

**MINUTES
CITY OF MAULDIN
COUNCIL MEETING
FEBRUARY 20, 2023
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 Administrator Seth Duncan and City Attorney John Duggan

1. Call to Order- Mayor Merritt

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

2. Proclamations and Presentations

- a. Proclamation for Tim Brett
- b. Proclamation for L.S. Green, Sr.

State Representative David Vaughan presented each of the families of Tim Brett and L.S. Green, Sr. with a State proclamation and a flag flown above the State House.

3. Reading and Approval of Minutes

- a. City Council Goals Session- January 6, 2023

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

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

- b. City Council Meeting – January 17, 2023

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

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

4. Public Comment- None

5. Report from City Administrator

a. Departmental annual reviews

The Police, Fire, BDS, Public Works and Recreation Departments gave their year-end summary reports.

6. Report from Standing Committees

a. Finance and Policy (Chairperson Reynolds)

Compensation Study report by Evergreen Solutions

Mark Holcombe of Evergreen Solutions presented a proposed comp and class plan with new ranges and several proposals on how this may be implemented.

b. Public Safety (Chairperson King)- Chairwoman King said it was nice to hear from all the department heads and a common theme she heard was making the City of Mauldin better. She thanked each department for working together towards that goal.

c. Public Works (Chairperson Kraeling)- None

d. Economic Planning & Development (Chairperson Matney)- None

e. Building Codes (Chairperson Kuzniar)- None

f. Recreation (Chairperson Allgood)- None

7. Unfinished Business- None

8. New Business

Ordinances – 1st Reading- None

Standing Committee Items

a. Sports Center Free and Reduced Membership Fee Policy [Pages 8-9]

Motion: Chairman Allgood made a motion to accept this policy with Councilman Matney seconding.

Councilwoman Kuzniar said she would like to see a definition of “family” where the policy states “and their families” under military members. Their families could be aunts, uncles, etc.

City Administrator Duncan said a potential resolution to the problem may be striking the word “families” and replacing it with “dependents.” That is a structured term for

military members. ID cards are also issued to dependents and could be shown for proof at the Sports Center front desk.

Motion: Councilman Kraeling made a motion to amend the original motion to strike the word families and add dependents. Councilwoman Kuzniar seconded the motion.

Chairman Allgood asked if “dependents” should be added to the policy in the section above instead of family members.

Councilman Kraeling made a motion to amend his amendment to change the word families in both sections to dependents. Councilwoman Kuzniar said she does not have a problem with that.

Councilman Matney said a dependent could be someone up to the age of 18. What about a college student who is still a dependent? A student can remain on a parent’s insurance until the age of 26. He would be more comfortable with family members residing at the same address. Councilman Matney would vote against simply labeling them dependents.

Councilwoman King said perhaps we could put immediate family members residing at the same address. There could be a disabled child who would be a dependent for life.

Councilwoman Kuzniar said a child going to college is probably still a dependent on a tax return.

Vote: The vote on the amendment to change the word families to dependents was 1-6 with Councilwoman Kuzniar voting for the amendment. The amendment failed.

Motion: Councilman Matney made an amendment to the motion to say immediate family members of full time and part time employees of the City of Mauldin residing at the same physical address as employee. Councilman Matney also moved to allow the employees to change the wording as necessary to enforce the intent of Council. Councilwoman Kuzniar seconded the amendment.

Vote: The vote on the amendment was 6-1 with Councilman Reynolds dissenting.

Motion: Councilman Reynolds made a motion to allow a part-time employee to have a free membership, but not their family. He would also like to require the military member to be a City resident to have a free membership. There was no second to the motion.

Vote: The vote on the original motion as amended was 6-1 with Councilman Reynolds dissenting.

b. School Resource Officer Agreement Amendment

Motion: Chairwoman King made a motion to approve this amendment to accept two SRO grant positions- one for Bethel Elementary and one for Mauldin Elementary. Councilman Reynolds seconded the motion.

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

c. Mauldin Fire Department Mutual Aid Agreement

Motion: Chairwoman King made a motion to accept the County fire mutual aid agreement. Councilman Reynolds seconded the motion.

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

d. Stewart-Cooper-Newell Contract Amendment 1

Motion: Chairwoman King made a motion to authorize the Mayor to execute a contract amendment with Stewart-Cooper-Newell to increase the Reimbursable Allowance Budget by \$3,500 to not exceed a total of \$11,000. Councilman Matney seconded the motion.

City Administrator Duncan said the City agreed to a Reimbursable Allowance Budget of \$7,500 in the original agreement with Stewart-Cooper-Newell. Due to higher than expected number of permit review submissions and associated printing costs, the Architect requests to increase the Reimbursable Expenses Allowance Budget to cover projected related expenses though the agreed construction timeline as outlined in the construction documents. Staff believes that the increase is reasonable based upon the expected travel demands to complete the construction timeline. All expected charges to this line item will be sent to Greenville County for payment as have all previous engineering expenses. Once all Greenville County bond proceeds have been expended, any additional charges will be assessed against the City of Mauldin's bond proceeds.

Councilman Reynolds asked how much the total contract was. Mr. Duncan answered \$360,000 plus \$7500 in reimbursable expenses.

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

e. Fire Station Tap Fees payment to CloverLeaf

Motion: Chairwoman King made a motion to authorize payment in the amount of \$46,326.13 from the General Fund Capital Fund Balance to The CloverLeaf Group, LLC for water and sewer fees related to the construction of the new fire station. Councilman Kraeling seconded the motion.

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

f. Municipal Judge Re-Appointments

Motion: Chairwoman King made a motion to re-appoint Jack Read as Chief Trial Judge; Will McKibbon and Christopher Jackson as Associate Trial Judges; Curtis Spearman and Mark Putman as Administrative Judges through the expiration of the newly created two-year appointment terms. Councilman Kraeling seconded the motion.

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

g. Additional Weekend Judge Appointment

Motion: Chairwoman King made a motion to appoint the Honorable Erika Stinson as part-time Administrative Judge for City of Mauldin. Councilman Kraeling seconded the motion.

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

h. Public Works Parking Lot Repaving RFP

Motion: Chairman Kraeling made a motion to accept the bid by Panagakos for paving the Public Works parking lot. Councilwoman King seconded the motion.

The City allocated \$250,000 in its Capital Improvement Plan for the 2022 – 2023 annual budget for the repaving of the parking lot. The lowest bid was \$269,823 by Panagakos. \$25,000 will be pulled from the sewer fund to cover the difference.

Motion: Councilman Reynolds made an amendment to the motion to add \$25,000 out of the sewer fund for the difference between the original budgeted amount and the amount bid. Councilwoman King seconded the motion.

Councilwoman Kuzniar questioned the amount of \$25,000, when the difference is only a little over \$19,000.

Motion: Councilman Allgood made a motion to change the amount transferred from the sewer fund to \$20,000. Councilwoman Kuzniar seconded the motion.

Vote: The vote on the amendment to the amendment was unanimous (7-0).

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

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

i. Sale of Old/Damaged Equipment

Motion: Chairman Kraeling made a motion to adopt a resolution for authorization to proceed on the sale of old/damaged public works equipment. Councilman Reynolds seconded the motion.

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

j. KCI Task Order 1 Amendment

Motion: Chairman Kraeling made a motion to approve an amendment to Task Order 01 with KCI to provide stormwater project design services. Councilman Allgood seconded the motion.

The City allocated 1,129,724 dollars in year one of the ARPA spending to fund necessary stormwater management projects that improve the City's stormwater infrastructure systems. The engineering services associated with this task order were proposed at 226,600. Amending the task order to eliminate one section reduces the cost 25,000 dollars to a total of \$201,600.

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

k. KCI Task Order 2 Amendment

Motion: Authorization is requested to approve an amendment to Task Order 02 with KCI to provide stormwater asset inventory, on-call GIS services, stormwater modeling, grant assistance, and a City-Wide Stormwater Master Plan. Councilman Allgood seconded the motion.

The City allocated 1,129,724 dollars in year one of the ARPA spending to fund necessary stormwater management projects that improve the City's stormwater infrastructure systems. The engineering services associated with this task order are proposed at \$411,600. Removing GIS services from the Task Order (\$10,500) and increasing the additional fee to complete the asset survey (\$165,000) brings the services associated with this task to \$566,100.

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

Committee of the Whole- None

9. Public Comment

Brian Patton: I live at 123 Kingsley Drive. I dropped off some pictures this afternoon. This is specifically for Mr. Kraeling and Mr. Fleahman. Kingsley Drive has a serious stormwater problem. The second week of November, we had a five-foot tree trunk stuck in the creek going into the stormwater box. I stopped because two weeks before, water had flooded into the street. I stopped and KCI was there, I asked if they were doing just generic GPS marking, he said yes, and I said, did you notice the log? He said yes, but all we are doing is just marking.

One of the homeowners called public works. For about fourteen years, we have had a joke. I said they are going to tell you it is Greenville County's problem. Greenville County is going to tell you it is Mauldin's problem. I don't know who came out, but he came out within two days. He took the tops off of the boxes, he then put the tops back on the boxes with the tree trunk still in there. It was left until Saturday. This past Saturday. He was advised to call the Corps of Engineers. If you could play this really quick. I could have printed the pictures, but you will see the video.

The videos and pictures were shown.

I would like to know, is, yes, this is a Greenville County problem, or is it a Greenville County/Mauldin problem and that it is on the radar. If someone could stop by, you know where I live. Maybe something could get done if it is on the radar, in a couple of years. Being asked to call the Corps of Engineers, I don't know. Thank you.

Dr. Walter McPhail: Thank you Council. I appreciate the opportunity to talk to you. Basically, I want to talk about City Center. You had a good business announcement in the Greenville News about things happening. Something caught my attention and I wanted to talk to you about it. That is Jenkins Street and Jenkins Court. That basically is like hand grenades exploding. I have been here for 45 years and it is a great place to live and to work. We live here, we work here. I have twelve staff who work for me on Jenkins Court. To show you how good they are, the first three have been with me two or three years, Chuck has been with me 44 years, Dr. Kennon has been with me 28 years, I have a groomer who has been with me 25 years, and I have a wife that has been with me 45 years. We like Mauldin and want to stay here.

We don't necessarily as landowners know what is going on. I have tried to approach the City three or four times and no one has ever come to my office until JR came the other day. That is the first time the City has approached me. I even sent a letter to the City Administrator from a lawyer. No response after two years, except one or two references that we can't talk to you, because you sent a letter. I was trying to get involved in the plan for parking because it is critical to my business. What we want to start off with is you take the first phase, and this is a drawing that shows 14 spaces. The second drawing, this is where the City, and when I say City, it has taken a long time to figure out the moving parts. You are in agreement with Greenville County.

The County, CoTransCo is who came by my office the other day and that is the first real contact I have had. He brought me a roll of paper of all of your plans. Next thing I knew, I had an appraiser send me a letter. He wanted to do an unsolicited appraisal of my property, which he did. I let him come in the following week. What I want to read, and I am sure none of you have read my appraisal which Joel Norwood did. You may have a dollar figure; I won't ask for a show of hands, because that would not be wise. I am going to read pages 70-71 and highlight what is written in blue. Basically, all this is background information. I want Council to know what is going on and what hasn't been going on. I want to stay in business like what we are doing now. We have been there 45 years and I am not ready to retire.

Description of Acquisition- the new right of way requires 537 square feet. It is located at the corner of Jenkins Street and Jenkins Court. The road right of way on Jenkins Street becomes a new 25 wide right of way and there is a new side item 25X25. That comes right in front of my front door and comes within 10 feet of the corner. Many of you have been to my office and you can imagine that it will be taken by the County. The road project includes drainage, curb, gutter and sidewalks. Afterwards, access will only be from a specified 40 feet wide driveway. Access from two streets will be reduced to one street. Access will be removed Jenkins Street which eliminates three parking spaces there and it is a heavily traveled spot. Three spaces from the kennel side of the building which were there from RV Chandler will be eliminated. The side angle eliminates one more space and the new driveway and new right of way on Jenkins Court cuts off the rest of the parking.

Based on the space, the subject will have 2-3 parallel parking spaces after the project potential. I have 36-40 clients a day coming to park, and some of them park twice. That is in the information that I sent. Then the highlight here is the highest and best use afterwards. After the project, the subject land is smaller than before. Access is changed, parking is lost, it had 13 spaces and best-case scenario is 2-3 spaces after. The loss of the parking causes a total loss to the business' functionalities. The business cannot survive and since it is a highly specialized building, it cannot be remodeled for another use. The building's improvements have no utility and no value after the project. The highest and best

use is taking it apart after the project. Therefore, the value added is land, less demolition costs.

I was shocked. I doubt any of you know the extent of what these plans call for or the consequences. I am here tonight to let you know that I am not sure the left hand knows what the right hand knows about this business. My building has been there for 60 years, built by RV Chandler. RV owned the property you are selling to the Parker Group, and owned what is now the street, but it was private land to start with. He built that building for his daughter. He later sold it to Mr. Cannon; they straightened out the property line to allow for more parking, but still, if you have a long truck, it goes over the parking. He created the parking in the 60s. I think the City of Mauldin bought it in 2007. We have been there for 65 years. That is the situation.

I am summarizing part of this. The main thing is you are taking away parking spots. I need offsite parking. We have 14 now, we use 4 at Thumbs Up Laundry and Jenkins Court. I still need a total of 18 parking spots for my clients. You put a curb like this, people cannot pull in our area. Back it up a little, first we learned about this when Jeff Hildebrand from CoTransCo came in and gave me a set of plans. It took me a while to understand the plans, but it calls for a 10-foot sidewalk with 40 foot curbing in between. I think I can work with Jeff, but I need you as Council to know where we are coming from. We have been able to negotiate down to five feet rather than 10 feet all the way up and down.

The other point I need to put in there is we have not had any visitation from the City on my property and I have tried. However, JR did come down the other day and his position is not to discuss the situation. I have been told only to discuss with Jeff Hildebrand, and I think we can do that. But his instructions were, his instructions, and this kind of gets me a little bit, and I have been working with the City for a long time, Jeff wants a reply within 60 days and that is from January. That is why I am talking to you because you all don't know what is going on. JR said we will negotiate. If we don't resolve it, we will go to mediation. If that doesn't resolve it, we will go to court, leading to condemnation. There is another word I can use, and I am sure you can think of it. I am not going to use it because I don't think it needs to go that far. I am here to resolve this.

I want you to consider option 1. There are two other options, but option 1 said I am protecting my interests and stay in the City of Mauldin. I am not ready to retire and sell and be forced out of business. I believe we can work out an amicable solution with McPhail Animal Hospital and Mauldin City Center by, maintaining the parking at Jenkins Court and a five-foot rollover sidewalk along our eastern property line. The other part is to provide seven needed staff parking places on Jenkins Court or the Four Seasons property 10 feet from the street, but they need to be deeded to me. You are taking away my deeded property, but I need these parking spaces deeded to me for my future. Parking may be used on this land during non-business hours by the public, and I understand minimum public parking will be provided in the townhouse area across the street.

Since the City project is stating 537 square feet on a heavily traveled road, and taking away our parking spots on Jenkins Court, it is only reasonable that replacement parking be provided to lessen the economic impact on McPhail Animal Hospital. The sign needs to be relocated and we propose to take 10 feet from the entrance of the building, obstructing ingress and egress. In the event this occurs, I would like a written guarantee from the City that there will be no hindrance in using this entrance, future sale of property, or ordinances reducing our occupancies or efficiencies. In the event Mauldin chooses not to provide deeded parking spaces, I will consider purchasing the Four Seasons property at a value to be determined by Joel Norwood, the appraiser. There are a couple of other options in there that you can read.

That is my game plan and that is what I would like you to be aware of, and I think that is the preferred way to resolve this situation. I am glad to have anyone come by my office and I would also be glad to answer any questions you may have since this is an opportunity to talk to the decision makers. I appreciate the opportunity to be here, Mr. Mayor.

Councilman Allgood: Mr. Duncan, can you tell us how many parking spaces will be going in when the townhouses are built?

Seth Duncan: Are you referring to down the street?

Councilman Allgood: It is my understanding there will be public parking around the townhouse area. When all is said and done, I am wondering how many could potentially be used by Dr. McPhail over the course of the project.

Mr. Duncan stated he did not have that information tonight, but the number is included in the plan. He will send that information to Council.

Dr. McPhail: That will be good to know. There will be some parallel parking on Jenkins Court. I attended a meeting when the developer talked about doing the townhouses, and my recollection is that there would be minimal public parking in the townhouse area. What was also surprising is that there will be two-car garages, but they would be parked in front of each other.

Councilman Allgood told Dr. McPhail he appreciates him coming to speak to Council tonight and he would like to talk further.

Dr. McPhail: This will go back to CoTransCo who will basically go to Mr. Duncan who will come to you. It will be up to you. I think the stickler will be the deeded parking. I don't think you will want to give that up. But is very important for my business and my clients to be able to access and get in.

Councilman Allgood asked Dr. McPhail if it was correct that he had talked to Jeff about the

sidewalk going from 10 feet to 5 feet.

Dr. McPhail: Jeff suggested that. He also suggested he could put in a rolled level sidewalk without a curb. That is what we were asking for a long time ago, which is no problem. Those were his suggestions. I appreciate the opportunity and I also want to tell you that you need a raise. Thank you for listening to everyone and being on Council.

10. Council Concerns- None

11. Adjournment- Mayor Merritt adjourned the meeting at 9:45 p.m.

Respectfully Submitted,

Cindy Miller
Municipal Clerk