

**MINUTES
CITY OF MAULDIN
COUNCIL MEETING
DECEMBER 19, 2022
7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

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

Others present: City Administrator Seth Duncan and City Attorney Daniel Hughes.

1. Call to Order- Mayor Merritt

- a. Welcome- Mayor Merritt
- b. Invocation- Councilwoman Kuzniar
- c. Pledge of Allegiance- Councilwoman Kuzniar

2. Proclamations and Presentations

Recreation Employee Recognition- Willie Stewart was presented as SCRPA Young Professional of the Year.

3. Reading and Approval of Minutes

- a. City Council Meeting – November 21, 2022

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

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

- b. Special Called Council- November 18, 2022

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

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

4. Public Comment

- a. Jeremy Sark: My name is Jeremy Sark. I am the owner of Sark's Automotive and the Plaintiff in the lawsuit against the City challenging the zoning ordinance which would close my U-Haul business at the end of the year. The City's proposed amendment to the ordinance would allow my business to continue at its current location and allow me to keep two U-Hauls in the front at all times. It would also allow me to continue accepting U-Haul drop offs and after-hours pickups outside of the normal operating hours.

Thank you for proposing the amendment to allow me to continue business that provides for my family, my employees, to service residents and generate tax revenue. I hope you approve it. Thank you for your time and proposing the resolution.

- b. Nick Netchaef: My name is Nick Netchaef and I am the owner of Distinctive Details at 212 North Main Street in Mauldin. I wasn't planning on being here tonight, but I thought it was important to talk to you before the end of the year about City Center. This has been going on about a decade or so. I feel there should be a little more communication between the business owners and the City. There are 6 business owners and 5 property owners. Six years ago we got really close, and the plan we saw then is nothing like what we see now. Back in July I talked to you, but my father's been really sick for over a year, so I have been kind of out of the loop. My sister and I are taking care of my Dad, so that has been taking up a lot of my time after work.

Maybe in 2023, we can get the City to communicate better with the business owners about City Center. We have a lot of questions, and it has changed a good bit from what we saw during that luncheon. I ask the City Council to show us a plan that is better than what we have now. I have been in business 35 years, another owner has been in business 30 years, Dr. McPhail has been there for 40 years. These are established businesses and we didn't have any idea of this. I have never been negative about it, some of the businesses are more concerned, not that I am not concerned, but we just ask for a little more communication. This is not the first time I have asked for this. I know there is a new planner. Show us some plans. I don't know how townhomes are part of an attraction. Maybe they are, but that is not my forte. My forte is automobiles. My customers come from every County in the Upstate. Most are from Greenville County. I have plenty coming from Spartanburg, Anderson County, Oconee, and Seneca. We have established a best in the business reputation for auto detailing, and I know it is not really part of what your City Center wants, but we are asking for a little more communication and transparency in 2022.

5. Report from City Administrator

Mr. Duncan reported the police department has received a SRO grant in the amount of \$218,439. Holiday closings were reported. Friday and Monday are the City Christmas holidays. The goals session will be held January 6, 2023.

6. Report from Standing Committees

- a. Finance and Policy (Chairperson Reynolds)- Open enrollment for insurance went well.
- b. Public Safety (Chairperson King)- There was a drive-through parade for Officer Bennett with the police and fire departments as well as other county agencies participating.
- c. Public Works (Chairperson Kraeling)- Chairman Kraeling thanked the Public Works department for their efforts in picking up the leaves.
- d. Economic Planning & Development (Chairperson Matney)- None
- e. Building Codes (Chairperson Kuzniar)- None
- f. Recreation (Chairperson Allgood)- Chairman Allgood thanked Willie Stewart in his absence for his hard work and congratulated him on his award.

7. Unfinished Business

Ordinances – 2nd 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 approve this ordinance on final reading with Councilman Matney seconding.

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

- b. 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 previously allowed within the C2 district and (2) to add regulations for said non- conforming use in the C2 district

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

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

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

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

8. New Business

Ordinances – 1st Reading- None

Standing Committee Items

- a. Sports Center Membership-

Motion: Chairman Allgood made a motion to hold this item on the floor for more discussion. Councilman Reynolds seconded the motion.

As the City started looking at who was being offered free or reduced memberships to the Sports Center, it came to light that Council members need to have this benefit outlined in a compensation ordinance. Mr. Hughes agreed that elected officials' compensation must be voted on by ordinance. There are no other legal issues with the rest of the recommendations.

