

MINUTES
MAULDIN COUNCIL MEETING
SEPTEMBER 19, 2022
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, Frank Allgood and Diane Kuzniar.

Others present: City Attorney John Duggan. Rebecca Vance, Interim City Administrator, was not present.

1. Call to Order- Mayor Merritt
 - a. Welcome- Mayor Merritt
 - b. Invocation- Councilman Kraeling
 - c. Pledge of Allegiance- Councilman Kraeling
2. Proclamations and Presentations- Mayor Merritt read the two proclamations.
 - a. Constitution Week proclamation
 - b. Hispanic Month proclamation
3. Reading and Approval of Minutes
 - a. City Council Meeting –August 15, 2022
 - b. Special Called Meeting- August 26, 2022
 - c. Special Called Meeting-September 2, 2022
 - d. Special Called Meeting September 14, 2022

The minutes were approved by unanimous consent.

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

Ms. Vance was not present at the meeting. David Dyrhaug thanked the departments for their help with the barbecue festival.

6. Report from Standing Committees
 - a. Finance and Policy (Chairperson Reynolds)- None
 - b. Public Safety (Chairperson King)- None
 - c. Public Works (Chairperson Kraeling)- None
 - d. Economic Planning & Development (Chairperson Matney)- None
 - e. Building Codes (Chairperson Kuzniar)- Chairwoman Kuzniar reported 14 new businesses have opened and 1752 building inspections were conducted in August.
 - f. Recreation (Chairperson Allgood)- Chairman Allgood reminded everyone that winter sports would be starting soon.

7. Unfinished Business

- a. An ordinance to rezone property consisting of approximately 23 acres located at North Main Street (portion of tax map parcel: #M008.04-01-004.00) and providing an effective date

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

Chairwoman Kuzniar requested that the 6.7 acres dedicated for a future park to be constructed by the City of Mauldin be left in its natural state to create a nature park.

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

- b. An ordinance to rezone property consisting of approximately 5 acres located at West Butler Road and Laurel Meadows Parkway (tax map parcel: #M008.02-01-003.00) and providing an effective date

Motion: Chairwoman Kuzniar made a motion to approve this ordinance on final reading with Councilman Reynolds seconding.

Councilman Allgood asked if the lack of amenities had been addressed. Austin Allen from Arbor Land Design said some amenities have been added. A fenced-in dog park will be added. Benches, a natural walking path, and a fire pit will be added on the side of Laurel Meadows Parkway. Councilman Allgood asked if these amenities would affect the number of units to be constructed. Mr. Allen answered no.

Councilman Kraeling said he would vote no because he does not believe the road can handle more traffic without improvements. Chairwoman Kuzniar said the development has concerned her as well, but the residents have mentioned they would rather have residential over commercial development.

Councilman Allgood asked if a traffic impact study had been done for this project. Mr. Allen answered that the number of units proposed does not trigger a traffic study. David Dyrhaug said that was correct, but concerns about the traffic light have been sent to DOT and they are examining the issue.

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

8. New Business

Ordinances- 1st reading

- a. An ordinance to rezone property consisting of approximately 5.8 acres located at 25 Old Mill Road (tax map parcel: #M008.04-01-002.03)

Motion: Chairwoman Kuzniar made a motion to approve this ordinance on first reading. Councilman Reynolds seconded the motion.

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

b. Annexation and Establishment of Tanner Road Planned Development – 3 ordinances

An ordinance to provide for the annexation of property owned by W. Earl Jones and Nancy L. Jones, and located at 30 Tanner Road (tax map parcel: 0547.03-01-043.01) by one hundred percent petition and to establish a zoning classification of PD, Planned Development for said property;

Motion: Chairwoman Kuzniar made a motion to approve this ordinance for .9 acres on first reading. Councilman Matney seconded the motion.

Chairwoman Kuzniar asked if the developer would handle the proposed turn lanes or if DOT would handle them. Mr. Dyrhaug answered the developer would handle the turn lanes with DOT guidance.

Allen Reid is the traffic engineer for the project and said he is in ongoing discussions with DOT on this.

Chairwoman Kuzniar asked if the buffer of trees near Maplewood Terrace would remain.

David Grafis of Gray Engineering is the civil engineer for the project. Mr. Grafis answered there would be some vegetation kept, but not all of the trees will remain.

Chairwoman Kuzniar asked about the buffer. Mr. Dyrhaug said there is no buffer required because of the zoning.

Councilman Reynolds asked what the advantage of Planned Development would be. Mr. Dyrhaug answered that the City would know exactly what is coming in. It is very specific.

Councilman Kraeling said he would like the traffic issues addressed by second reading.

Councilwoman King said she is excited about the project and thanked the developer for being present.

