

MINUTES  
CITY OF MAULDIN COUNCIL MEETING  
NOVEMBER 21 , 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: Interim City Administrator Rebecca Vance and City Attorney Daniel Hughes

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

2. Proclamations and Presentations

Citizens' Police Academy- Sgt. Daniel Turner presented certificates to each graduate  
Mauldin Girls' Volleyball Team- Mayor Merritt and Councilman Allgood presented a proclamation and certificates to the coaches and players.

3. Reading and Approval of Minutes
  - a. City Council Meeting – October 17, 2022

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

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

4. Public Comment

- a. David Grafius: 132 Pilgrim Road. He let Council know he was present in case there are any questions on the Tanner/Verdin Road properties.
- b. Seth Young: (Via Zoom) Good evening. My name is Seth Young, and I am an attorney with the Institute for Justice. I represent Jeremy Sarks and Sarks Automotive in their lawsuit against the Mauldin Zoning Ordinance that forces their U-Haul business to close at the end of the year. On the agenda this evening is a proposed amendment to this ordinance. First off, I commend the City on this ordinance that properly grandfathered my clients, so they do not have to close their U-Haul business at the end of this year. This is constitutionally required.

However, the proposed amendment still falls short. If enacted, the new ordinance would require my clients to put up a new 8-foot fence around their back lot and keep their rental equipment there except for at brief periods when serving customers. The practical affect of this would destroy my client's advertising- trucks parked out front. It would force them to build a new sign. In addition to the fencing and advertising costs, it would greatly complicate their business as they would have to constantly move trucks around. Let me be clear, these restrictions are not imposed on any other comparable business. Not on multiple car lots, Enterprise Rent A Car, or the many branded company box truck businesses parked out on Main Street. Only U-Haul.

There is no rational basis to target U-Haul. This proposed ordinance needlessly interferes with small business, the type of business Mauldin is built on and on which its citizens rely for services and employment. Keeping additional regulations on Sark's Automotive magnifies, not reduces this ordinance's unconstitutionality. It is arbitrary, irrational, and, at this point, almost vindictive. We call on the City officials to support small business, not undermine it. Thank you for your time. I am ready for any questions.

5. Report from City Administrator- Ms. Vance reported on the audit and on various holiday activities. Mayor Merritt and Councilman Matney thanked Ms. Vance for her fantastic work as Interim Administrator.
6. Report from Standing Committees
  - a. Finance and Policy (Chairperson Reynolds)- The new Administrator will start at the end of this month.
  - b. Public Safety (Chairperson King)- Chairwoman King thanked Sgt. Turner for his work with the Citizens' Academy.
  - c. Public Works (Chairperson Kraeling)- Chairman Kraeling thanked the department for its work with the leaves that are currently falling.
  - d. Economic Planning & Development (Chairperson Matney)- None
  - e. Building Codes (Chairperson Kuzniar)- Councilwoman Kuzniar reported 1745 building inspections were done and 15 new business opened last month.
  - f. Recreation (Chairperson Allgood)- None

#### 7. Unfinished Business

##### Ordinances – 2nd Reading

##### a. Annexation and establishment of Tanner Road Planned Development – 3 ordinances

- i. 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 method; and to establish a zoning classification of PD, Planned Development, for said property

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

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

- ii. An ordinance to provide for the annexation of property owned by W. Earl Jones, and located at 30 Tanner Road (tax map parcel: 0547.03-01-043.02) 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 accept this item on second reading with Councilman Reynolds seconding.

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

- iii. 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 accept this item on second reading with Councilman Reynolds seconding.

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

## 8. New Business

### Ordinances – 1st Reading

- a. An amendment to the Mauldin zoning ordinance establishing definitions, standards, and prohibitions for drive-thru facilities

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

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

### Standing Committee Items

- b. Appointment to the Building and Zoning Board of Appeals

**Motion:** Chairwoman Kuzniar made a motion to appoint Philip Cochrane to Seat 6 with Councilman Kraeling seconding.

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

- c. Amended agreement with the County Drug Enforcement Unit

**Motion:** Chairwoman King made a motion to approve the amended agreement with Councilman Kraeling seconding.

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

- d. Duke Energy Utility Easement

**Motion:** Chairwoman King made a motion to approve the utility easement with Councilman Kraeling seconding.

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

e. Grant Acceptance

**Motion:** Chairwoman King made a motion to approve the in-car camera grant with Councilman Matney seconding.

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

f. On-Call Sanitary Sewer Engineer Contract

**Motion:** Chairman Kraeling made a motion to approve the contract with CHA with Councilwoman King seconding.

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

g. Municipal State Highway Project Agreement

**Motion:** Chairman Kraeling made a motion to hold this item on the floor until next month for additional information with Councilman Allgood seconding.

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

h. Insurance Renewal

**Motion:** Chairman Reynolds made a motion to accept the insurance renewals with Councilwoman King seconding.

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

Committee of the Whole

**Motion:** Councilman Matney made a motion to consider items 8i-8l informally with Councilman Reynolds seconding.

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

i. Resolution to approve the amended and restated development agreement and the second amendment to restate purchase and sale agreement with the Parker Group and Longbranch Investors, LLC

**Motion:** Councilman Matney made a motion to combine items 8 i and 8j together to approve the amended and restated development agreement and the second amendment to restate purchase and sale agreement with the Parker Group and Longbranch Investors, LLC and approve funding the public improvements set forth in the amended and restated development agreement with Parker Group and Longbranch Investors, LLC with Councilwoman King seconding.

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

- j. Resolution to approve funding the public improvements set forth in the amended and restated development agreement with Parker Group and Longbranch Investors, LLC

See motion above.

- k. Resolution to approve purchase of property identified as Greenville County Tax Map number M003010200400 pursuant to terms of a letter of intent dated November 18, 2022

**Motion:** Councilman Matney made a motion to purchase 13 Jenkins Court, identified as Greenville County Tax Map number M003010200400. Councilwoman King seconded the motion.

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

- l. An amendment to Section 3:12.3.8 (cessation of the sale and rental of moving trucks, trailers, intermodal containers, and temporary portable storage units) of the Mauldin zoning ordinance to (1) remove the cessation period for such use in the C2 district previously allowed within the C2 district and (2) to add regulations for said non-conforming use in the C2 district

**Motion:** Councilwoman Kuzniar made a motion to accept this ordinance on first reading. Councilwoman King seconded the motion.

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

9. Public Comment- None

10. Council Concerns- Councilwoman Kuzniar mentioned there are two vacant seats on the Planning Commission. Council wished everyone a Happy Thanksgiving. Councilman Matney reminded everyone of the Christmas Tree Lighting on December 1<sup>st</sup> and the Christmas Parade on December 3<sup>rd</sup> from the high school to the cultural center. Mayor Merritt said there is a float for elected officials that is being decorated.

11. Adjournment- Mayor Merritt adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Cindy Miller  
Municipal Clerk