



# CITY COUNCIL MEETING

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MONDAY, JULY 20, 2020 | 7:00 PM

City Council will meet at 7:00 p.m. in Mauldin City Hall Council Chambers, 5 East Butler Road, Mauldin

Please note that members of the public may attend this meeting in-person but are encouraged to participate remotely through Webex. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing.

# AGENDA

## 1. Call to order

Mayor Terry Merritt

- a. Invocation
- b. Pledge of Allegiance
- c. Welcome

## 2. Proclamations and Presentations

## 3. Reading and approval of minutes

- a. City Council Meeting –June 15, 2020 (Pages 1-12)  
Special Called Council Meeting- June 18, 2020 (Pages 1-1 )  
Special Called Council Meeting- June 26, 2020 (Pages 1-19)  
Special Called Council Meeting- July 6, 2020 (Page 20-29)

Mayor Terry Merritt

## 4. Public Comment

## 5. Report from City Administrator

## 6. Reports from Standing Committees

- a. Finance and Policy (Chairman Reynolds)
- b. Public Safety (Chairwoman King)
- c. Public Works (Mayor Merritt)
- d. Economic Planning and Development (Chairman Matney)
- e. Building Codes (Chairwoman Kuzniar)
- f. Recreation (Chairman Black)

## 7. Unfinished Business

### Ordinances - Second Reading

- a. Consideration and action on an Ordinance to Extend a Moratorium to Temporarily Suspend the Acceptance and Issuance of Permits and Business Licenses For Small Box Discount Stores Pending the Consideration of Amendments to the City Zoning Ordinance (Pages 30- 2)

Mayor Terry Merritt,  
Committee of the  
Whole

## 8. New Business

### Ordinances – First Reading

- a. Consideration and Action on an Ordinance to Amend Article 10 of the City of Mauldin Zoning Ordinance by Establishing Special Standards and Definitions for Small Box Variety Stores and Like Businesses and to Establish the Zoning Districts for Which They Can Locate (Pages 33- 2 )
- b. Consideration and Possible Action on an Ordinance to Require Face Coverings Under Certain Conditions   age   3- 7

Diane Kuzniar,  
Chair of the Building  
Codes Committee

Taft Matney,  
Chair of the EPD  
Committee

### Standing Committee Items

- c. C- Fund Collaboration Request  
age   8-51

Taft Matney,  
Chair of the EPD  
Committee

9. Public Comment

Mayor Terry Merritt

10. Council requests

11. Adjournment

Minutes  
City Council Meeting  
June 15, 2020  
7:00 p.m.

Members present were Mayor Terry Merritt, Council members Taft Matney, Carol King, Dale Black, Michael Reynolds and Diane Kuzniar. City Attorney John Duggan was present remotely. City Administrator Brandon Madden was also present.

**1. Call to order**

Mayor Terry Merritt

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

**2. Proclamations and Presentations- None**

**3. Reading and approval of minutes**

- a. City Council Meeting –May 18, 2020                      Mayor Terry Merritt  
The minutes were approved by consent.

**4. Public Comment- None**

**5. Report from City Administrator**

Mr. Madden had no report, but asked Pat Pomeroy from the Mauldin Chamber to give a report on activities. Ms. Pomeroy reported on a ribbon cutting for a new law firm that will be upcoming. The Chamber Golf Tournament will be held on August 10, 2020 at Holly Tree Country Club. This is the largest fundraiser of the year for the Chamber.

Ms. Pomeroy also reported that she had been in contact with CU-ICAR about this year's Memberfest. CU-ICAR may be unable to host the event, but they are talking with the Chamber on this item.

**6. Reports from Standing Committees**

- g. Finance and Policy (Chairman Reynolds)
- h. Public Safety (Chairwoman King)
- i. Public Works (Mayor Merritt)
- j. Economic Planning and Development (Chairman Matney)
- k. Building Codes (Chairwoman Kuzniar)
- l. Recreation (Chairman Black)

**7. Unfinished Business**

## **Ordinances - Second Reading**

Councilman Reynolds made a motion to suspend the rules to move item 8c to the front of the agenda. Councilman Matney seconded the motion and the vote was unanimous (6-0).

### **8c. Consideration and action on Event Coordinator.**

This item needs to be voted on before the FY 2021 budget ordinance is considered. There was a special called meeting last Friday to discuss this item. Chairman Reynolds made a motion to appropriate \$39,313 from the H&A Tax fund balance to fund a full-time event coordinator position for the Community Development Department. Councilman Matney seconded the motion.

Councilwoman King said she was originally against a full-time position, and does not like to make changes to the budget once the workshops and discussion have been completed, but there was some additional information given to Council at the special called meeting on Friday that made it clear to her that a full-time position is needed. It is impossible for the current staff to be able to cover events at the cultural center during the evening.

Councilman Black said the taxpayers bought the facility and there should be someone present from staff any time someone is using the cultural center. He then asked if there was a job description for an Event Coordinator. Mr. Madden said the City does have a job description, but if this position is approved, the description will be presented to the Finance Committee for vetting.

Councilman Matney thanked Council for considering this item. The funding for the additional hours would come from hospitality and accommodations this year. He said it is appropriate to fund this position out of H&A because the Cultural Center is a destination that brings people to Mauldin and helps economic development. Councilman Black said the funding would come out of the general fund next budget year.

Mayor Merritt said funding a full-time position out of H&A has never been done before. A full-time position has 35% more overhead costs than part-time. Mayor Merritt said during the Council goals workshop, there was no mention about any department needing additional staff. During the budget workshops that were held, there was only mention of part-time hours for this position. The City has been blessed by our hospitality and accommodation funding. This year, the amount dipped a little. He wants to be fiscally conservative and see how things continue before deciding to fund a full-time Event Coordinator.

Councilwoman King said she regretted the Mayor was not present on Friday during the special called meeting in which this was discussed. City Administrator Madden brought forth several points on the need for a full-time position. The City is growing, and the Economic Development and Community Development

Departments are staffed with only 3 people. Having a full-time Event Coordinator would allow Mr. Van Broad to be able to focus on Economic Development, which is why he was hired. She has struggled with this decision but does see the need for a full-time position.

The vote was 4-2 to fund the full-time Event Coordinator position with Mayor Merritt and Councilman Black dissenting.

- b. Consideration and action on an Ordinance to Amend Section 18-95 Of The Noise Ordinance In The Mauldin Municipal Code Chapter 18, Environment, Article II, Nuisances, Division 3, Noise

This ordinance proposes to restrict construction noise from 9:00 p.m. to 7:00 a.m. The previous ordinance restricted construction noise from 10:00 p.m. to 7:00 a.m. Councilman Black reiterated that emergency situations such as repairs do not fall under this ordinance. Councilman Matney said there has been several discussions with people in industry and with the Home Builders Association and they agree with the 9:00 p.m. restriction. Chairwoman Kuzniar made a motion to pass this ordinance on final reading. Councilman Black seconded the motion and the vote was unanimous (6-0).

- b. Consideration and action on an Ordinance to Authorize A License Agreement Between the City Of Mauldin And New Cingular Wireless Pcs, LLC D/B/A AT&T Mobility For the Placement Of A Small Cell Wireless Facility At 137-P W. Butler Road, Mauldin, South Carolina

AT&T has expressed an urgent need to erect a small wireless facility at the corner of Cary Street and W. Butler Road. This location is adjacent to Chick-fil-a. AT&T is proposing to install a 32- to 34-foot metal stealth pole. The 5G antenna will be concealed in a canister located at the top of the pole. The associated cables and wires will similarly be concealed inside the pole. Chairwoman Kuzniar made a motion to pass this ordinance on final reading. Councilman Matney seconded the motion and the vote was unanimous (6-0).

- c. Consideration and action on an Ordinance To Provide Amended Appropriations For The Fiscal Year Beginning July 1, 2019 And Ending June 30, 2020 For Ordinary And Other City Purposes; To Provide For A Levy Of Taxes On All Taxable Property In The City Of Mauldin For All City Purposes, Including Sufficient Tax For Any Principal And Interest On Outstanding Indebtedness Maturing In The Fiscal Year; To Provide For The Expenditure Of Said Taxes And Other Revenues Coming To The City During The Fiscal Year

Chairman Reynolds made a motion to pass the amended budget ordinance on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- d. Consideration and action on an Ordinance To Provide For The Issuance And Sale Of Not Exceeding Three Million Dollars (\$3,000,000) City Of Mauldin, South Carolina, General Obligation Bonds, Series 2020; To Prescribe The Purposes For Which The

Proceeds Shall Be Expended; To Provide For The Payment Thereof; And Other Matters Relating Thereto.

Chairman Reynolds made a motion to pass the FY 2021 budget ordinance with the addition of the full- time Event Coordinator position. Councilman Matney seconded the motion. Councilwoman King mentioned that this budget also includes up to a 3% merit raise for employees as well as provisions for salary increases in the fire department to keep Mauldin competitive with surrounding cities. The vote on the budget ordinance was unanimous (6-0).

City Administrator Brandon Madden brought it to Council's attention that the FY 2021 budget ordinance was not listed on the agenda. John Duggan, City Attorney, was asked for his opinion. Mr. Duggan said because the ordinance was not specifically listed on the agenda, it could not be considered for action tonight under FOIA law. Councilman Matney made a motion to rescind the motion and call the vote null and void. Councilwoman King seconded the motion. The vote was unanimous (6-0). A special called Council meeting will be called before June 30<sup>th</sup> to take second reading on the FY 2021 budget.

Chairman Reynolds made a motion to approve the Ordinance regarding issuance and sale of GO bonds on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- e. Consideration and action on an Ordinance Providing For The Issuance And Sale Of Not Exceeding \$2,900,000 City Of Mauldin, South Carolina Accommodations Tax And Hospitality Tax Revenue Bonds, In One Or More Series; And Other Matters Relating Thereto

Chairman Reynolds made a motion to pass the ordinance on final reading providing for issuance and sale of accommodations and hospitality tax revenue bonds. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- f. Consideration and action on an Ordinance Authorizing The Execution And Delivery Of Documents Relating To The Provision Of Municipal Facilities; Consenting To And Approving The Issuance Of A Not Exceeding \$2,750,000 Mauldin Public Facilities ; Corporation Installment Purchase Revenue Bond, Series 2020, By The Mauldin Public Facilities Corporation (The "Corporation") To Provide Funding To Finance The Costs Of Acquiring, Constructing, Renovating, Equipping, And Installing Public Facilities; Consenting To And Approving The Execution Of A Base Lease And Conveyance Agreement By And Between The City Of Mauldin, South Carolina (The "City") And The Corporation; Consenting To And Approving The Execution Of A Municipal Facilities Purchase And Occupancy Agreement Relating Thereto By And Between The City And The Corporation; Consenting To The Form Of An Indenture To Be Entered Into By The Corporation And The Purchaser Of The Bond; And Making Provision For All Other Matters Relating To The Foregoing.

This is the IPRP bond. Chairman Reynolds made a motion to accept this revenue bond issuance ordinance on final reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- m. Consideration and action on an Ordinance Establishing A Sewer Pump Station Fee For The Indigo Point Development; Creating A Lien For Unpaid Sewer Pump Station Fees; And Other Matters Related Thereto.

Chairman Reynolds made a motion to pass this ordinance on final reading. Councilwoman Kuzniar seconded the motion and the vote was unanimous (6-0).

## **8. New Business**

### **Ordinances – First Reading**

- a. Consideration and action on an Ordinance to Extend A Moratorium to Temporarily Suspend The Acceptance And Issuance Of Permits And Business Licenses For Small Box Discount Stores Pending The Consideration Of Amendments To The City Zoning Ordinances

Councilman Matney made a motion to consider this item informally. Councilwoman King seconded the motion and the vote was unanimous (6-0). Councilman Matney made a motion to accept this ordinance on first reading with Councilwoman Kuzniar seconding. The vote was unanimous (6-0).

### **Standing Committee Items**

- b. Consideration and action on Selection of Auditor

Chairman Reynolds made a motion to select Greene Finney to continue as our auditor. He pointed out that not only did they have the lowest cost of the submittals, but they are an in-City business. Councilwoman King seconded the motion and the vote was unanimous (6-0).

- d. Consideration and action on a Resolution For the Purpose Of Establishing The Mauldin Public Facilities Corporation, Stating Its Purposes And Appointing The Members To The Board Of Directors Of The Corporation

This resolution will establish the Mauldin Public Facilities Corporation and appoint members to the Board of Directors for the Corporation. These board members act on behalf of the City and would only be required to meet periodically and would serve a three-year term. Chairman Reynolds asked that more time be given for consideration of this item. There were concerns that Council was given the list of proposed members of the board on short notice. Chairman Reynolds made a motion to hold this item and bring it back to a special called council meeting to be held later this month. Councilman Black seconded the motion and the vote was unanimous (6-0).

e. Boards and Commissions Appointments

The terms of the Planning Commission members serving in seats #1, 4, and 7 will expire at the end of June. The volunteers currently serving in those seats have each applied for re-appointment. This includes Michael Forman (seat #1), Jonathan Paulsen (seat #4), and Dean Oang (seat #7). Each of these volunteers has provided a breadth of planning and development knowledge to the Planning Commission and has been outstanding in their service to the City. Staff fully supports their re-appointment to their respective seats. In addition, Mr. Ted Allison (seat #5) has indicated that his schedule no longer allows him to continue to serve on the Planning Commission. Therefore, he has stepped down from his seat on the Planning Commission. The City has a need to fill the remainder of his appointment which expires at the end of June 2022. The City has received an application from Mr. Michael King to be appointed to the Planning Commission.

The terms of three Zoning Board members will expire at the end of June. In addition, there is presently an open seat on the Zoning Board. Therefore, the City needs to appoint four volunteers to serve on the Zoning Board. The City has received an application from Mr. Paul Calabrese and Mr. Michael Burns for re-appointment to the Zoning Board. Staff supports and recommends the re-appointment of Paul Calabrese and Michael Burns. The remaining open positions can continue to be advertised.

Chairwoman Kuzniar made a motion to re-appoint Michael Forman, Jonathan Paulsen, and Dean Oang to the Planning Commission as well as appoint Michael King to the Planning Commission and to re-appoint Paul Calabrese and Michael Burns to the Zoning Board. Councilman Matney seconded the motion and the vote was unanimous (6-0).

The other two positions on the zoning board will continue to be advertised and come back to council at a later date.

f. Consideration and action on Permit and License Software

Chairwoman Kuzniar made a motion to select Citizenserve to provide permit and license software for the City and that City Council authorize staff to contract with Citizenserve for the provision of permit and license software services. Councilman Matney seconded the motion and the vote was unanimous (6-0).

g. Consideration and action on Traffic Calming – Edgewood Drive

In October 2019, a resident of Edgewood Drive relayed a concern to the Public Safety Committee about excessive speeds and residential safety. At the request of the Public Safety Committee, a speed measurement study was completed on Edgewood Drive. The first traffic study started on October 11th and continued until the end of the month. Data collected showed the road met volume requirements to be eligible for traffic calming, and also met the minimum threshold of 32mph at the 85th percentile. The speed limit for Edgewood Drive is posted at 25mph. At the conclusion of the first traffic study, a digital sign board was positioned on Edgewood Drive to alert drivers of their speed and the speed limit. This display was left active for two weeks. This posting of the signboard on the street was part of Level 1 Traffic Calming methods. Following the education efforts, MPD officers were assigned to work directed traffic enforcement (RADAR/LIDAR) along the roadway. This assignment began on December 6, 2019 and continued until after the Christmas Holiday. During this time, no warnings or citations were issued. This extra enforcement was also completed as part of the Level 1 traffic calming methods. On Tuesday, December 31, 2019 the Digital Sign Board was repositioned on Edgewood Drive to capture data post education and enforcement efforts. This study concluded on January 9, 2020. The following data was provided from the 10-day collection period. Speed at the 85th percentile has decreased to 24.3mph and the average daily volume on the roadway was 172.8, with a total volume of 1555 vehicles. At this point speeding at the 85th percentile is not considered to be a major factor as it falls under the threshold of 32 mph. In addition, roadway traffic is not considered to be "cut through" in nature.

On March 23, 2020, a petition was returned for traffic calming measures and the process began on verifying signatures. On April 27, 2020, a final portion of the petition was provided, and the petition was verified. A total of eighteen property owners have signed the petition requesting traffic calming measures. Although a total of 30 homes comprise the study area, this petition meets the 60% as outlined in the traffic calming policy.

Chairwoman King said even though most of the violators are residents, this is a serious problem. There are children in the neighborhood who need to be protected from speeders. She believes the petition is a good representation that the residents want traffic calming measures on Edgewood Drive. The financial impact is less than \$1,000.00. Councilman Black asked if the speed humps would have signage warning that they are upcoming so cars can slow down to go over them. Chairwoman King said there would be appropriate signage. Councilwoman Kuzniar asked if you can go over a speed hump at 25 mph. Chief Turner said you could, but it was best to slow down. The purpose of the humps is to slow traffic down before it goes over the hump and continue the slower speed down the road. Councilman Black asked if these humps would allow emergency vehicles to travel over them. Interim Fire Chief McHone said there are humps in other neighborhoods and the fire trucks and other vehicles can get through.

Chairwoman King made a motion to install traffic calming measures. Councilman Matney seconded the motion and the vote was unanimous (6-0).

h. Consideration and action on Police Mutual Aid Agreement

In recent years, the Mauldin Police Department has aided various SC Law Enforcement Agencies. In late April 2020, a request was initiated by the City of Mount Pleasant to have our officers assist the department. In reviewing our existing mutual aid agreements, it was observed there is not a current mutual aid agreement on file between our agencies. SC Code requires the governing body to provide approval to all mutual aid documents. The documents provided by the City of Mount Pleasant have been reviewed by the City Attorney. Chairwoman King said we already have mutual aid agreements with 10 other agencies, including Horry County and Goose Creek. She considers this a compliment that a large department such as Mt. Pleasant would have need for our assistance.

Mayor Merritt said he was concerned that Mauldin would not receive a fair trade, but since this does not pose a financial burden to the City, he has no objections. Chairwoman King made a motion to approve the mutual aid agreement with Mount Pleasant. Councilman Matney seconded the motion and the vote was unanimous (6-0).

i. Consideration and action on the Walking Trail located at City Park

Through its Park and Recreation Development Fund (PARF), the SC Department of Parks, Recreation & Tourism manages the PARF grant program which is a state-funded noncompetitive reimbursable grant program for eligible local government or special purposes district entities within each county which provide recreational opportunities. The PARF grants are available to eligible local governmental entities within each county area for development of new public recreation facilities or enhancement/renovations to existing facilities. The grants require an 80-20 match. The City is eligible for \$22,288.51 for 2019 which must be spent and reimbursed by May 31, 2021. Staff recommends using the 2019 PARF grant funds to resurface other portions of the trail that are in disrepair with cracks and damaged asphalt. \$22,288.51 in PARF grants funds are available, which require a 20% match or \$4,457.70. The needed matching funds are available in the current Council approved budget. If approved by Council, the matching funds will be encumbered for use in FY2021 as the project completion deadline is May 31, 2021. Chairman Black made a motion to fund \$4457.70, which is 20% of the \$22,851 PARF grant to resurface other portions of the City Park walking trail that are in disrepair with cracks and damaged asphalt. Councilman Reynolds seconded the motion and the vote was unanimous (6-0).

j. An emergency ordinance to temporarily waive penalties for the late payment of fees for business license permits and local hospitality tax and local accommodations fee payments; and matters related thereto

Councilwoman King made a motion to consider this item informally with Councilman Reynolds seconding. The vote was unanimous (6-0). During its March 23, 2020 Special Called Emergency Council Meeting, Council approved an Emergency Ordinance which amongst other provisions, waived late fees associated with City hospitality tax

and local accommodations fee payment through May 23, 2020. Given the impact of COVID-19, the waiver of late fees associated with City hospitality tax and local accommodations fee payment through June 30, 2020 may assist businesses as they mitigate the fiscal impacts resulting from the COVID-19 pandemic. Councilwoman King added that the tax returns are still due at the regular time, but the payment must be made by June 30<sup>th</sup>. Councilman Reynolds made a motion to pass this emergency ordinance on its first and only reading. Councilwoman King seconded the motion and the vote was unanimous (6-0).

9. Public Comment

Mr. Tafta- Stormwater and flooding- Audio recording sometimes unintelligible

I have some photos. I will be brief. My wife Jordan and I... The house would flood once or twice a quarter with water in the basement. We have encapsulated the crawl space, replaced sheetrock. We welcomed our first child and have two perfectly healthy babies. It is frustrating to see the outcome of eight months of labor. Antifreeze, bacteria from pet waste, oil. I cannot sell this home to anyone in good conscience. I am coming to you for help. Mauldin Public Works has been helpful and courteous in helping to clean up the water out of the front yard. The photo of my back yard has a white drain. You will also find a document from Greenville County. My understanding is that the City has no provision for stormwater management. Since this is our first meeting, I want each of you to know, I am not angry with you. I know you are doing your best and that times are desperate. I would love to raise my children in a healthy home in Mauldin.

10. Council requests- Councilman Black said he had received a department commendation for the Fire Department on a call for help for a resident.

11. Adjournment- Mayor Merritt adjourned the meeting at 8:50 p.m.

Respectfully Submitted

Cindy Miller  
Municipal Clerk

Minutes  
Special Called Council Meeting  
Thursday, June 18, 2020  
6:00 p.m.

Members present were Mayor Terry Merritt, Council Members Taft Matney, Carol King, Michael Reynolds and Diane Kuzniar. Councilman Dale Back was out of town. City Administrator Brandon Madden was also present.

**1. Call to order**

Mayor Terry Merritt

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

**2. Unfinished Business**

**Ordinances - Second Reading**

- a. Consideration and action on an Ordinance to Provide Appropriations for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021 for Ordinary and Other City Purposes; to Provide for a Levy of Taxes on all Taxable Property in the City of Mauldin for all City Purposes, Including Sufficient Tax for any Principal and Interest on Outstanding Indebtedness Maturing in the Fiscal Year; to Provide for the Expenditure of Said Taxes And Other Revenues Coming to the City During the Fiscal Year.

Chairman Reynolds made a motion to accept the FY 2021 budget ordinance on second reading. Councilwoman King seconded the motion. Chairman Reynolds said there were several budget workshops, and this provides for the future for investment in infrastructure and investments in our employees. He thanked Mr. Madden and Mrs. Abercrombie for their hard work on the budget. Mayor Merritt said this is the eighth or ninth year in which there has been no tax increase. The vote was unanimous (5-0).

**Standing Committee Items**

- b. Consideration and action on a Resolution for the Purpose of Establishing the Mauldin Public Facilities Corporation, Stating its Purposes and Appointing the Members to the Board of Directors of the Corporation

This is a resolution to establish a Public Facilities Corporation and appoint a Board of Directors of this corporation. This board is formed because of the IPRB revenue bond and the board will make bond payments on the City's behalf. This is not a board with influence or administrative responsibilities, it is strictly a part of this bond

for the pedestrian bridge. City Administrator Madden passed out some ballots for voting. There are several names to be considered. The names of the candidates are John Center, Allen Chavis, Jessie Winchester, Cristina Ortiz, Rodney Neely, Diana Gracely.

Each Council Member will choose three members for the board. Diana Gracely was appointed outright and there was a three-way tie with Allen Chavis, Rodney Neely, and Cristina Ortiz. Another vote was cast for two out of those three.

Rodney Neely and Cristina Ortiz were appointed to the board as well as Diana Gracely.

Chairman Reynolds made a motion to accept the resolution as presented. Councilman Matney seconded the motion and the vote was 4-1 with Mayor Merritt dissenting.

### **3. Public Comment**

Derrick Quarles: Good evening. My name is Derrick Quarles. I reside at 182 Bonnie Woods Drive in Greenville. When Mr. Matney prayed tonight, he said that all of us were made in God's image. I hope and pray that is what people believe because we are all made in God's image. One of the members of Council has made some very derogatory comments on his Facebook page that have now gone viral. I am here tonight to speak on that and expressly on the posts he made recently. I would like to share these posts with you in case you have not seen them. I would like to read what I have.

One of the posts said I wondered why this issue of racial inequality was not fixed when we had a black President in office for eight years. He then says, if this symbol represents racism, which is the Confederate flag, then so do these, which is NAACP, which does not, BET, which it is not, Black History Month, which is not, UNCF, Hispanic Heritage Month, and so on and so forth, and the Democratic Party. He then posts how does a statue that has stood in the same place for 100 years suddenly become offensive and men who walk around in public with their ass showing is not offensive? Are people really this ignorant? There is a picture of a statue and a picture of a black man with his pants down.

There are several others and I will not read them, but they were very hurtful to myself and the entire black community I believe, especially with all the racial tension that is happening right now in our nation. I think that all of us have a duty, especially public officials have a duty, to be honorable and respectful to our constituents, regardless of our personal beliefs. What is most concerning to me is that Councilman Black serves on the Public Safety Committee. I believe that committee considers issues relative to law enforcement and crime prevention. It scares me especially knowing he is on that committee to know what advice he gives to law

enforcement especially as it relates to black people. I have absolutely no confidence in Mr. Black's ability to be impartial to his constituents or to any members of the Mauldin community. I realize as public officials there is not much you can do in terms of asking him to resign, but I hope you would encourage him to resign from his office as we will be pushing for at this time. Mauldin has a population of nearly a quarter of blacks here, and I believe I speak for all of them in saying that Mr. Black is incompetent to lead.

Bruce Wilson: Good evening, Council. My name is Bruce Wilson and I am the founder of Fighting Injustice Together based out of Greenville, South Carolina. Thank you for the opportunity to speak tonight. Just as Mr. Quarles had brought up earlier, I am here to discuss Mr. Black, who is a Council Member. Of course, I understand that as an elected position, this body really has no control over who is elected. What this body does have, and I believe the Mayor would have, is the ability to place individuals on certain committees. I understand Mr. Black is on Public Safety, and if I am correct, I think that would have something to do with law enforcement. And we know today what is going on in this country, in this nation, and across the world, and even here in Greenville or Mauldin.

It is sad when we can see a man get murdered on television with a knee on his neck for almost nine minutes. And then to have a Councilman, an elected official who should be speaking for us, standing up for us, not just certain groups of the population, but for the whole population, to have those comments, to put the NAACP, who has done tremendous work for over one hundred years for this nation, in the same category as someone with the KKK. I think we can all say that is not right, and I would hope that racism does not have a place in politics. Those need to be separated.

I could care less what your politics are, but I do care if you are a racist because I am a black man and I have black children in this country. Tomorrow we celebrate Freedom Day, Juneteenth, but yet I am standing here in 2020 in front of this body asking you to censor one of your own because of racial comments. Because of bigotry and racism that was posted. I am hoping this is a wake-up call to this body. I have never had to come before this body, but I assure you that Mauldin will be in the forefront of any activities I pursue. I hope you understand this is serious. Anytime we see racism rear its nasty head, we plan to get rid of it, to cut it off. It is a cancer and we cannot continue in today's age to allow it to grow. I thank you for the opportunity to speak and I hope this body takes this matter seriously, because we are taking it seriously. Thank you, Council.

Patrick Tate: Thank you. My name is Patrick Tate. I am a Pastor, and I live in Greenville, South Carolina. Mr. Madden. My reason for coming today, first and foremost, as the gentlemen just spoke about earlier, is having a heart of love. I graduated from Mauldin High School in 1982, and I still carry Mauldin in my heart. I was here when Chief Sherbert was here. I coached his son. I taught at the high school and I served my country in the Navy for 13 years. I served under a flag that

had no color. I was in a war and when we went on the ship, all we knew was one body, one mind and one heart.

It was very offensive for anyone, no matter what color you are either, for the climate that is going on at this particular time. What I was taught is, how I trained in the military was to be a leader and to serve as a leader. This Council Member has been elected to serve as a leader and he has failed at that. To toe the line, as we would call it, to stand up before your constituents, to which he is not today, to say I am sorry, I apologize, and I was wrong. I missed the mark, something.

You have a community who is looking upon you, because I have followed this community since 1986 when I graduated. A beautiful community. I still give to my high school. I am still a Maverick. I coached two of these young men in here and they held me accountable. Today I am still held accountable to them because of who I am. I have five children, the youngest being 22, and what they know from their father is, do the right thing at the right time. Do not just do the right thing, do it when it is right. He has not done it.

The reason you see the people here today, and I applaud them, is they are freedom fighters. What they are saying is enough is not just enough, it is time out for the comments. If you have that in your heart, you should not be serving people who you say come together commonly for one cause under your roof to say the Mayor doesn't stand for it, the Council doesn't stand for it, and your City Manager doesn't stand for it because he looks like me. At the end of the day, every time something like this comes up, it does not matter if it is Tyler, Texas, this is what the response will be. And it will be out of respect. I bring love as a Pastor to say I cannot hate, that is not my calling, however, I can tell you he needs to stand forth and toe the line and account for his words, what he says, and what he believes. Thank you Mayor and Council.

Mr. Chandler: Good evening Council. I grew up on Old Mill Road in Mauldin. I want to tell you a little story. This is the best way to put it to you why I am here tonight. When I was ten years old, I do not know if you remember, but Toys R Us put out a kind of pogo ball. You put your feet on both sides of it and bounced up and down. My dad would not let us go to the road, but I happened to bounce down really close to the road and my sister followed me. A big white pickup truck pulled up with a Confederate flag on it. A white gentleman yelled at me and said that was not made for you n words.

I went and played at Mauldin High School. I remember when the Chambers kids went and spray painted the n words all over the walls and Kevin Garnett and the guys older than me got in a fight with them and you know the history behind that. So, to see how this representative from where I grew up, post or re-post anything on that matter, is very hurting to me. And then the fact that he works out in the gym where I work out at and my mom and dad, is very, very disturbing to me.

My worry is that birds of a feather flock together. That is my worry. I have a daughter and I have to drive through this town. Everyone knows this town is famous for if you speed through this town you are going to get a ticket. So, what I am asking of you is, it takes a lot of gumption to tell on a friend and put them in jail. It takes a lot of cohunes as someone would say to use another word. Tell him he needs to resign. For every day that I am living, till I pass away, I am going to work to get him off of this board. Even if I have to run for Councilman here. Because I will be damned if I have to worry about my daughter. Do I want her to have that experience that lasted me the rest of my life? I am forty years old now and that is what I remember.

I remember jogging on the track at Mauldin High School and the Chambers kid again rode around and yelled the n word again and drove off. And now we are here again with this same mess. I did not choose to be black. I was born that way. But I choose to love everybody and have respect for everybody. If you feel that way, that is fine. I am not in the business of changing your heart. But you should not be an elected official having to serve a diverse community as Mauldin is growing to be. We have more black hair salons, black businesses and black restaurants, Asian businesses, Indian businesses, all this stuff coming to Mauldin and then we have this foolishness going on by an ignorant person.

I challenge him and you all to have the gumption to do something with him. I challenge him to sit down and have a conversation about the Confederate flag, how the Confederacy lost the war and the flag was put away. The flag did not come back out until the Civil Rights movement started because they wanted to let it be known that we are the knee on your neck, that you do not have equal rights. Tell them to come talk to me. I will leave my number. I left my number on his answering machine. I challenge you. I am going to hold you all accountable. If you all do not do it, I am going to run against each and every last one of you to get you out from up there. Thank you for your time.

**4. Council Requests-** None

**5. Adjournment-** Mayor Merritt adjourned the meeting at 6:31p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

Minutes  
Special Called Council Meeting  
Friday, June 26, 2020  
5:00 p.m.

Members present were Mayor Terry Merritt, Councilmembers Taft Matney, Dale Black, Michael Reynolds, and Diane Kuzniar. Councilmember Carol King attended remotely. City Attorney Daniel Hughes and City Administrator Brandon Madden were also present.

1. Call to order-Mayor Terry Merritt
2. New Business

Executive Session

- a. Motion to enter into Executive Session as allowed by State Statute Section 30-4-70 (a)(1) and (a)(2)

Councilman Matney made a motion to go into executive session with Councilman Reynolds seconding. The vote was unanimous (5-0).

Mayor Merritt reconvened the meeting. Councilman Matney reported no decisions were made and no action was taken.

3. Council Requests-

Councilman Matney: I have a rather long statement and a request. It has been a rough couple of weeks. I do not think that any of us in this room can say it has not. There has been hurt and frustration. I have tried to look at this through a number of lenses. One lens has been my faith. If anyone was here during the budget meeting last week, and I had the invocation, one of the things I said in the invocation, I was taught at a young age that all of us are made in God's image, all of us. I have looked at it as a father who has heard his 16-year-old son ask Dad, why can't the world be more like our football locker room where no one sees these issues? I have looked at it as an elected official of this City who is here to serve all 25,000 people who reside here in the City of Mauldin. Not just the people served, but our employees who have been hurt by what has been said, done and posted. I look at it as Chair of Economic Planning and Development because I don't want the City to have a reputation that we are not welcoming or diverse and I don't want to see us turning away businesses that want to locate here.

I have tried to look at this through all of those lenses and it is very difficult. I do not support what Mr. Black has posted. We have had very serious and hard discussions upstairs. I believe racism is wrong. We cannot turn a blind eye and say that is being against racism. We have to be actively against it. That is what I need to say right now.

Not only do I not support what was posted, I have to condemn it. Otherwise, by my silence, I am supporting it. I do not have confidence in Mr. Black's ability to serve in a leadership role for the City. My request would be that he resign as a member of Council and as Mayor Pro Tempore.

I also have another request, and this goes to the general public. Mr. Black's family has taken a lot of unfair criticism, threats, the people that are elected to serve are up here. Our families are off-limits. Leave Mr. Black's family alone. Thank you, Mayor.

4. Adjournment- Mayor Merritt adjourned the meeting at 7:00 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

Minutes  
Special Called Council Meeting  
Monday, July 6, 2020  
5:00 p.m.

Members present were Mayor Terry Merritt, Council Members Taft Matney, Carol King, Michael Reynolds, Dale Black, and Diane Kuzniar. City Attorney John Duggan and City Administrator Brandon Madden were also present.

1. Call to order- Mayor Terry Merritt

Prayer- Dr. Neely

2. New Business

Executive Session

a. Motion to enter into Executive Session as allowed by State Statute Section 30-4-70 (a)(1) and (a)(2)

Councilman Matney made a motion to go into executive session.  
Councilwoman King seconded the motion. The vote was unanimous (6-0).

Mayor Merritt reconvened the council meeting after the executive session.  
Councilman Matney reported no action or votes were taken in executive session.

Mayor Merritt read Councilman Black's resignation letter from his position as Mayor Pro Tempore.

b. Possible action on items discussed in executive session

Councilwoman King made a motion to add an item to Committee of the Whole to consider a resolution to admonish and censure Councilman Dale Black. Councilman Reynolds seconded the motion to consider this item as Committee of the Whole.

Councilman Black recused himself from this discussion since it was regarding him and left Council chambers.

The vote to consider this item as Committee of the Whole was unanimous (5-0).

Councilwoman King made a motion to adopt the resolution to admonish and censure Councilman Dale Black. Councilman Reynolds seconded the motion.

Councilman Reynolds requested Mayor Merritt read the resolution being considered.

The vote to adopt the resolution was unanimous (5-0).

Councilman Black returned to the meeting following his recusal on the above item.

Councilman Matney made a motion to consider an item informally through Committee of the Whole. Councilwoman King seconded the motion. The vote was unanimous (6-0).

Councilman Matney made a motion to adopt a resolution to develop guidelines for education and training opportunities for diversity training and the use of social media for all elected officials, city employees and persons serving on city boards, commissions, and other capacities for the city and also providing for public forums for citizens and local business to engage in discussions of diversity issues and provide recommendations for city officials. Councilwoman King seconded the motion and the vote was unanimous (6-0).

c. Public Comment- Comments will be limited to three minutes per person.

- a. Gene Gore: 230 Tar Boulevard. I am a taxpayer and a homeowner in the City of Mauldin. I have about three things I would like to speak on tonight. I do not know what you mean about admonishing someone. Can you tell me what that means? Does anyone understand what it means? OK.

I am here tonight to support Dale Black's right to express himself under the 1<sup>st</sup> Amendment of the Constitution. What he said was wrong, he has admitted it and apologized for it, but obviously that was not enough. I also acknowledge the protesters have the same right and the right to ask him for his resignation. The problem is not going to go away. The people want Dale Black to resign. I think the only way to do that... I looked at Google and got two separate answers. Number 1 is Council members can call a special meeting and vote whether Dale Black is to resign or not. If the vote is that he resign, a special election would be held. On the other hand, if you

vote and there is not a majority, then Mr. Black would continue and serve out the remainder of his term.

I was told by the Administrator that the only person who can remove him is the Governor. If that is true, let us get off our duffs and contact the Governor. Nothing has ever come of name calling. That is not the way this is done. You need to act instead of hiding and thinking it will go away. You are hiding from the protesters. You need to act.

- b. Randy Eskridge: I will be very brief. Thank you, Council, for allowing time to speak. The Constitution allows for free speech.

Mayor: Please state your address.

Randy Eskridge: My address is 211 Springdale Drive here in Mauldin. I believe the Constitution allows for free speech. What that means to me is if you agree with what I say or not, that is ok and whether I agree with what you say or not, that is ok. I do not think it is right to bully an elected official into resigning his position just because he stated his opinion. Whether you agree with me or not, that is ok. Dale and I have known each other for a long time, and we have not always agreed with each other, but one thing I can tell you is he is not a racist. I would like that to be known. Thank you for your time.

- c. Teresa Mattison: I am a resident of Mauldin at 5 Winery Court and I am a business owner at 400 South Main Street. I have lived here for 21 years. Originally I was not going to get up and speak, but as this gentleman before said, there is a right to free speech, and I agree with that, but free speech does not mean he has the right to put someone down or be disrespectful. With that being said, I am going to read what I wrote to Dale Black.

Being a Mauldin resident for 21 years, and a business owner for 16 years, I am ashamed and embarrassed, but as a black human being, I was offended. We teach our children to show respect, be kind, and if you do not have anything nice to say, keep your mouth closed. Whether we have freedom of speech or not, that is what we teach our children. Our expectations of those we elect to lead are higher and they need to raise the bar and lead by example.

Dale Black is an elected official who has a responsibility to represent all of the residents of Mauldin. Your being elected is a privilege. When you choose to insert your personal prejudices and opinions, you are doing your community a disservice and you need to step aside. I respect that you have. If you were laughed in the face by an employee of a business, you would not expect the employer to keep that person on staff. An apology is not a free pass and does not mean that what you said should be forgotten. Words have a lasting effect, and an apology is not just supposed to be accepted.

I remember my great-grandfather used to say your thoughts become your words, your words become your actions, your actions become your character, and your character becomes your destiny. I am ashamed we are even having to do this. As the gentleman stated about the protesters- we did not start this. What you elected to do is what he called your freedom of speech.

- d. Curtis Johnson: Thank you for your consideration. We appreciate the opportunity to meet with you and Councilman Black. I am sure that having served on Council, that you have your own personal relationships with Councilman Black. I am sure it is probably difficult for Ms. King, Ms. Kuzniar, and Mr. Reynolds to make public statements about this and I respect the difficult choices you have made. I only met Councilman Black two weeks ago and he came across as a genuinely friendly and personable gentleman. While he made statements that we disagreed with, we have expressed publicly and privately that we are going to treat Councilman Black and his family with dignity and respect. As we have stated privately and publicly, our posture against Councilman Black is not personal, nor is it a desire to harm his name or his posture in the community. However, as an elected official, and Mayor Pro Tempore of the City of Mauldin, the many publicly shared posts that exploit our racial differences and demean our cultural heritage are incendiary and deeply offensive to a growing number of the Mauldin constituency who make up all ethnicities. We all acknowledge the fact that everyone is entitled to their opinion, and appreciate the freedom of speech, but even that freedom comes with consequences.

As an elected official, his words carry weight and the words and images can be considered as reflective as those of the City of Mauldin, the Council, and in height of such racial tensions through the country and the world, we all must reject words and images that project hate and divisiveness. We are not seeking to damage

him personally, but we are seeking as Mayor and Council you hold him accountable publicly as a means of making a public statement that we are a better Mauldin. The mindset that produced the racially divisive posts, you are making a public statement that we are a community that celebrates diversity and not one that denigrates the population of its people. You made a public statement that Mauldin is sensitive to its people and strives to overcome the offenses that have crippled other cities. This is the Mauldin we all want.

I only have one request, to get more information regarding our other requests made for a citizen commission as well as an advisory board for a relationship with the police department. We understand this is a decision Council has to make. We continue to ask for his resignation, and we thank you for your consideration to our requests. Thank you for your time.

- e. Eric Steele: 814 Worchester Drive. I am a former resident of the City of Mauldin. I think that Facebook is exasperating to have. People act and react to things in the heat of the moment. I am not here to defend Dale Black's actions, but his character. I am not aware of any previous racial bias on Dale's part. I believe Dale is a good man who made a mistake. We have a method to replace public officials. If Council decides this is warranted, I believe there can be sanctions. This continual tit for tat, he said, she said is not the answer. Thank you for your time.
- f. Jim Neighbors: 1 Cade Court. Thank you for those on Council who responded. What was posted on Facebook was deeply offensive to me and everyone I know in Mauldin. I teach at Wofford College and have taught a lot of students. If I were to have said or posted anything remotely offensive or like you did, I would resign immediately. I have a responsibility to those people and for the damage caused. I would have conveyed to people the idea that I think of them as lesser human beings and that there is some kind of racial hierarchy. That is profoundly damaging, and people should not have to listen to this and get it from an elected official. That is a disgrace. I appreciate the fact that you resigned as Mayor Pro Tempore, but you need to resign from Council. With that, the healing can begin. That cannot begin without the acknowledging and taking responsibility for what was said.

- g. Rachael Putman: I reside at 104 Brookbend Court here in Mauldin. I have been a resident of Mauldin for 20 years. I have enjoyed the intimacy of Mauldin and especially as a suburb of Greenville County. I have been an active member of Mauldin Recreation. My family has enjoyed football, basketball, and baseball. My husband has been a coach, I have been a Team Mom, and our sons are All-Star players. I served on Mauldin High School Booster Club for almost 20 years.

For twenty years, I have been a neighbor of City Councilman Dale Black. Almost every day, Dale would wave to us and say hello as we went in and out of the neighborhood. His comments have been very offensive and hurtful to me. I have a responsibility to my community to expect a better community for my sons. I want them to return to a Mauldin that is safe and welcoming. I served my community and my employer and work with diversity, and I certainly appreciate Mauldin City Council for accepting and understanding the importance of this. I do expect as a paying citizen and taxpayer that the community expects City Council to align our actions with our thoughts. I promised my family that I would give back to my community and be a responsible citizen, and I want to express my concerns. For my family, it concerns me that we are not at the point that we recognize the comments are too soon. I don't discredit that Mr. Black does not have bad intentions and is not a bad person, but I did expect more in our community. I will forever watch his property, and be a good person, and I will always treat you with the dignity that you expect, and I expect in return.

Freedom of speech is a right that all Americans should have the expectation for, but as an elected official, we expect a level of respect. I appreciate your service, but I expect better and more of our City Council. I appreciate your time and your support, and I trust that as elected officials you will act appropriately. Thank you.

- h. Bruce Wilson: Once again, Council, I appreciate your letting me speak. I am Bruce Wilson with Black Lives Matter. I am not a Mauldin resident, but I am a resident of Greenville County. I have heard a lot about freedom of speech. I want to take you from just this weekend of this freedom of speech I received from a gentleman in Spartanburg. I cannot really use the language and terminology, but you will get the idea. He expressed his willingness to see me hung by a noose. He informed another individual that

my house would be blown up. He said I was a walking dead man. He wanted to see me dead. He said he planned to kill me and kill the individual that lives up the street from him. This is what we are talking about when we say freedom of speech. It has consequences and meaning. You cannot believe that it is ok to engage in racist terminology and not understand that there are consequences. There are people who can die behind so-called freedom of speech if it is not used wisely.

Today I have been engaged with the FBI and US Attorney because of this freedom of speech. When we have an elected official for the community there should be a higher standard. You have to be able to overcome any prejudices you may have inherently. You have to be able to understand right now what black America is dealing with. What this nation is dealing with. It is hurtful. I have been marching and protesting here in Mauldin and the reason I have been doing it, Mr. Black, is so my children would not have to do it. It was not an embarrassment, because we were doing it peacefully. We were asking, demanding, that you step down. If you truly love this community like I read in one of your statements, I am here to tell you the community is hurt.

I know there are some that will pat you on the back and tell you to keep pushing forward, that you have freedom of speech, but I think they are forgetting that you are an elected official. There is a higher standard. I hope that we can end today with the Council understanding that this is serious, and that freedom of speech can hurt. It is true that some individuals lost their life for that freedom of speech, but we cannot use it to hurt the community. Just like I cannot go to a movie theater and scream out "fire", Mr. Black cannot use social media to bring out racism. Thank you.

- i. Clarence Thornton: I live in Greenville, South Carolina. I have a hard time today because you are choosing who to serve. A man cannot serve two masters. Love one and hate the other. You cannot say I choose to come to America and choose the Confederacy at the same time. The bible said I will spew you out of my mouth. The Confederacy is a symbol of hate. Show me anytime where the Confederacy ever did anything out of love. You do not have to go too far, when people are trying to go to their church, and someone took out a gun and murdered them. The Bible says repent, but has South Carolina truly repented? South Carolina is one of the few states in the nation, three, that will not

promote a hate crime bill. I have seen Bruce Wilson work hard to get South Carolina to do it. The Bible tells me no one can say I love my brother but have hate in my heart. We are supposed to be the light of the world. The Bible tells me so many things. Hate cannot cancel out hate, only the Lord can do that. I cannot make you love me, only God can do that. We can pass laws that stop you from hating. That is the hate crime bill. The community has zero confidence in your abilities. The Confederacy never ever stopped hating. Never stopped hating. You talk about George Floyd, but the Confederacy is what I hate.

- j. Michael Reynolds: I did not give a formal statement, but I held many conversations over the past few weeks regarding this issue. I disagree with the posts from Mr. Black. I have had members of the community reach out to me both for Mr. Black and in opposition. Mr. Black is a good man, a good father, church member, and has been a good representative for and of the City of Mauldin. He is kind to strangers and friends. Unfortunately, sharing these posts brought Mr. Black's ability to represent Mauldin into question. Race relations can be an uncomfortable topic to discuss. It is out of this pain that growth can occur. I told my 12-year-old son there were ways to grow. We still have so much we can learn, and I am proud of all of you. I am proud of the Mauldin residents who are here. This community is diverse and thriving. I believe this can highlight problems, but things can change from on- way conversations, to conversations in the driveway, on the golf course, and conversations with our neighborhood. These driveway conversations that I have had with you have helped shape my view. I have thought about public service as a Christian and council member. I am reminded of the oath I took. "I do solemnly swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the constitution of the state and of the United States.

"As councilmember of the City of Mauldin, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me and will use my best endeavor to preserve the peace and carry into effect, according to law, the purpose for which I have been elected. So help me God." This moment has caused me to step back and reflect. Each council member represents with individual personalities and we have a different

approach to serving. We can come together and learn from each other to make Mauldin progress. I may get laughed at for this, but I read this poem the other day and I want to read it to you.

The Cold Within by James Patrick Kinney

Six humans trapped by happenstance  
In bleak and bitter cold.  
Each one possessed a stick of wood  
Or so the story's told.

Their dying fire in need of logs  
The first man held his back  
For of the faces round the fire  
He noticed one was black.

The next man looking 'cross the way  
Saw one not of his church  
And could not bring himself to give  
The fire his stick of birch.

The third one sat in tattered clothes.  
He gave his coat a hitch.  
Why should his log be put to use  
To warm the idle rich?

The rich man just sat back and thought  
Of the wealth he had in store  
And how to keep what he had earned  
From the lazy shiftless poor.

The black man's face bespoke revenge  
As the fire passed from his sight.  
For all he saw in his stick of wood  
Was a chance to spite the white.

The last man of this forlorn group  
Did nought except for gain.  
Giving only to those who gave  
Was how he played the game.

Their logs held tight in death's still hands  
Was proof of human sin.  
They did not die from the cold without  
They died from the cold within.

Mayor Merritt read the resolution regarding diversity.

12. Adjournment- Mayor Merritt adjourned the meeting.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** July 20, 2020

**AGENDA ITEM:** 7a

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**TO:** City Council

**FROM:** Business & Development Services Director, David C. Dyrhaug

**SUBJECT:** Extension of Moratorium for Small Box Discount Stores  
\*\*\* 2<sup>nd</sup> Reading \*\*\*

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## BACKGROUND

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In January, staff shared with the Planning Commission remarks from the Institute for Local Self-Reliance about the rapid growth of chain dollar stores, particularly the two dominant chains—Dollar General and Dollar Tree, which also owns Family Dollar. Because these dollar stores typically only offer a limited selection of processed foods and no fresh vegetables, fruits, or meats, the Mauldin City Council has expressed concern that they are opening stores at a density that might crowd out full-service grocery stores and thereby exacerbate the issue of food deserts. In response, the Mauldin City Council adopted a moratorium on new dollar store development on February 17, 2020.

At its January 28, 2020, meeting, the Planning Commission directed staff to further study this issue and to consider appropriate regulations. Since that time, the Planning Commission and staff have been working on drafting an ordinance with appropriate regulations for these types of stores. The Planning Commission and staff have recently completed a draft ordinance and will be holding a public hearing for this ordinance on June 23, 2020.

In the meantime, there has been concern about the possibility that the current moratorium could expire before the draft ordinance is adopted. The current moratorium expires on August 17, 2020. Right now the draft ordinance is on pace to be adopted by City Council at second reading on August 17, 2020. In case the draft ordinance needs to undergo any revisions, the City Attorney, Daniel Hughes, has suggested it may be practical to extend the current moratorium.

The attached ordinance has been prepared by Mr. Hughes and in effect extends the current moratorium for small box discount stores by 3 months.

## ATTACHMENTS

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Ordinance to Extend Moratorium by 3 months

**ORDINANCE \_\_\_\_\_-2020**

**AN ORDINANCE TO EXTEND A MORATORIUM TO TEMPORARILY SUSPEND THE ACCEPTANCE AND ISSUANCE OF PERMITS AND BUSINESS LICENSES FOR SMALL BOX DISCOUNT STORES PENDING THE CONSIDERATION OF AMENDMENTS TO THE CITY ZONING ORDINANCE.**

**WHEREAS**, on February 17, 2020, the City Council adopted Ordinance No. 933-2020 which imposed a six (6) moratorium that temporarily suspended the acceptance and/or issuance of any permits, business licenses, land development applications for new development of small box discount stores; and,

**WHEREAS**, the City of Mauldin Planning Commission is scheduled to hold a public hearing on June 23, 2020 regarding a proposed ordinance to amend the City's zoning ordinance to establish standards and definitions for small box discount stores; and,

**WHEREAS**, to provide for an extension of time for study, analysis, public review and finalization of ordinances adopted in accordance herewith, the City desires to extend its temporary moratorium and suspension upon new development of small box discount stores; and,

**WHEREAS**, the City further determines and finds that a period of three (3) months from the date of expiration of the previously approved temporary moratorium is appropriate;

**WHEREAS**, the City deems it in the best interests of the citizens and residents of Mauldin to extend the moratorium for new development of small box discount stores; and,

**WHEREAS**, the moratorium shall now be in effect for a period of three (3) months from August 17, 2020 or until Council has taken final action on proposed text amendments and other ordinances associated with the regulation of discount stores.

**NOW, THEREFORE**, be it ordained by the Mayor and City Council of the City of Mauldin:

SECTION 1. The City Council hereby extends the moratorium adopted pursuant to Ordinance No. 933-2020 for three (3) months following the expiration of the original moratorium according to the same terms contained therein.

SECTION 2. The Council, by subsequent ordinance, may extend the temporary moratorium for a further time period upon appropriate findings.

This Ordinance shall be effective from the date of second and final reading.

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

CITY OF MAULDIN, SOUTH CAROLINA

BY: \_\_\_\_\_  
Terry W. Merritt, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** July 20, 2020

**AGENDA ITEM:** 8a

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**TO:** City Council

**FROM:** Business & Development Services Director, David C. Dyrhaug

**SUBJECT:** Regulation of Small Box Variety Stores

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## BACKGROUND

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Since January, the Planning Commission has been studying issues pertaining to the proliferation of small box variety stores including dollar stores. These stores typically only offer a limited selection of processed foods and no fresh vegetables, fruits, or meats. This practice has led to concern that these types of stores are growing at a rate that might crowd out full-service grocery stores and thereby exacerbate the issue of food deserts. On February 17, 2020, the Mauldin City Council adopted a moratorium on new discount stores.

## ABOUT THE DRAFT ORDINANCE

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The attached draft ordinance considers the input provided by the Planning Commission. This ordinance includes a preamble section containing several “whereas” statements to provide context and findings that are the basis for the ordinance. Please note that the preamble section has been slightly reworded by the City Attorney since the public hearing.

The ordinance defines a “small box variety store” similarly to other communities including Kansas City and New Orleans. The ordinance uses the term “small box variety store” over terms such as discount store or dollar store because it is more consistent with the definition provided. Although a typical square foot threshold of 15,000 is included in the definition, there is also a qualifying statement included which indicates that stores exceeding that threshold are not necessarily excluded from the definition. This ordinance further exempts small box stores that (1) contain a prescription pharmacy; (2) sell gasoline or diesel fuel; (3) primarily sell specialty food items (e.g., meat, seafood, cheese, or oils and vinegars); (4) dedicate at least 15% of shelf space to fresh or fresh frozen foods; or (5) dedicate less than 5% of shelf space to food sales.

The ordinance lists “small box variety stores” as a conditional use in the City’s commercial districts including CRD, C-1, and C-2. The main conditional standard that applies is a dispersal requirement that no small box variety store shall be located within one mile of any other small box variety store inside or outside the City limits of Mauldin.

## **PUBLIC HEARING**

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At its meeting on June 23, 2020, the Planning Commission conducted a public hearing for this ordinance. At the public hearing, the following individuals provided comments.

- Mr. William Swent, of the Fox Rothschild Law Firm, representing its client Dollar General, spoke in **opposition** to the ordinance. Mr. Swent explained Dollar General's business model and highlighted how Dollar General is a positive resource for the community. He expressed concerns about the basis of the ordinance and asserted that the ordinance does not provide equal protection to his client.
- Mr. Scott Westberg, District Manager of Family Video, spoke in **opposition** to the ordinance. Mr. Westberg commented that Family Video will not be able to continue to operate and that they are fortunate that Dollar General is considering leasing their space and retaining their employees. Mr. Westberg also commented that Dollar General will make the property look great.
- Mr. Jason Kraeling, 234 Devin Drive, spoke in **favor** of the ordinance. Mr. Kraeling remarked that it is time for the City of Mauldin to examine what type of community it wants to be. Mr. Kraeling also commented that citizen access to dollar stores does not appear to be deficient in Mauldin.

## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission reviewed the attached ordinance at its meeting on June 23, 2020. By a unanimous vote, 6-0, the Planning Commission has forwarded this ordinance to the City Council with a recommendation of approval.

## **REQUEST**

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Consider first reading of the attached ordinance.

## **ATTACHMENTS**

---

Draft Ordinance  
Map of 1-mile dispersal standard

**ORDINANCE # \_\_\_\_\_**

AN ORDINANCE TO AMEND ARTICLE 10 OF THE CITY OF MAULDIN ZONING ORDINANCE BY ESTABLISHING SPECIAL STANDARDS AND DEFINITIONS FOR SMALL BOX VARIETY STORES AND LIKE BUSINESSES AND TO ESTABLISH THE ZONING DISTRICTS FOR WHICH THEY CAN LOCATE.

**WHEREAS**, there has been a considerable increase in the number of small box variety stores nationwide in the last several years; and,

**WHEREAS**, small box variety stores typically open in food deserts, which in urban areas, a “far” distance from a grocery store or supermarket is one (1) mile; and,

**WHEREAS**, small box variety stores typically offer mostly inexpensive, energy-dense, low-nutritive foods and beverages rather than fresh, nutritious food found at grocery stores; and,

**WHEREAS**, as the number of small box variety stores increase so do the number of people who use a small box variety store for their grocery shopping thereby reducing people’s access to healthy food options; and,

**WHEREAS**, recent studies<sup>1</sup> show that small box variety stores can discourage grocery stores from opening, eliminate locally owned grocery stores, reduce access to fresh and affordable produce, and harm job growth; and,

**WHEREAS**, many small box variety stores do not include Women, Infants and Children (WIC) Nutrition Program essential items and therefore are not certified to accept WIC coupons; and,

**WHEREAS**, a number of small box variety stores are already in operation in and around the City of Mauldin; and,

**WHEREAS**, some of the small box variety stores are currently in close proximity to one another; and,

**WHEREAS**, the regulation of small box variety stores will promote the efficient use of land and resources in the City of Mauldin and is necessary to protect the health, safety, and welfare of the citizens of the City of Mauldin; and,

**WHEREAS**, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on June 23, 2020.

<sup>1</sup> See [www.ilsr.org/dollar-stores](http://www.ilsr.org/dollar-stores) attached hereto as Exhibit “A.”

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Municipal Code be amended as follows:

**Section 1 Amendment.** Amend Section 3:3, Definitions, of Article 3, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

## ARTICLE 3. – ZONING DISTRICTS, GENERAL STANDARDS, DEFINITIONS

\*\*\*

### Sec. 3:3 – Definitions

\*\*\*

*Fresh or Fresh Frozen Foods.* Food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

\*\*\*

*Small Box Variety Store.* A retail store typically 15,000 square feet or less that sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. A store that exceeds 15,000 square feet is not necessarily excluded from this definition if it still coincides with the remaining characteristics described herein and the intent of associated regulations. Small box variety stores do not include small box stores that:

- (1) Contain a prescription pharmacy;
- (2) Sell gasoline or diesel fuel;
- (3) Primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars);
- (4) Dedicate at least 15% of shelf space to fresh or fresh frozen foods; or
- (5) Dedicate less than 5% of shelf space to food sales.

\*\*\*

**Section 2 Amendment.** Amend Article 5, Zoning District Regulations, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

## ARTICLE 5. – ZONING DISTRICT REGULATIONS

\*\*\*

### Sec. 5:6 – CRD, Central Redevelopment District

\*\*\*

#### 5:6.1 Uses Permitted

\*\*\*

Retail sales, except small box variety stores

\*\*\*

#### 5:6.3 Conditional Uses

\*\*\*

Small box variety store

\*\*\*

### Sec. 5:7 – C-1, Commercial District

\*\*\*

#### 5:7.1 Uses Permitted

\*\*\*

Convenience store (without a carwash and with a maximum size of two thousand five hundred (2,500) square feet, a minimum size of one thousand (1,000) square feet, and limited to one (1) fuel service area that can serve no more than four (4) vehicles at one time), except small box variety stores

\*\*\*

#### 5:7.3 Conditional Uses

Adult Care Center

Child Care Center

Multi-family dwellings (in accordance with provisions of Section 8:1 and Section 10:13)

Small box variety store

\*\*\*

## Sec. 5:8 – C-2, Highway Commercial District

\*\*\*

### 5:8.1 Uses Permitted

\*\*\*

Convenience store (with or without a car wash and no size restriction),  
except small box variety stores

\*\*\*

### 5:8.3 Conditional Uses

Adult Care Center  
Child Care Center  
Multi-family dwellings (in accordance with provisions of Section 8:1 and  
Section 10:13)  
Small box variety store

\*\*\*

**Section 3 Amendment.** Amend Article 10, Conditional Uses, by adding a new section 10:15, Small Box Variety Store, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

## ARTICLE 10. – CONDITIONAL USES

\*\*\*

### Sec. 10:15 – Small Box Variety Store

#### 10:15.1 Applicability and Purpose

A small box variety store may be allowed as a conditional use within the CRD, C-1, and C-2 districts and is subject to the standards contained herein.

The purpose of these standards is to limit over-concentration of small box variety stores and to allow for more diverse retail options and convenient access to fresh meats, fruits and vegetables.

10:15.2 Separation Requirements

No small box variety store shall be located within one (1) mile or 5,280 feet of any other small box variety store inside or outside the City limits of Mauldin. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by a small box variety store to the nearest point on the lot line of the subject property.

**Section 4.** This ordinance shall become effective upon and after its final passage.

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

CITY OF MAULDIN, SOUTH CAROLINA

BY: \_\_\_\_\_  
Terry Merritt, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

# Dollar Store Impacts

Dollar General, Dollar Tree, and Family Dollar have big expansion plans. But are these chains good for communities? **Get the facts and learn what you can do.**

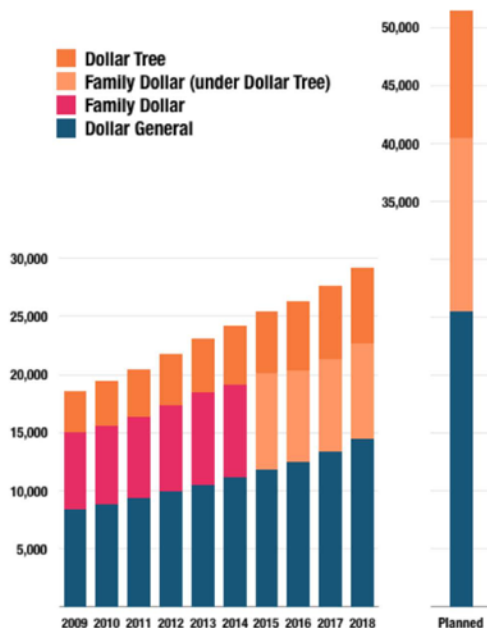
Dollar stores are multiplying rapidly. Since 2011, two dominant chains – Dollar General and Dollar Tree, which acquired Family Dollar in 2015 – have grown from about 20,000 locations to nearly 30,000 total. Both plan to expand even further. In recent annual reports, the two chains indicate they have identified locations for a combined total of 20,000 additional outlets.

While dollar stores sometimes fill a need in cash-strapped communities, growing evidence suggests these stores are not merely a byproduct of economic distress. They're a cause of it. In small towns and urban neighborhoods alike, dollar stores are triggering the closure of grocery stores, eliminating jobs, and further eroding the prospects of the vulnerable communities they target.

The dollar chains have thrived in part by taking advantage of lax land use policies. New dollar stores, which are generally smaller than 10,000 square feet, are often subject to little or no planning review or other permitting hurdles. But communities do have the authority to check their spread – and some are starting to use it.

### Rapid Expansion of Dollar Stores

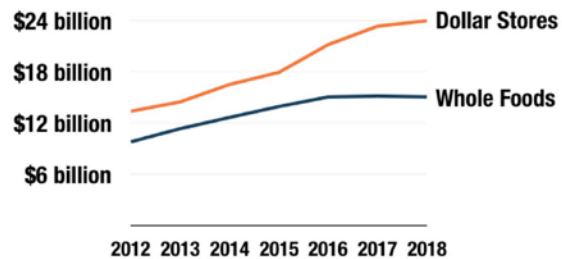
"Planned" stores are based on "identified locations" as reported by the major dollar store chains.



Source: Dollar General, Dollar Tree, and Family Dollar Annual Reports

For more information, see ILSR's research on dollar stores on our website, at [www.ilsr.org/dollar-stores](http://www.ilsr.org/dollar-stores)

**Although most dollar stores sell no fresh food and only a limited selection of packaged foods, the two major dollar chains are now feeding more Americans than Whole Foods is.**



Source: Chain Store Guide | Note: "Dollar Stores" combines data from Dollar General and Dollar Tree, which owns Family Dollar

### Eliminating Grocery Stores

Dollar stores are taking a toll on grocery stores and, in many cases, reducing people's access to fresh food. In small towns, which are often served by a single locally owned supermarket, a dollar store's arrival typically cuts sales at the supermarket by about 30 percent.<sup>1</sup> In most cases, that's enough to put a local grocer out of business, leaving the community's commercial district without an anchor and negatively impacting other businesses.

In cities, dollar stores concentrate in areas that already have few or no grocery stores.<sup>2</sup> Our research suggests that they often target African American neighborhoods.<sup>3</sup> Their strategy of saturating these neighborhoods with multiple outlets can make it nearly impossible for new grocers and other businesses to take root and grow.

Dollar stores are a poor substitute for grocery stores. A typical dollar store carries no fresh produce, only a limited selection of processed foods. And they aren't necessarily less expensive. Packaged in single-serving quantities, their food offerings have lower price points, but are often more expensive per ounce.<sup>4</sup>

*"What the dollar stores are betting on in a large way is that we are going to have a permanent underclass in America."<sup>5</sup>*

– Garrick Brown, retail analyst, Cushman & Wakefield

## Fewer Jobs and Lower Wages

Dollar stores employ fewer people than the grocery stores they eliminate. Dollar General outlets have a nine-person staff on average, while small independent grocery stores employ an average of 14 people.<sup>6</sup>

Dollar store jobs are not only fewer in number but also low-wage and low quality. Employees are monitored intensely and subject to a “web of contradictory work policies.”<sup>7</sup> Store managers earn a salary of about \$40,000 but must work long hours without overtime. Court records reveal that dollar chains frequently face class-action lawsuits for violating fair labor laws, typically paying millions to settle such suits out of court.<sup>8</sup> These companies also lean heavily on taxpayers to subsidize their employees’ healthcare.<sup>9</sup>

## Left-Behind Places

Dollar stores worsen inequality by extracting wealth from vulnerable communities, leaving them to fall further behind.<sup>10</sup> As dollar stores multiply, they’re contributing to a growing disparity between communities that have access to fresh food and healthy local economies, and those who do not.

“The jobs, tax dollars, and even any profits generated from a local grocery store go back to community,” David Procter, Director of the Rural Grocery Initiative at Kansas State University, explains. “Profits from Dollar General are going back to their corporate office, not to the community.”<sup>11</sup>

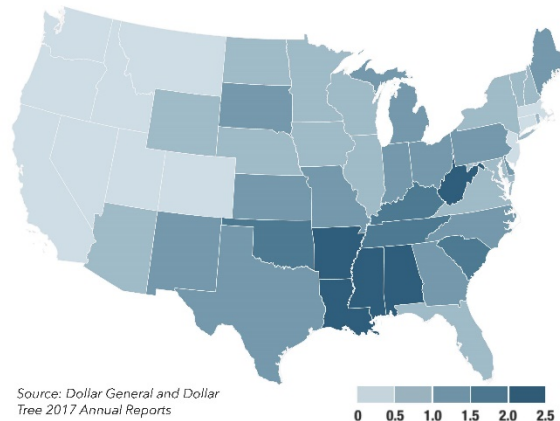
*“When dollar stores are able to proliferate – in poor, black, and brown communities – it makes it more difficult for grocers to come and survive.”<sup>12</sup>*

– Vanessa Hall-Harper, City Councilor, Tulsa, Okla.



## Dollar Stores by State

Dollar General, Dollar Tree, and Family Dollar locations, per 10,000 Residents



## What Your Community Can Do About Dollar Stores

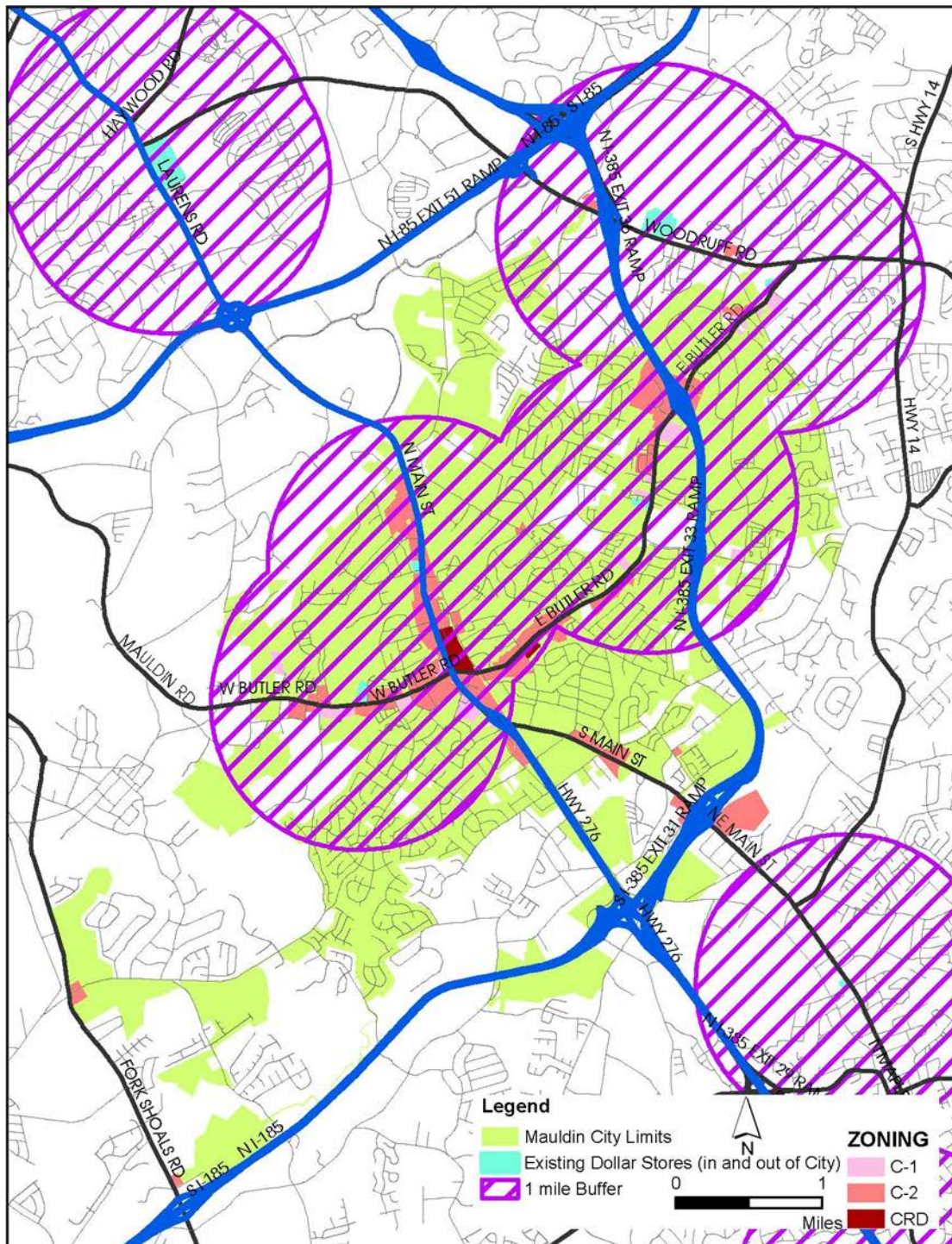
- **Set Limits on Chains** – Cities and towns have authority to adopt “formula business” ordinances that place limits on the ability of chains to open new locations.<sup>13</sup> These ordinances apply to dollar store chains and they’ve been enacted in dozens of cities and towns.
- **Adopt a Dispersal Policy for Dollar Stores** – Cities can adopt dollar store dispersal restrictions to reduce the growing concentration of these stores.<sup>14</sup> Leaders in Tulsa, Okla., amended the city’s zoning code to require new dollar stores be no less than one mile from existing stores in North Tulsa, one of the city’s hardest-hit food deserts.
- **Strengthen Planning Review Policies** – Cities and towns can elect to designate particular retail uses, including “small box discount stores,” as conditional uses. This means that these stores must undergo a review and meet certain conditions before they are permitted to open. These conditions can include economic impact criteria.<sup>15</sup>
- **Expand Financing for Locally Owned Grocery Stores** – One of the biggest barriers entrepreneurs face in starting new grocery stores is securing a business loan.<sup>16</sup> Programs such as the Pennsylvania Fresh Food Financing Initiative, which supported more than 80 grocery store projects, can incubate new stores in underserved areas.<sup>17</sup> Funding for new financing programs could come from eliminating tax incentives for chain stores, dollar stores included.<sup>18</sup>
- **Make Your Voice Heard** – Everyday people are organizing campaigns to raise awareness about the threats dollar stores pose to their communities. As Tulsa developed its ordinance, hundreds of residents attended meetings and submitted formal comments; some organized protests of new dollar store development. Their actions led not only to local policy wins but also focused national attention on dollar store impacts and inspired other communities to act.

**ENDNOTES** 1. Sales drops of roughly 30% have been reported in numerous accounts of small-town grocery stores after a Dollar General opens. See, e.g., “Where even Walmart won’t go: how Dollar General took over rural America,” C. McGreal, *The Guardian*, Aug. 13, 2018 2. “Dollar Days: How Dollar Stores Are Growing in a Weak Economy,” A.T. Natunewicz, *Colliers International*; “Disparities and access to healthy food in the United States: A review of food deserts literature,” R.E. Walker, C.R. Keane, & J.G. Burke, *Health & Place*, 2011, 16(5): 876-884 3. “Dollar Stores Are Targeting Struggling Urban Neighborhoods and Small Towns. One Community is Showing How to Fight back,” M. Donahue & S. Mitchell, *ILSR*, Dec. 2018 4. “Dollar stores are thriving - but are they ripping off poor people?” J. Eskenazi, *The Guardian*, June 28, 2018 5. “Dollar General Hits a Gold Mine in Rural America,” M. Frazier, *Bloomberg Businessweek*, Oct. 11, 2017 6. Dollar General. 2018 Annual Report; U.S. Economic Census. 7. “Employees or Suspects? Surveillance and Scrutiny of Low-Wage Service Workers in U.S. Dollar Stores,” T.L. Vargas, *J. of Labor & Society*, 2017 8. “Join The Booming Dollar Store Economy! Low Pay, Long Hours, May Work While Injured,” D. Jamieson, *The Huffington Post*, Aug. 29, 2013 9. “New Data Show How Big Chains Free Ride on Taxpayers at the Expense of Responsible Small Businesses,” S. Mitchell, *ILSR*, 2013 10. “What Dollar Store Locations Reveal About America,” R. Florida, *Citylab*, Feb. 2012; “The Growing Inequality Between America’s Superstar Cities, and the Rest,” R. Florida, *Citylab*, Nov. 2018 11. See supra note 3. 12. *Ibid.* 13. See “Formula Business Restrictions,” *ILSR* 14. See “Dollar Store Dispersal Restrictions,” *ILSR* 15. See “Economic Impact Review,” *ILSR* 16. See “Access to Capital for Local Businesses,” *ILSR* 17. “Pennsylvania Fresh Food Financing Initiative,” S. Mitchell, *ILSR*, 2010 18. See “Banning Public Subsidies for Big Retailers,” *ILSR* | **PHOTO CREDIT** Councilor V. Hall-Harper (top right) – Vice News, April 7, 2018.

For more information, see ILSR’s research on dollar stores on our website, at [www.ilsr.org/dollar-stores](http://www.ilsr.org/dollar-stores)

**ILSR** INSTITUTE FOR  
Local Self-Reliance  
[www.ilsr.org](http://www.ilsr.org)

# One-Mile Buffer from ALL Dollar Stores



# City Council

## AGENDA ITEM

**MEETING DATE:** July 20, 2020

**AGENDA ITEM:** An Emergency Ordinance Requiring Individuals to Wear Face Coverings in Certain Circumstances and Matters Related Thereto

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**TO:** City Council

**FROM:** EPD Committee Chair Taft Matney

**ITEM NUMBER:**

**SUBJECT:** An Emergency Ordinance Requiring Individuals to Wear Face Coverings in Certain Circumstances and Matters Related Thereto

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### REQUEST

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Consideration of an emergency ordinance requiring individuals to wear face coverings in certain circumstances and matters related thereto.

### HISTORY/BACKGROUND

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This item is being presented following a request from Councilor Taft Matney.

### FISCAL IMPACT

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No.

### RECOMMENDATION

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This item is a Council-initiated request. Staff will proceed accordingly.

### ATTACHMENTS

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Draft Emergency Ordinance

**ORDINANCE \_\_\_\_\_-2020**

**AN EMERGENCY ORDINANCE REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND MATTERS RELATED THERETO**

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and,

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina declared a state of emergency for the State of South Carolina; and,

WHEREAS, on March \_\_\_\_\_, 2020, the City Council declared a state of emergency for the City of Mauldin, (“City”); and,

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and,

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly risk of exposure and infection and creating an extreme public health risk; and,

WHEREAS, as of July 1, 2020, the total number of confirmed cases in South Carolina is approximately 36,399 and the number of confirmed deaths is 739; the number of reported cases in Greenville County is 5,009; and, the total number of estimated cases in Greenville County is 31,384; and,

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the City, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and,

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and,

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and,

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City is taking steps to try to protect the citizens and employees of the City from increased risk of exposure; and,

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this Emergency Ordinance to require (a) patrons of grocery stores and pharmacies to wear face coverings while inside the store in light of the fact these establishments sell essential goods such that individuals do not have meaningful choice to decide not to shop there; and, (b) all employees of restaurants, bars, retail establishments, salons, beauty shops, barber shops, grocery stores, and pharmacies to wear face coverings at any time there is face to face interaction with the public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA:

1. All persons entering a grocery store or pharmacy in the City must wear a face covering while inside the establishment. For purposes of this Ordinance, the term grocery store shall mean a retail establishment that primarily sells food, but may also sell other convenience and household goods; the term does not include a convenience store. The business shall not have responsibility for enforcing this requirement, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
2. All restaurants, retail stores, salons, beauty shops, barber shops, grocery stores, and pharmacies in the City must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
4. A person who fails to comply with Section 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine or not more than \$25.00.
5. A person who fails to comply with Section 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this section, repeated violations of this Ordinance by a person who owns, manages, operates or

otherwise controls a business subject to this Ordinance may, subject to all procedural protections set forth in the City Code, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violations of this Ordinance is additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Section 2 of this Ordinance, “person” shall be defined as any individual associated with the business who has the control or authority and ability to enforce a social distancing requirement of six feet within the business, such as an owner, manager or supervisor. “Person” may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc. but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

6. Furthermore, Council recommends, but does not require, all persons entering all other public buildings or private buildings into which the public is invited, that are not included in Paragraph one (1) hereof, to wear a face covering while inside the establishment. Proprietors of such buildings are encouraged to adopt and enforce a policy requiring face coverings for all employees and visitors to their respective buildings while having face to face interaction with the public and to post conspicuous signage at all entrances.
7. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
8. This Emergency Ordinance shall be effective at \_\_\_\_\_ a.m./p.m. on July \_\_\_\_\_, 2020 and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61<sup>st</sup> day after enactment of this Ordinance, whichever date is earlier.

DONE, RATIFIED, AND PASSED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

---

Terry Merritt, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Miller, Municipal Clerk

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Daniel R. Hughes, City Attorney

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** July 20, 2020

**AGENDA ITEM:** 8c

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**TO:** City Council  
**FROM:** Community Development Director Van Broad  
**SUBJECT:** C-Fund collaboration Request / via Greenville County

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## REQUEST

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Council is requested to a request from Mark III Properties to assist in funding the redesign of Standing Springs Road and Ashmore Bridge Road interchange in cooperation with the County of Greenville SC.

## HISTORY/BACKGROUND

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The City of Mauldin worked to attain access and annexation of the former Bonnie Brae Golf Course along Ashmore Bridge Road. The site was annexed into the City with plans to develop a 700-800 lot housing subdivision. During the annexation process, concerns from the public were presented regarding increased traffic, and the alignment of Standing Springs Road onto Ashmore Bridge.

Mark III Properties the developer for the subdivision. Via their attached correspondence, Mark III Properties is partnered with Greenville County and the SCDOT in a multi-jurisdictional project to improve the intersection of Ashmore Bridge Road and Standing Springs Road.

## ANALYSIS / STAFF FINDINGS

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While the Ashmore Bridge Rd. and Standing Springs Rd. intersection is not a Mauldin intersection, it will be used by City residents. The proposed interchange has historically received a failing grade. Multiple new development projects will increase stress and pressure on the interchange. As proposed by Mark III Properties, this approach will repair the intersection in a manner to serve the existing traffic and projected future growth.

Also, it is worth noting the SCDOT plans to install a traffic signal at the newly aligned intersection outside of the scope of the realignment project.

## **TIMELINE/FINANCIAL**

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1. The project will commence upon approval of funding by the C-Funds Committee
2. The total amount being requested of the City is \$50,000
3. Should Council proceed, an appropriate funding source would be fund balance.

## **RECOMMENDATION**

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It is the recommendation of staff that council approve funding of \$50,000 toward the Standing Springs/Ashmore Bridge Re-alignment Project.

## **ATTACHMENTS**

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Letter from Mark III Properties

Project Cost Estimate as prepared by CoTransCo

City of Mauldin  
Mr. David Dyrhaug  
5 E. Butler Road  
Mauldin, SC 29662

June 8, 2020

Mr. Dyrhaug,

Mark III Properties is teaming with Greenville County and the SCDOT in a multi-jurisdictional project to improve the intersection of Ashmore Bridge Road and Standing Springs Road. I have attached the proposed layout. This intersection has historically received a failing grade and is being made worse with the increased traffic in this area. It is time to fix the intersection in a manner to serve the existing traffic and projected future growth.

The intersection is not a City of Mauldin road, however many Mauldin residents will use it every day. With the recent annexation of the Bonnie Brae golf course property (approx. 800 homes), Camden Cottages (68 homes) and Meadow Springs (151 homes), I estimate an increase in Mauldin's tax base of over \$230 million from these developments over the next few years. All of these new homes will benefit from an improved intersection at this location.

Hesha Gamble with Greenville County is planning to present this project to the CTC as soon as possible. She feels the best chance of having it approved is to have participation from as many stakeholders as possible. I am writing to request the City of Mauldin commit to invest \$50,000 towards this intersection improvement project. For your reference, Mark III Properties has purchased right of way (\$25,000), is donating additional right-of-way (\$20,000) and is planning to contribute an additional \$100,000 for this intersection. We will also be doing extensive upgrades to Ashmore Bridge Road and Fork Shoals Road at the Bonnie Brae property.

I understand Greenville County is working on a new / revised cost estimate, however the latest information I have shows the cost of this project to be about \$1.2 million plus the right-of-way acquisition (which Mark III is contributing to the project). I've included the cost estimate. Also, note the SCDOT plans to install a traffic signal at the newly aligned intersection outside of the scope of the realignment project.

Feel free to contact me or Joe Waldron with Mark III Properties with any questions.

Sincerely,

Jay Beeson

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