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

An ordinance to provide for the annexation of property owned by W. Earl Jones and Nancy L. Jones, and located at 30 Tanner Road (tax map parcel: 0547.03-01-043.02) by one hundred percent petition and to establish a zoning classification of PD, Planned Development for said property;

Motion: Chairwoman Kuzniar made a motion to approve this ordinance for 6.7 acres on first reading. Councilman Reynolds seconded the motion.

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

An ordinance to provide for the annexation of property owned by C. Lynn Farmer and Elaine F. Ayscue, and located at 50 Tanner Road (tax map parcel: 0547.03-01-043.00) by one hundred percent petition method; and to establish a zoning classification of PD, Planned Development for said property;

Motion: Chairwoman Kuzniar made a motion to approve this ordinance of 13 acres on first reading. Councilman Reynolds seconded the motion.

Chairwoman Kuzniar commented that where the homes will face Tanner Road are some beautiful oak trees that will probably have to be removed.

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

- c. An amendment to Chapter 18, Article II (Nuisances) of the Mauldin Code of Ordinances to authorize the codes enforcement official rather than the building and zoning director to enforce certain provisions contained herein and for other matters related thereto

Motion: Chairwoman Kuzniar made a motion to approve this ordinance on first reading. Councilman Allgood seconded the motion.

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

- d. An amendment to Chapter 18, Article II (Nuisances) of the Mauldin Code of Ordinances to establish certain standards to protect against nuisances caused by light trespass and for other matters related

Motion: Chairwoman Kuzniar made a motion to approve this ordinance on first reading. Councilman Kraeling seconded the motion.

Chairwoman Kuzniar read from the agenda summary that "A property owner who requests the installation of a Duke light pole is required to sign a contract with Duke Energy. Included in the contract is a provision that the customer agrees to abide by local ordinances." The City does not currently have an ordinance on this and that is why this item is being brought forth.

Councilman Matney said the Association of Realtors reached out to him to be able to look at the ordinance and give any thoughts on it. He has sent a copy of the draft ordinance to them and also invites any stakeholder to provide input on the ordinance.

Mayor Merritt said this ordinance is not subjective and he can support it on first reading.

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

- e. Amend Chapter 20, Article I, General Fire Prevention and Protection, of the Mauldin Code of Ordinances regarding Open Burning

Motion: Chairwoman King made a motion to adopt this ordinance on first reading. Councilman Kraeling seconded the motion.

Councilwoman Kuzniar has the concern that the developer that was given a permit for open burning came before Council and said they would not burn when it is windy outside and then did it anyway. She is concerned this may happen again.

Chairwoman King said she does not disagree, but reminded Council this ordinance is only to remove Council from the process of granting the burn permit.

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

Standing Committee Items

- f. Bridgeway Station Connection

Motion: Chairman Allgood made a motion to accept UIG's proposal for a trail connecting to the Bridgeway Station pedestrian bridge with a not to exceed number of \$231,500. Councilwoman Kuzniar seconded the motion.

Councilman Matney asked for the funding source. Holly Abercrombie answered it would come out of last budget year's excess revenues.

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

- g. Gilder Creek Trail Discussion

This item is for discussion. The estimated cost for the Gilder Creek Trail project is \$890,426. The City applied for and received a SCPRT Recreation Trails Program grant for \$66,000.89 for this project. No funding for this project was budgeted in the FY 2023 budget. A funding source has not been identified for the remaining cost of the full project.

Motion: Chairman Allgood made a motion to open this item for discussion. Councilwoman Kuzniar seconded the motion.

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

Councilman Matney said he appreciated the grant from the state, but this is an expensive project. We have a lot going on in the City right now. A lot of money is being expended and staff is working on several projects at the same time. The project near CF Sauer has a trail component as does the East Butler Road improvement project. Not accepting the grant does not preclude us from being able to apply for the grant in the future.

Councilwoman Kuzniar, Councilwoman King and Councilman Kraeling agreed with Councilman Matney's thoughts. Councilman Reynolds thanked staff for applying for this grant, but agreed with

the other council members.

Mayor Merritt said there are multiple properties going up to ICAR that will have trails. The East Butler Road project is still under discussion. Any trail we try to build could end up being removed.

Motion: Councilman Matney made a motion to decline the grant at this time, but the City will leave open the possibility of applying for the grant again at a later date. Chairman Allgood seconded the motion.

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

h. Bid for K9 car upfit

Motion: Chairwoman King made a motion to accept the bid from Unique Lighting Solutions. Councilman Reynolds seconded the motion.

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

i. Bid for Police car upfit

Motion: Chairwoman King made a motion to accept the bid from Unique Lighting Solutions. Councilman Reynolds seconded the motion.

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

j. Record Retention Schedule

Chairwoman King said it has been discovered since the committee meetings that the City's retention time for personnel records is seven years. The police department's schedule will be changed to mirror the City's policy.

Motion: Chairwoman King made a motion to approve the retention schedule for seven years. Councilman Kraeling seconded the motion.