Councilman Matney asked if the benefit would be taxable. Mr. Hughes said that would be a question for a tax attorney.

Mayor Merritt said his thoughts are concerning active-duty military members and how hard it is to determine who is active duty and for how long. He also is not in favor of lifetime memberships to the Sports Center.

Chairman Allgood rescinded his motion with agreement by Councilman Reynolds.

Motion: Chairman Allgood made a motion to send this item back to the Recreation Committee. Councilman Reynolds seconded the motion.

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

b. Sunset Park Fencing

Motion: Chairman Allgood made a motion to accept the bid from Seegar’s Fencing for Option 2. Councilman Reynolds seconded the motion.

Councilman Matney asked if the motion needs to be amended to include a contingency amount.

Motion: Chairman Allgood amended his motion to include a not to exceed amount of \$35,000. Councilman Matney seconded the motion to amend.

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

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

c. Election Commission Appointments

Motion: Chairman Reynolds made a motion to re-appoint Dennis Cannon, Everette Benfield, and Charlene Ward to the Election Commission. Councilwoman King seconded the motion.

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

d. Purchasing Policy Amendment

This is an amendment to the purchasing policy to add the following language regarding grants:

Should the City become the beneficiary of grant/sponsorship funding from an outside organization – including but not limited to a Non-Profit Organization, For-Profit Entity, Non-Government Organization, Local Government, State Government, or Federal Government – all employees will comply with the procurement policies, operational guidelines, and/or any restrictions/requirements of the organization that provides the grant/sponsorship funding to the City.

Motion: Chairman Reynolds made a motion to amend the purchasing policy with Councilman Allgood seconding.

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

e. Maverick Station Maintenance Agreement

This item is a maintenance agreement which stipulates that the City will be primarily responsible for performing maintenance on both the parking lot and the landscaped areas. In it, the City agrees to at a minimum reseal and restripe the parking lot every 5 years and to repave every 20

years. The maintenance schedule for the landscaped areas has already been implemented by the Public Works Department.

Motion: Chairman Kraeling made a motion to approve the Maverick Station maintenance agreement with Councilman Allgood seconding.

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

f. East Butler Road Project Agreement

Motion: Chairman Kraeling made a motion to approve and authorize the Municipal State Highway Project Agreement for the Butler Road P030553 repaving project. Councilwoman King seconded the motion.

Councilman Matney said we are trying to do what is best for our residents. This will help ease traffic congestion, but this plan is far from perfect. He is reluctantly going to support this project.

Mayor Merritt said he serves on GPATS. It is a 31-member committee to allocate federal monies.

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

g. Permitting for Mauldin Trail

Motion: Chairman Matney made a motion to appropriate \$25,000 from the FY 22 General Fund surplus for the application/obtainment of an earth disturbance permit from Greenville County for the Mauldin Trail. Councilman Kraeling seconded the motion.

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

h. Modification to Development Agreement between City and Hughes Investments

The Modification to the Development Agreement is necessary in order to incorporate the construction of Phase 2 of the Mauldin Trail into the existing Development Agreement and cooperate with CenterPoint Land Inc.

Motion: Chairman Matney made a motion to authorize the Mayor to execute and the staff to facilitate a Modification to the Development Agreement with Hughes Investments indicating the City's commitment to pay for improvements related to the Mauldin Pedestrian Trail. Councilman Kraeling seconded the motion.

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

i. Police Department Change in Rank Structure

Motion: Chairwoman King made a motion to add a level for a Captain's position to the rank structure of the police department. Councilman Kraeling seconded the motion.

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

Committee of the Whole

j. Purchase and Sale Agreement for 13 Jenkins Court

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

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

Motion: Councilman Matney made a motion to approve a Purchase and Sale Agreement (PSA) for 13 Jenkins Court and authorize the Mayor to execute the PSA. Councilwoman King seconded the motion.

Councilman Reynolds advised the one-time expenditure of \$284,781.19 would be sourced from the Property Management Fund and FY22 General Fund Surplus.

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

9. **Public Comment-** None

10. **Council Concerns-** Councilman Matney thanked the Mayor and Janice Holcombe for bringing Wreaths Across America to Mauldin.

Mayor Merritt thanked all the participants that helped with Wreaths Across America. He hopes the churches will continue this practice and said he knows some graves may have been missed, but this is the first year participating.

Council wished everyone a Merry Christmas.

11. **Adjournment-** Mayor Merritt adjourned the meeting at 8:07 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk