

Minutes  
City Council Meeting  
April 20, 2020  
7:00 p.m.

Members present in Council Chambers were Mayor Terry Merritt, Councilwoman Diane Kuzniar, and Councilman Dale Black. Members who were present remotely through WebEx were Taft Matney, Carol King and Michael Reynolds. City Administrator Brandon Madden was present in the Courtroom and City Attorney Daniel Hughes was present remotely.

1. Call to order- Mayor Merritt

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

2. Proclamations and Presentations

3. Reading and approval of minutes

- a. City Council Meeting –March 16, 2020; Emergency Council Meeting- March 23, 2020  
Councilman Black made a motion to approve the March 16, 2020 minutes with Councilman Reynolds seconding. The vote was unanimous (6-0).

Councilman Black made a motion to approve the March 23, 2020 minutes with Councilman Reynolds seconding. Councilman Black said the minutes could reflect which members were present and which were remotely present. With that comment, the minutes were approved unanimously (6-0).

4. Public Comment- None

5. Report from City Administrator- None

6. Reports from Standing Committees

- a. Finance and Policy (Chairman Reynolds)- Chairman Reynolds advised the public about the budget meetings that were held on April 2<sup>nd</sup> and April 16<sup>th</sup> and the upcoming one on April 30<sup>th</sup>. There is no proposed tax increase. There is funding for Prisma Swamp Rabbit Trail as well as funding for street improvements.
- b. Public Safety (Chairwoman King)- Chairwoman King thanked the public safety staff for their work during this quarantine.
- c. Public Works (Mayor Merritt)- Interim Chairman Merritt thanked the public works staff for their work during this quarantine.
- d. Economic Planning and Development (Chairman Matney)- Chairman Matney thanked the community development staff for continuing their economic development efforts.



- e. Building Codes (Chairwoman Kuzniar)- No report
- f. Recreation (Chairman Black Chairman Black thanked the recreation staff for holding classes online during this quarantine.)-

7. Unfinished Business – None

8. New Business

a. City Park Walking Trail (Rec)-Only requires one reading

In 2007, the Greenville County Legislative Delegation granted the City of Mauldin \$21,342.19 in PARD grant funds pursuant to the City's grant application for renovating the City Park walking trail. The grant required a 20% match from the City. The City via Cunningham Recreation is currently installing a new playground and surface at City Park. The walking trail that follows along the location of the new playground is in disrepair. Staff obtained price quotes from paving contractor to repave this portion of the walking trail at City Park, and recommends using Panagakos Asphalt Paving, Inc. with a total cost of \$20,000. The total cost of the project is \$20,000 of which \$16,000 will be covered by the PARD grant funds. The remaining amount of \$4,000 will be covered by the City to satisfy the 20% grant match associated with the PARD grant.

Chairman Black made a motion to approve the expenditure of Park and Recreation Development (PARD) grant funds to repave a portion of the City Park walking trail around the new City Park playground in the amount of \$20,000. Councilman Matney seconded the motion. Councilwoman Kuzniar asked if the quote from Panagakos was still good. Chairman Black said it is still a good quote. Councilman Reynolds thanked the legislative delegation for helping us get the PARD Grant.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

b. Annexation at 1215 E. Butler Road (Building Codes)- Requires two readings.

This property will connect to Dollar General and is 7.5 acres. The applicant has requested that this tract be zoned S-1, Services, upon annexation into the City of Mauldin. The applicant is planning to construct a Caliber Collision auto body repair shop with an upgraded façade on a 2.6-acre portion of this tract directly adjacent to an existing Dollar General store. To staff's knowledge, there are no immediate development plans for the remaining 4.88-acre portion of this tract. Chairwoman Kuzniar made a motion to accept this on first reading. Councilman Black seconded the motion. Councilman Black said this property would be going from County C1 to City S1.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

c. Planning Commission Term Limits (Building Codes)- Requires two readings.

In 2002, the City of Mauldin adopted a provision regarding the Planning Commission that states that “no person shall be eligible for more than two consecutive terms” (see Section 2-222 of the Mauldin Code of Ordinances).

At their meeting on April 6, the Building Codes Committee discussed this provision. Other Mauldin boards and commissions do not have term limits nor are term limits prescribed by the South Carolina Code of Laws. Staff is not aware of other communities which place term limits on volunteers. Neither Greenville, Simpsonville, nor Greer place term limits on members of boards and commissions.

Chairwoman Kuzniar made a motion to repeal of the provision regarding term limits for members of the Planning Commission. Councilman Black seconded the motion. Councilman Black said a repeal of this provision would not automatically re-appoint Planning Commission members upon expiration of their term, but would allow them to be eligible to be re-appointed.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

d. Authorization to Move Remaining Funds in Sanitation from Capital to Purchase/Maintain Carts (PW)- Only requires one reading

The City of Mauldin budgeted \$300,000 for the purchase of a new side arm loading trash truck. The final purchase price was \$271,186.57, leaving a total of \$28,813.43 available in the Sanitation Department.

The new side arm loading trash truck is not compatible with some of the cans currently used by residents. Public Works Staff planned the prospective routes for the new truck and counted the number of cans which will potentially be damaged during tipping operations. It was determined that a total of 738 cans within the weekly route of the new truck are non-compatible.

Cans are purchased by residents and not provided for free from the City. Public Works would like to use the remaining funds from the Capital Purchase to invest in additional cans. If/when an older can is damaged by the new side arm loading trash truck, Public Works would like to replace the can at no cost to the resident. Door hangers have been



ordered which summarize cart placement for service and the potential cart replacement by Public Works.

Interim Chairman Merritt made a motion to transfer \$28,813.43 from Budget line 432-970 to Budget line 432-264. Councilwoman Kuzniar seconded the motion. Councilwoman Kuzniar asked how many carts could be purchased with these funds. Matt answered 650 carts.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

e. Pavement Management Services (PW)- Only requires one reading

The City of Mauldin budgeted \$35,000 for pavement asset management in its FY2020 budget in the Streets Division of the Public Works Department.

Greenville County issued a Request for Proposals (RFP) for pavement management services for FY2020 and selected IMS as its contractor. Via this agreement, the City will piggy-back off of the County's contract. Our roads as well as our sidewalks will be looked at through this contract. The City of Greer is also using IMS, piggy backing off of the County's contract. Interim Chairman Merritt made a motion to accept the agreement with IMS for \$34,916. Councilman Reynolds seconded the motion. Councilman Reynolds said he is very excited to have this inventory done and mentioned that our sidewalks would be inventoried as well.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

f. Authorization to Move Remaining Funds in Sewer from Capital to Utilities (PW)- Only requires one reading

The City of Mauldin budgeted \$64,000 for the purchase of a back-up generator for the Deer Ridge wastewater pump station. The final purchase price was \$33,240.00, leaving a total of \$30,760 available in the Sewer Department.

When the pump station and associated sewer collection system was deeded to the City in 2017, an oversight occurred and left the utilities in the Developer's name. In an effort to rectify this error, the City will be required to put both bills in their name and pay all charges since the day the system was deeded to the City. Public Works is currently negotiating the total value of charges and anticipates that it will be far less than amount being transferred into the requested budget line.

Interim Chairman Merritt made a motion to transfer \$30, 760 from Budget line 430-970 to Budget line 430-200. Councilwoman King seconded the motion. Councilman Reynolds



asked if the amount transferred would be no more than what is needed to pay for the utilities. Brandon answered that was correct.

Councilman Black asked if this was for 2017-2020. Matt said a generator was bought for Deer Ridge and we have had it for 22 years. The capital going into the utility line is from the Retreat which was deeded in 2017. The utility bills are from the Retreat. The funding source is the money left over from the purchase of the generator for Deer Ridge and will be applied towards the Retreat utility bills. The Retreat is a neighborhood at Bethel and Bridges Roads. Councilwoman Kuzniar asked how much the bills would be. Matt said there is a credit of \$19,000 that we have asked for and if they accept the credit, the bill should come down to a few thousand dollars.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

- g. Springfield Park Playground Agreement with Cunningham Recreation (PW)- Only requires one reading.

In the Council approved FY2020 budget, \$300,000 in the City's Capital Improvement Plan was appropriated for the purchase and installation of a new playground and surface at Springfield Park. Interim Chairman Merritt made a motion for approval of the agreement with Cunningham Recreation for the purchase and installation of playgrounds and surfaces for Springfield Park at \$268,896 and the purchase and installation of fencing for the playgrounds at a not to exceed cost of \$10,000. The total cost of all of the aforementioned items is \$278,896 which is \$21,104 less than the Council approved budget of \$300,000 for this project. Councilman Reynolds seconded the motion.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

- h. Sewer Rehabilitation Program (PW)- Only requires one reading

The City of Mauldin (City) and Frazier Engineering (Engineer) entered into an Agreement dated March 15, 2015 for Engineering-Construction Management Services related to the City's Sewer Rehabilitation Program. Amending the contract to allow for the Engineer to provide general engineering services related to the City's overall rehabilitation program and providing design and construction management services for the City's sewer rehabilitation construction projects.

The amendment will authorize the Engineer to implement the Project to prioritize the required manhole rehabilitation and perform the rehabilitation work. The cost associated with this item will not exceed the budgeted amount of \$250,000. Interim



Chairman Merritt made a motion to accept this amendment to the Frazier Engineering contract. Councilman Black seconded the motion. Councilman Black asked Matt Fleahman if we had gotten any information from Frazier's flow meters on I and I. Matt said he is supposed to sit down with Mr. Frazier to discuss this but has not yet done that. Councilman Black said there was a provision in the original agreement that we would get this information.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

- i. GLDTC participation agreement – funding authorization (EPD Committee) Only requires one reading

During its February 17, 2020 meeting, Council approved a participation agreement with the Greenville County Legislative Delegation Transportation Committee (GLDTC) to assist the City in the construction of the new Rothwell Drive at E. Butler Road intersection. The financial impact to the City per the participation agreement is \$668,435. Chairman Matney moved that we complete the agreement with the county transportation committee, based on the approval of the action recommended by the Economic Planning and Development Committee, to assist the city in the construction of the new Rothwell Drive at East Butler Road. Councilwoman Kuzniar seconded the motion.

Councilman Black said this was at Millport Drive near 385 on Butler Road.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

- j. Emergency Ordinance to allow for Remote Mauldin Boards and Commissions Meetings (Committee of the Whole)  
Emergency- only requires one reading

Councilman Black made a motion to consider this item informally with Councilwoman King seconding.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

On March 23, 2020, the City Council passed an emergency ordinance that, among other items, enabled Council members to remotely participate in various City Council meetings. The Planning Commission is facing the need to similarly conduct meetings with remote participation.



In the wake of the heightened response to the COVID-19 pandemic, the decision was made in March to cancel the Planning Commission meeting scheduled for that month. At that time there was not anything urgent on the Planning Commission agenda that could not wait.

At this present time, there are some time-sensitive matters that demand the Planning Commission's attention this month. This includes at least two development proposals as well as continued work on the discount store ordinance while the moratorium is still in effect. The next scheduled Planning Commission meeting is April 28.

Each of the two development proposals are under strict timeframes as they attempt to complete their due diligence period (which includes obtaining Planning Commission approval) before the scheduled closings for these properties. Furthermore, the Planning Commission or designated staff are required under S.C. Code of Laws §6-29-1150 to act on each of these development proposals within 60 days of receipt. Both projects were submitted to the City in March.

Councilman Matney said the executive order section N states "This section does not apply to essential or emergency meetings of state or local government bodies or gatherings of government officials or employees or other personnel that maybe required in connection with the performance of emergency or essential government functions.

However, to the extent possible, state or local government bodies should utilize any available technology or other reasonable procedures to conduct such meetings and accommodate public participation via virtual or other remote or alternate means." Councilman Matney said that is exactly what this will allow our staff to do. He supports this,

Councilman Reynolds made a motion to accept this ordinance to allow boards and commissions to meet remotely. Councilwoman King seconded the motion.

The vote by roll call was Councilman Matney- aye, Councilwoman King- aye; Councilman Reynolds- aye, Councilman Black- aye, Councilwoman Kuzniar- aye, and Mayor Merritt- aye. The vote was unanimous (6-0).

## 9. Public Comment-



Pat Pomeroy said the chamber is working in office and remotely. The Town Hall Meeting last week had 2500 people call in. That was a large number of participants.

All chamber events will be rescheduled, not cancelled. She said she is looking forward to getting back to normal. Mayor Merritt thanked Ms. Pomeroy for the e-blasts that she continues to send. Councilman Reynolds said 2500 people calling in for the Town Hall meeting is fantastic. There was a Council budget meeting that night as well, so that is why Council could not participate.

#### 10. Council requests

Councilman Reynolds said as we move to be more in touch with our citizens, we are going to be looking at live streaming the council meetings.

Councilman Black mentioned a sinkhole on Brookbend Road. It comes from a storm drain off of a City street. There is no right-of-way or deed to take care of the stormwater off of the street. He said there is a vacant lot owned by Mr. Ireland, and he is willing to deed over a portion of the property for the City to put in a pipe. Councilman Black said he would like this issue looked at. The sinkhole is dangerous.

#### 11. Adjournment- Mayor Merritt adjourned the meeting at 8:10 p.m.

Respectfully Submitted,

Cindy Miller  
Municipal Clerk