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

k. Contract with DJJ

Motion: Chairwoman King made a motion to accept this memorandum of understanding with the Department of Juvenile Justice. Councilman Allgood seconded the motion.

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

I. Drive through facilities in CRD Discussion

Motion: Chairwoman Kuzniar made a motion to open discussion on this item and then send it back to committee. Councilman Allgood seconded the motion.

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

Chairwoman Kuzniar said the City can grandfather the drive-throughs we already have and the ones that are coming, but needs to look at whether we want to allow new ones in the CRD.

Councilman Matney said inclusion of new drive-throughs is detrimental to the comprehensive vision of that area.

Councilwoman King asked if the properties that have drive-throughs already are grandfathered in, if there is a change in ownership, would the drive-throughs still be allowed? Mr. Dyrhaug answered yes. As long as it is the same type of business, but if the use of the building was changed and the drive-through removed, would it be able to be re-established? Mr. Dyrhaug answered no. Councilman Kraeling asked if the building was torn down, could it be rebuilt with a drive-through? Mr. Dyrhaug answered there is a provision if the building is damaged or destroyed by an act of God, it can be rebuilt with the same footprint. If the building is willfully torn down, it may not be rebuilt to the same specifications.

Chairwoman Kuzniar said she agrees that existing drive-throughs would not be able to expand to, a double drive-through.

Councilman Allgood asked if there was a definition of a drive-through. Mr. Dyrhaug said when the ordinance is drafted, a definition will be included. Councilman Allgood said he also is in favor of section 2, item b that states where pedestrian pathways cross a drive-thru lane, the pedestrian pathway must be raised and made prominent to ensure pedestrian visibility and safety. Councilman Allgood said he would like that to be City-wide, not just in the CRD.

Mayor Merritt said the younger generation uses drive-throughs more frequently. If there was a way to enter through a different way without crossing a pedestrian area, that could be a consideration.

Chairwoman Kuzniar said along with drive-throughs, pickup windows need to be referenced as well.

m. Sewer Rehab Program Contract

Motion: Chairman Kraeling made a motion to authorize this contract for sewer rehab. Councilwoman King seconded the motion.

PW Director Fleahman said this would be paid for through ARPA funds.

Motion: Chairman Kraeling made a motion to amend the previous motion to add a not to

exceed amount of \$1.2 million. Councilwoman King seconded the amendment.

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

n. Side-Arm Trash Truck Purchase

Motion: Chairman Kraeling made a motion to allow the purchase of a side-arm trash truck not to exceed \$295,441.68. Councilman Allgood seconded the motion.

Councilman Matney said he wants to make sure the citizens understand that bulk items would be picked up separately.

Councilwoman King asked if the recycling was always picked up by a separate truck. Mr. Fleahman answered yes. He also said there will be social media campaign making sure residents know what is happening.

Chairman Kraeling said there is a learning curve for residents and also for the operators.

Councilwoman Kuzniar if going back around causes more time and takes more money. Mr. Fleahman said we have always circled around for bulk items. The side-arm trash truck is more efficient and shaves about an hour and a half of time each day. Bulk items are picked up on the same trash day. Each address with bulk items is logged so the drivers know where to return.

The Mayor said he appreciates the job public works does and the leadership.

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

o. Stormwater Engineering Task Order 2

Motion: Chairman Kraeling made a motion to contract with Ca-Jenn for task order 2. This will not exceed \$411,600.00. Councilwoman King seconded the motion.

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

p. Pedestrian Bridge Lighting

Motion: Chairman Matney made a motion to authorize a not to exceed total allocation of \$204,000 for pedestrian bridge lighting. Councilman Kraeling seconded the motion.

Chairman Matney asked Mr. Charles if there was an amended amount for colored lighting for the pedestrian bridge. Mr. Charles said there is no cost savings for the colored lighting. The cost savings is on the coring, not the lights themselves. The cost for colored lights has actually increased.

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

q. Landscape Architecture Services for Jenkins Street and Jenkins Court

Motion: Chairman Matney made a motion to allocate funding for Landscape Architecture Services for Jenkins Street and Jenkins Court and hire Studio Main LLC to develop the landscape architectural design for the Jenkins Court/Jenkins Street construction project. The cost will not exceed \$6,000. Councilman Kraeling seconded the motion.

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

Committee of the Whole

r. Appointment of new Ministerial Recorder

Motion: Councilwoman King made a motion to consider this item informally with Councilman Allgood seconding.

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

Motion: Councilwoman King made a motion to appoint Connie Barnett as part-time ministerial recorder. Councilman Kraeling seconded the motion.

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

9. Public Comment

Rollie Hyust: I want to thank Council for not taking us down the rabbit hole. Thank you very much.

10. Council Concerns

Councilman Reynolds asked that everyone remember the family of Sgt. Sam Harrell, who passed away earlier this month.

11. Adjournment- Mayor Merritt adjourned the meeting at 8:47 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk