \$225,000. Councilman Matney seconded the motion.

Councilman Reynolds asked Mr. Stewart if he had any information regarding the question of possibly moving the building at the park. Mr. Stewart said the department talked to the contractor and it would cost about \$80,000 to move the building or \$60,000 to demolish it and we would only gain 10-12 extra parking spots.

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

g. PARD Grant Amendment

**Motion:** Chairman Black made a motion to amend the FY2022 Recreation Department budget in the amount of \$13,768.64 to cover the full match amount of the Park and Recreation Development Fund (PARD) Grant. Councilman Matney seconded the motion.

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

h. Resolution to Approve a Contract with Pratt Recycling

**Motion:** Chairman Kraeling made a motion to approve a Resolution to approve a contract with Pratt Recycling, Inc. to provide recycling services for the City of Mauldin and to authorize the Mayor to execute the agreement. Councilwoman King seconded the motion.

Councilman Matney asked if there has been any additional information about glass recycling. Mr. Fleahman said it is gone at this point and probably will not return. Glass chews up the rollers on the automated machines. Glass is still being taken for recycling at the County convenience centers.

Mayor Merritt asked where the closest convenience center was, and Mr. Fleahman said he would find out. Mayor Merritt then asked if the City still travels over to Duncan every day to take recycling. Mr. Fleahman answered yes, two trucks per day.

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

i. Acceptance of Body Worn Camera Grant

**Motion:** Chairwoman King made a motion to authorize the acceptance and expenditure of a \$52,092 grant awarded to the Mauldin Police Department by the South Carolina Public Safety Coordinating Council and the South Carolina Department of Public Safety for body worn cameras and associated maintenance and storage. Councilman Black seconded the motion.

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

j. Contract with D&J Productions (Cold Justice)

**Motion:** Chairwoman King made a motion to accept the contract with D&J Productions (Cold Justice). The show will air in December 2021. Councilman Kraeling seconded the motion.

Councilman Reynolds asked if our legal department had looked at the contract. He was answered yes.

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

k. In-Car Video Camera System Use Agreement

**Motion:** Chairwoman King made a motion to accept the agreement for 13 in-car video cameras. Councilman Black seconded the motion.

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

l. School Resource Officer Agreement

**Motion:** Chairwoman King made a motion to accept the agreement for the school resource officers in Mauldin High School and Mauldin Middle School. Councilman Kraeling seconded the motion.

It is suggested that City Council consider approving the SRO agreement for the provision of SROs at Mauldin High and Mauldin Middle schools and then merge the agreement with the SRO agreement for Bethel and Mauldin elementary schools next year. This will allow for the City to have one agreement with the Greenville County School District for SROs. This allows the school district through their budgeting process to potentially allocate more money to the City for the



provision of the SROs. Mr. Madden pointed out there is a termination clause in the agreement. The School District has been advised that staff will submit a 90-day notice to terminate in the Spring, and we will work towards one agreement to cover all of the schools.

Mayor Merritt said we will be billing them monthly in arrears. Ms. Abercrombie said the City bills the school district monthly now, but not in arrears.

Councilman Matney said our SROs have a vested interest in the kids and this is about more than PR. It is about making sure that Mauldin Police Officers are involved with Mauldin students. This may help prevent any problems in the future. There are 42 towns in South Carolina that have a smaller population than Mauldin High School.

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

m. Resolution for Construction Manager

**Motion:** Chairwoman King made a motion to accept the resolution for Cloverleaf, who is the Construction Manager for the new fire station and authorize the Mayor to execute the contract. Councilman Kraeling seconded the motion.

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

Committee of the Whole

n. Appointment of Police Chief

**Motion:** Councilman Kraeling made a motion to consider this item informally with Councilman Black seconding.

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

**Motion:** Councilman Kraeling made a motion to appoint George Miller as Police Chief. Councilman Black seconded the motion.

Councilwoman King commented that this is not the recommendation of the City Administrator. There is a process that was put into place in March, and it has led us to this point. It is the job of the Council to approve or disapprove the recommendation the City Administrator makes. She has an issue with the motion that was made tonight out of respect for our form of government.

Councilman Reynolds said this has been a humbling experience. The three finalists have about 70-80 years of law enforcement experience.

Councilwoman King said she is not opposed to the motion, but is opposed to the timing. She thinks it is not appropriate due to today's events. She believes Council needs to regroup and evaluate what has happened since 5:30 p.m. and respect the process.

**Vote:** Roll call vote- Councilman Matney-Aye, Councilwoman King- No, Councilman Kraeling- Aye, Councilman Reynolds- No, Councilman Black- Aye, Councilwoman Kuzniar- No, and Mayor Merritt-Aye.

9. Public Comment- None

10. Council Concerns- None

11. Adjournment- Mayor Merritt adjourned the meeting at 8:45 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk