



CITY COUNCIL MEETING

MONDAY, AUGUST 15, 2022 | 7:00 PM

**City Council meeting in the Mauldin City Hall Council
Chambers, 5 East Butler Road**

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

**CITY OF MAULDIN
CITY COUNCIL MEETING
AGENDA AUGUST 15, 2022
7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER
ROAD**

- | | |
|--|---|
| <ol style="list-style-type: none">1. <u>Call to Order</u><ul style="list-style-type: none">a. Welcomeb. Invocationc. Pledge of Allegiance
2. <u>Proclamations and Presentations</u>
No proclamations or presentations
3. <u>Reading and Approval of Minutes</u><ul style="list-style-type: none">a. Special Called City Council Meeting –July 14, 2022b. City Council Meeting- July 18, 2022c. Special Called Meeting-July 22, 2022d. Special Called Meeting August 1, 2022]e. Special Called Meeting August 11, 2022
4. <u>Public Comment</u>
5. <u>Report from City Administrator</u>
6. <u>Report from Standing Committees</u><ul style="list-style-type: none">a. Finance and Policy (Chairperson Reynolds)b. Public Safety (Chairperson King)c. Public Works (Chairperson Kraeling)d. Economic Planning & Development (Chairperson Matney)e. Building Codes (Chairperson Kuzniar)f. Recreation (Chairperson Allgood)
7. <u>Unfinished Business</u> | <p>Mayor Merritt</p> <p>Mayor Merritt</p> <p>Mayor Merritt</p> <p>Mayor Merritt</p> <p>Interim City Administrator</p> <p>Mayor Merritt</p> <p>Mayor Merritt</p> |
|--|---|
- There is no unfinished business.

- 8. New Business** Mayor Merritt
- Ordinances- 1st reading**
- a. An ordinance to rezone property consisting of approximately 23 acres located at North Main Street (portion of tax map parcel: #M008.04-01-004.00) and providing an effective date Councilor Kuzniar
 - b. An ordinance to rezone property consisting of approximately 5 acres located at West Butler Road and Laurel Meadows Parkway (tax map parcel: #M008.02-01-003.00) and providing an effective date Councilor Kuzniar
- Standing Committee Items**
- c. Maverick Station Landscaping Councilor Matney
 - d. Certification of Distressed Textile Mill Site Tax Credits Councilor Matney
 - e. Resolution approving a Purchase and Sale Agreement Councilor Matney
 - f. Clemson University Mutual Aid Agreement Councilor King
 - g. Open Burning Permit for Adams Glen Councilor King
 - h. Connection to Bridgeway Station Councilor Allgood
 - i. Comp and Class Plan Councilor Reynolds
- 9. Public Comment** Mayor Merritt
- 10. Council Concerns** Mayor Merritt
- 11. Adjournment** Mayor Merritt

MINUTES
CITY OF MAULDIN
SPECIAL CALLED CITY COUNCIL MEETING JULY 14,2022, 7:30 PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD

Members present: Mayor Pro Tempore Taft Matney, Council members Michael Reynolds and Frank Allgood. Mayor Terry Merritt and Council members Carol King, and Diane Kuzniar all participated via Zoom. Councilman Kraeling was not present.

Others present: David Dyrhaug, Acting City Administrator

1. Call to Order- Mayor Pro Tempore Taft Matney
 - a. Invocation- MPT Matney
 - b. Pledge of Allegiance- MPT Matney
 - c. Welcome- MPT Matney
2. New Business
 - a. Appointment of an Acting City Administrator to serve until Interim City Administrator becomes available

Motion: Councilman Allgood made a motion to appoint David Dyrhaug as Acting City Administrator in addition to his duties as the Business and Development Services Director and continue serving as Acting City Administrator until the Interim City Administrator begins work on July 25, 2022. Councilman Reynolds seconded the motion.

Action: The vote was unanimous (6-0).

3. Council Requests- None

4. Adjournment- MPT Matney adjourned the meeting at 7:32 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

MINUTES
CITY OF MAULDIN
CITY COUNCIL MEETING
JULY 18, 2022

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

Others present: Acting City Administrator David Dyrhaug, and City Attorney Daniel Hughes

1. Call to Order- Mayor Merritt
 - a. Welcome- Mayor Merritt
 - b. Invocation- Councilman Matney
 - c. Pledge of Allegiance- Councilman Matney
2. Proclamations and Presentations- No proclamations or presentations
3. Reading and Approval of Minutes
 - a. City Council Meeting –June 20, 2022- Mayor Merritt asked that one change be made. With that, the minutes were approved by consent.
 - b. Special Called Meeting- June 22, 2022 – The minutes were approved by consent.
 - c. Special Called Meeting-July 5, 2022

Motion: Councilman Matney made a motion to accept the minutes as distributed. Councilwoman King seconded the motion.

Mayor Merritt and Councilman Reynolds were not present at the July 5th meeting and will not vote on the minutes.

Vote: The vote was unanimous (5-0).

4. Public Comment

One person signed up to speak and make a short presentation.

Motion: Councilman Matney made a motion to suspend the rules to allow the public comment at the beginning of the meeting even though the subject was not on the Council agenda. Councilman Reynolds seconded the motion.

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

Susan McLarty: I am Susan McLarty and am with the Greenville Homeless Alliance. Our office is inside United Ministries, at 606 Pendleton Street downtown Greenville, 29601. It is my pleasure to be here and I appreciate your service. We have been taking our newest report to the different municipalities and I wanted to briefly share a few items with you. We were at Simpsonville's meeting last week and their Mayor said he was left feeling more comfortable about something that could sometimes feel a little overwhelming.

We hope you will take a minute to review the report. We are a coalition of partners working together to make community members aware. Please let me know if there is any way in the future we can be helpful to you.

I was pleased to be with you last week at the grand opening of Olli Place. That was one of the days you wish you could have every day, because then I would work myself out of a job. We did put together a summary of the report that helps you understand some data available from Greenville County. We have 3281 unique individuals that have experienced homelessness in the 2019-2020 year. Just to give you a quick synopsis, and some exciting news that has come about since we were established in 2018, is that the first number are all the people who flowed through about 460 beds. You will often hear Ryan Duerk, who runs Miracle Hill, say we don't need more shelter beds, we need more exits from emergency shelters. The next number represents a one-night count that HUD mandates all communities across the country conduct each January. We realize the number is much higher, but this is the data we received from people who stayed outside or in a place unfit for human habitation. The third number is your school age children. They would likely be our largest number. This does not include their parents or any siblings that are not school age children and would not be reported by Greenville County Schools. One takeaway is the definition for Greenville County Schools is in line with HUD. That means for Greenville County we are able to serve less than 10% of those students and their parents.

I noticed Councilmember Matney and Councilmember Allgood are both connected with Mauldin High through the Student Improvement Council. I think it is important takeaway that if we as a community really want to make a difference, if we want to serve more families, we would provide more local resources to address homelessness. Mauldin Middle, Mauldin High, and Bethel Elementary, and you will see 86 schools did report one or more students experiencing homelessness. We have gotten the most recent numbers if you are interested in seeing that, which unfortunately, are continuing to trend upward.

In closing, I just want to mention two more things. We were able to give some thoughts back in 2020 when the Deluxe Inn was condemned. We do have a motel response plan if anyone wants to take a look at that. And we have a really great strategic plan, which you could find on our website. I want to give a shoutout to Mauldin's very own Addy Matney, who worked with our steering committee to help develop our strategic plan. We were really excited to have her experience and expertise to make a strong plan that we are now working to implement.

Councilman Matney said several years ago, a group he has been involved with worked to make sure the backpack program for the elementary schools were stocked so that kids who knew school was their only certain source of food, would not be the only source, as they had food to take home with them on the weekends. A social worker that works at a school with older children brought up that there is a substantial homeless population in our City of older teenagers. He would like us to have that population on our hearts as well.

5. Report from City Administrator- None

Maria Godfrey was present from First Step Realty and represented the Mauldin Chamber. She has watched her neighbors, Councilwoman King and Councilman Allgood do things in Mauldin. Council has helped grow Mauldin to be the Number 1 City in South Carolina to raise a family. The Chamber is asking for Council support and asking for participation in Chamber-sponsored events. She would like the Council to acknowledge and recognize the Chamber.

6. Report from Standing Committees

- a. Finance and Policy (Chairperson Reynolds)- None
- b. Public Safety (Chairperson King)- Chairwoman King reported that the Police Department is conducting the Youth Academy this year and the graduation is Friday.
- c. Public Works (Chairperson Kraeling)- None
- d. Economic Planning & Development (Chairperson Matney)- Chairman Matney introduced JR Charles as the new Community Development Director.
- e. Building Codes (Chairperson Kuzniar)- Seven new businesses opened this month.
- f. Recreation (Chairperson Allgood)- None

7. Unfinished Business- There is no unfinished business.

8. New Business

Standing Committee Items

a. Purchase and Sale Agreement

Motion: Councilman Matney made a motion to hold this item on the floor until the parties work out details. Councilman Reynolds seconded the motion.

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

9. Public Comment- None

10. Council Concerns

Councilwoman King said before Ms. Godfrey started her business, she was a broker for someone else. Councilwoman King met with Ms. Godfrey, where she explained her passion for Mauldin. Ms. Godfrey did not look anywhere else when she located her business here, and is a proud Mauldin business owner.

Councilwoman Kuzniar said she had takeaways from the Municipal Association meeting. When people work together courageously, their potential is unlimited. Also, Council needs to be open minded and to make sure people feel they are being heard when they attend Council meetings.

Mayor Merritt mentioned the ribbon cutting at Olli Place that was held last week. Olli is a Cherokee word meaning friendship. Mauldin has been inclusive in offering housing to all people.

The City has a great relationship with the Chamber. He asked Council to make every effort to attend the Business After Hours and ribbon cuttings and support the Chamber. There is a ribbon cutting on Friday, at the same time Council will be in a special called Council meeting. He will ask for a staff representative to attend.

WSPA is airing segments about Mauldin on Friday, every half an hour, from 5:00 a.m. to 8:30 a.m. The Police Department, Fire Department, therapy dog Margo, and Bridgeway Station will all be featured.

11. Adjournment- Mayor Merritt adjourned the meeting at 7:28 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

MINUTES
CITY OF MAULDIN
SPECIAL CALLED CITY COUNCIL MEETING JULY 22,2022, 1:00 PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD

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

Others present: David Dyrhaug, Interim City Administrator

1. Call to Order- Mayor Terry Merritt
 - a. Invocation- Councilman Matney
 - b. Pledge of Allegiance- Councilman Matney
 - c. Welcome- Mayor Merritt
2. New Business
 - a. Executive Session to consider a personnel matter regarding the Administration Department as allowed by State Statute Section 30-4-70 (a)(1)

Motion: Councilman Matney made a motion to adjourn into executive session with Councilwoman King seconding.

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

Mayor Merritt reconvened the meeting at 5:47 p.m. Councilman Matney reported that no votes were made and no action taken in executive session.

- b. Possible action on items discussed in Executive Session- None
3. Council Requests- None
4. Adjournment- Mayor Merritt adjourned the meeting at 5:48 p.m.

Respectfully Submitted,

Cindy Miller

Municipal Clerk

MINUTES
CITY OF MAULDIN
SPECIAL CALLED CITY COUNCIL MEETING
AUGUST 1,2022, FOLLOWING COMMITTEE MEETINGS
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD

Members present: Mayor Terry Merritt, Councilmembers Carol King, Taft Matney, Diane Kuzniar and Frank Allgood. Councilman Kraeling joined the meeting in executive session. Councilman Reynolds was not present.

Others present: Interim Administrator Rebecca Vance and HR Director Mark Putnam.

1. Call to Order- Mayor Terry Merritt
 - a. Invocation- Councilwoman King
 - b. Pledge of Allegiance- Councilwoman King
 - c. Welcome- Mayor Merritt
2. New Business
 - a. Executive Session to consider personnel matters regarding the Judicial Department as allowed by State Statute Section 30-4-70 (a)(1)

Motion: Councilwoman King made a motion to go into executive session with Councilwoman Kuzniar seconding.

Vote: The vote was unanimous (5-0).

Mayor Merritt called the meeting back to order at 9:11 p.m. Councilwoman King reported no decisions were made and no action taken in executive session.

- b. Possible action on items discussed in Executive Session

Motion: Councilwoman King made a motion to appoint Mark Putnam as Ministerial Recorder until such time as a Clerk of Court is hired by the City. Councilman Kraeling seconded the motion.

Action: The vote was unanimous (6-0).

3. Council Requests- None

4. Adjournment- Mayor Merritt adjourned the meeting at 9:13 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

MINUTES
CITY OF MAULDIN
SPECIAL CALLED CITY COUNCIL MEETING AUGUST 11, 2022, 6:00 PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD

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

Others present: Interim City Administrator Rebecca Vance and J.R. Charles, Community Development Director

1. Call to Order- Mayor Terry Merritt

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

2. New Business

Motion: Councilman Matney made a motion to go into executive session for the items listed below. Councilwoman King seconded the motion.

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

- a. Executive Session on Contractual Matters related to City Center as allowed by State Statute Section 30-4-70 (a)(2)
- b. Executive Session on an Economic Development Matter related to Project Forth as allowed by State Statute Section 30-4-70 (a)(2)
- c. Executive Session on Contractual Matter regarding Pedestrian Bridge as allowed by State Statute Section 30-4-70 (a)(2)
- d. Executive Session on Personnel Matter regarding the Administration Department as allowed by State Statute Section 30-4-70 (a)(1)

Mayor Merritt reconvened the meeting at 9:12 p.m. Councilman Matney reported no decisions were made and no action taken in executive session.

- e. Possible action on items discussed in Executive Session- None

3. Council Requests- None

4. Adjournment- Mayor Merritt adjourned the meeting at 9:13 p.m.

Respectfully Submitted,

Cindy Miller

Municipal Clerk

CITY COUNCIL AGENDA ITEM

MEETING DATE: August 15, 2022

AGENDA ITEM: 8a

TO: City Council

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

SUBJECT: **Rezoning at N Main Street**

OWNER(S): TJA, LLC – Robert Tommy Kellett

AUTHORIZED REP(S): Barrett Wood • Parker Group Services

TAX MAP NUMBER(S): p/o #M008.04-01-004.00

LOCATION: Property along N. Main Street
between 602 N. Main St. and 728 N. Main St.

CURRENT ZONING: I-1, Industrial

REQUESTED ZONING: R-M, Multi-Family Residential

SIZE OF PROPERTY: Approx. 23 acres

REQUEST

The City of Mauldin has received a signed petition requesting the rezoning of a tract of land pursuant to Section 4:2 of the Mauldin Zoning Ordinance. This petition includes approximately 23 acres located along N. Main Street between Kellett's Korner/Tommy's Snack Bar at 602 N. Main Street and the C.F. Sauer manufacturing facility at 728 N. Main Street. Specifically, this rezoning includes the portion of the property on the east side of the railroad tracks. The applicant has requested that this tract be rezoned from I-1, Industrial, to R-M, Multi-Family Residential. The applicant is planning to develop a townhome community described below.

HISTORY/BACKGROUND

This tract is currently undeveloped and is heavily wooded. Several groups have examined this property for development in recent years. However, providing access to this property, particularly for industrial development, has been extremely challenging. Existing railroad tracks cut off access to N. Main Street and the railroad company has not granted permission to cross the tracks.

PROPOSED DEVELOPMENT

At present, a company called Parker Group is proposing to develop a 99-unit townhome community on approximately 15 acres of this tract. This community would consist of high-end townhomes with projected price points around \$320,000 to \$340,000. The community would also include a half-acre central community area.

Access. Access to this proposed development project will be via Green Street at the end of Murray Drive. The developer has purchased a nearly 1-acre tract at 9 Green Street where he plans to demolish the existing home and construct a new street through the property which will provide access to the proposed development. According to the Mauldin's development regulations, 99 homes are the most homes that can be developed with a single access (provided that the access is at least 26 feet wide to the first intersection).

Buffering. The developer has indicated that he would like to install an attractive buffer between this proposed development project and the adjacent Whispering Oaks townhome community. He is considering tree preservation, heavy shrubbery, and/or fencing for the buffer.

Dedicated land for park and trail development. On the remaining portion of the 23-acre tract, the developer is proposing to dedicate approximately 6.7 acres for a future park constructed by the City of Mauldin and an additional 1.5 acres for an entrance road into the future park. Additionally, the developer is proposing to reserve a 21-foot easement along the edge of the property next to the railroad right-of-way for future pedestrian and bicycle trail construction.

About Parker Group

On their website, Parker Group summarizes their mission as: "We value people over profit." They describe their approach to real estate as "caring about people and empowering them to begin the next phase of their lives. It's about being visionary, seeing a need and creating the solution proactively. It's about impacting lives. Our team does it all with professionalism, unbridled intelligence, and a tenacious curiosity that keeps us moving forward."

The Parker Group has undertaken development projects across Greenville including the Hub (14 modern Scandinavian-inspired townhomes), the Commons (commercial adaptive reuse development), Custom House Condos (luxury condos on South Main Street), Burdette Street Cottages (7 homes in the Village of West Greenville's Arts District), and West Park & Townes (6 townhome units in downtown Greenville). In addition, the Parker Group is redeveloping the former site of Family Dollar/Rite Aid/Eckerd's in Mauldin at the corner of N. Main Street and E. Butler Road.

NEIGHBORHOOD MEETING

In accordance with Section 4:3.3 of the Mauldin Zoning Ordinance, the applicant held a neighborhood meeting on June 8, 2022. Based on the sign-in sheet, it appears that approximately 15 neighbors attended the meeting, most of whom were from the Whispering Oaks townhome community.

According to the meeting summary provided by the applicant, questions and concerns covered topics including: traffic, tree preservation, stormwater runoff, landscape buffering and screening, townhome size and price points. Attached is the applicant's summary of the neighborhood meeting.

PUBLIC HEARING

The Planning Commission held a public hearing on July 26, 2022. One non-resident citizen spoke at the public hearing.

- Sam Davis, with Upstate Greenways & Trails Alliance, spoke in support of the project highlighting that the proposed establishment of a trail easement along this property will help in the expansion of the Swamp Rabbit Trail from CU-ICAR to Mauldin.

ZONING EVALUATION

Existing Zoning Classification

The I-1 district is established to accommodate manufacturing, assembly, warehousing, and distribution operations. It is the intent of the district that such operations do not produce harmful noise, odor, smoke, dust, glare, or pollution.

Proposed Zoning Classification

The R-M zoning designation is a multi-family residential district intended to provide a full range of medium-to high-density multi-family housing types in addition to detached and attached single-family homes recreational, religious, and educational facilities. This district is intended to provide a transition between single-family districts and commercial districts.

Development standards associated with the R-M zoning district include:

- Maximum density: 16 units per acre
- Maximum building height: 45 feet
- Minimum perimeter setbacks: 25 feet
- Buffer required next to Whispering Oaks community: none required by ordinance
- Minimum open space: 15 percent of development area
- Minimum parking: 1.5 parking spaces per multi-family dwelling unit; 2 parking spaces per single-family dwelling unit

Surrounding Development/Zoning

These properties are surrounded by the following zoning and land uses:

Direction	Zoning District(s)	Existing Use(s)
North	I-1 (City)	C.F. Sauer and other industrial facilities
South	R-M (City)	Whispering Oaks townhome community
East	I-1 (City)	Various industrial businesses
West	C-2 (City)	Landscape strip between railroad tracks and N. Main Street

Comprehensive Plan Vision

This property is designated as an “employment center” in the future land use map of the comprehensive plan. Employment Center areas are intended for industrial parks and office parks. However, this designation in the Comprehensive Plan does not account for the constrained access to this property.

REVIEW CRITERIA

The Mauldin Zoning Ordinance does not contain any specified criteria that should be considered by the Planning Commission when reviewing requests for rezoning. However, the following criteria are typical of those used by other jurisdictions.

- A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- B. Suitability of the site’s physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district;

- C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;
- D. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising public health, safety or welfare; and
- E. Public need for the potential uses permitted in the requested zoning district.

STAFF FINDINGS

The analysis below includes staff findings pertaining to each criterion.

CRITERIA

- 1. Consistency with the Comprehensive Plan or, if conditions have changed, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- 2. Suitability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed
- 3. Compatibility of the potential uses allowed with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values

STAFF FINDINGS

This property is designated as an “employment center” in the future land use map of the comprehensive plan. Employment Center areas are intended for industrial parks and office parks. However, the failed attempts in recent years to design the type of access required for an employment center, it would appear that the conditions for this property have changed. Considering that Green Street appears to be the only viable solution for access at this time, the proposed development of a townhome community at this tract seems to be more consistent with the general character of the other properties along Green Street. The Planning Commission and the City Council may or may not judge that the proposed rezoning is consistent with the intent of the comprehensive plan, recent development trends, and the general character of the area.

There is a small area (approximately one-half acre) along the easternmost corner of the property located in a floodplain. To staff’s knowledge, there are no other apparent floodplains, wetlands, or topographic constraints on the site. Staff is not aware of any features at this site that would make it unsuitable for development.

The tract is located in a transitional area between railroads tracks, industrial properties on the backside, and townhomes and detached homes to the south. Considering that the property will be accessed via Green Street, it would seem that a residential development would be better suited for this site than would an industrial or office park development, in terms of traffic, noise, aesthetics, and other potential impacts. The Planning Commission and the City Council may or may not judge that this rezoning is compatible with the surrounding uses.

CRITERIA

4. Capacity of public infrastructure and services to sufficiently accommodate potential uses allowed without compromising public health, safety, or welfare

5. Public need for the potential uses permitted

STAFF FINDINGS

Staff is not aware of any utilities, including water and sewer, that would not be available at this tract. This project is expected to connect to the existing ReWa sewer line along the southern edge of the property. If the project will generate more than 100 peak hour trips, the applicant will be required to provide a traffic impact study (TIS) before the development plans can be approved. It does not appear at this time that this project will generate more than 100 peak hour trips. Therefore, a traffic impact study is not likely to be required for this development project prior to preliminary plat.

The Comprehensive Plan forecasts that an aging population, shrinking household sizes, and affordability will continue to increase the demand for smaller, low-maintenance housing. The current conceptual development proposal would provide additional living options that support this forecast in the Comprehensive Plan. Additionally, this rezoning also helps to meet the high demand for housing around this area.

TIMELINE

On June 8, 2022, the applicant met with interested neighbors to review their proposal and to seek questions and comments.

On June 17, 2022, staff received the request to rezone this tract.

On July 26, 2022, the Planning Commission conducted a public hearing. At this meeting, the Planning Commission voted 5-0 to recommend approval of the rezoning.

On August 1, 2022, the Building Codes Committee voted 3-0 to forward this rezoning to City Council for consideration.

STAFF RECOMMENDATION

In staff's opinion, it appears that the conceptual residential community at this tract has the potential to introduce lesser impacts in terms of noise, traffic, aesthetics, and similar impacts in comparison to the type of development that would otherwise be allowed by the current zoning of the property. For these reasons, it appears that the conceptual residential community may be more compatible to the adjacent Whispering Oaks townhome community than the current zoning for industrial development. Furthermore, the dedication of land for public park and trail development may be a worthwhile endeavor for the City of Mauldin as it seeks to expand pedestrian and bicycle facilities within the City.

Ultimately, the Planning Commission and the City Council will need to make a judgment on whether (1) this rezoning is consistent with the vision for the future of this area, (2) the rezoning is compatible with the surrounding uses, and (3) any other factors that they deem pertinent.

PLANNING COMMISSION RECOMMENDATION

On July 26, 2022, the Planning Commission voted 5-0 to recommend approval of the rezoning.

ATTACHMENTS

Proposed ordinance (maps included therein)

Neighborhood meeting information

Conceptual drawing(s)

ORDINANCE # _____

AN ORDINANCE TO REZONE PROPERTY CONSISTING OF APPROXIMATELY 23 ACRES LOCATED AT NORTH MAIN STREET (PORTION OF TAX MAP PARCEL: #M008.04-01-004.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, TJA LLC, has petitioned the City of Mauldin to rezone +/- 23 acres from the I-1, Industrial District, to the R-M, Multi-family Residential District; and

WHEREAS, a rezoning of the parcel is in keeping with the City of Mauldin 2014 Comprehensive Plan Update; and

WHEREAS, the site is suitable for the types of uses that could be developed under the new zoning district; and

WHEREAS, the potential uses permitted in the new zoning district meet a public need and are not detrimental to the public health, safety, and welfare; and

WHEREAS, the Mauldin Planning Commission has given favorable recommendation to the zoning application; and

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

Section 1. That the property described in zoning docket PC-2022-09-RZ and Greenville County Tax Map Parcel M008.04-01-004.00 be rezoned from I-1 to R-M, Multi-family Residential. The property is further identified on the attached exhibit that is hereby incorporated into this ordinance, including Exhibit 1, Zoning & Property Map.

Section 2. This ordinance shall become effective upon and after its final passage.

Passed on First Reading _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

ATTEST:

BY: _____

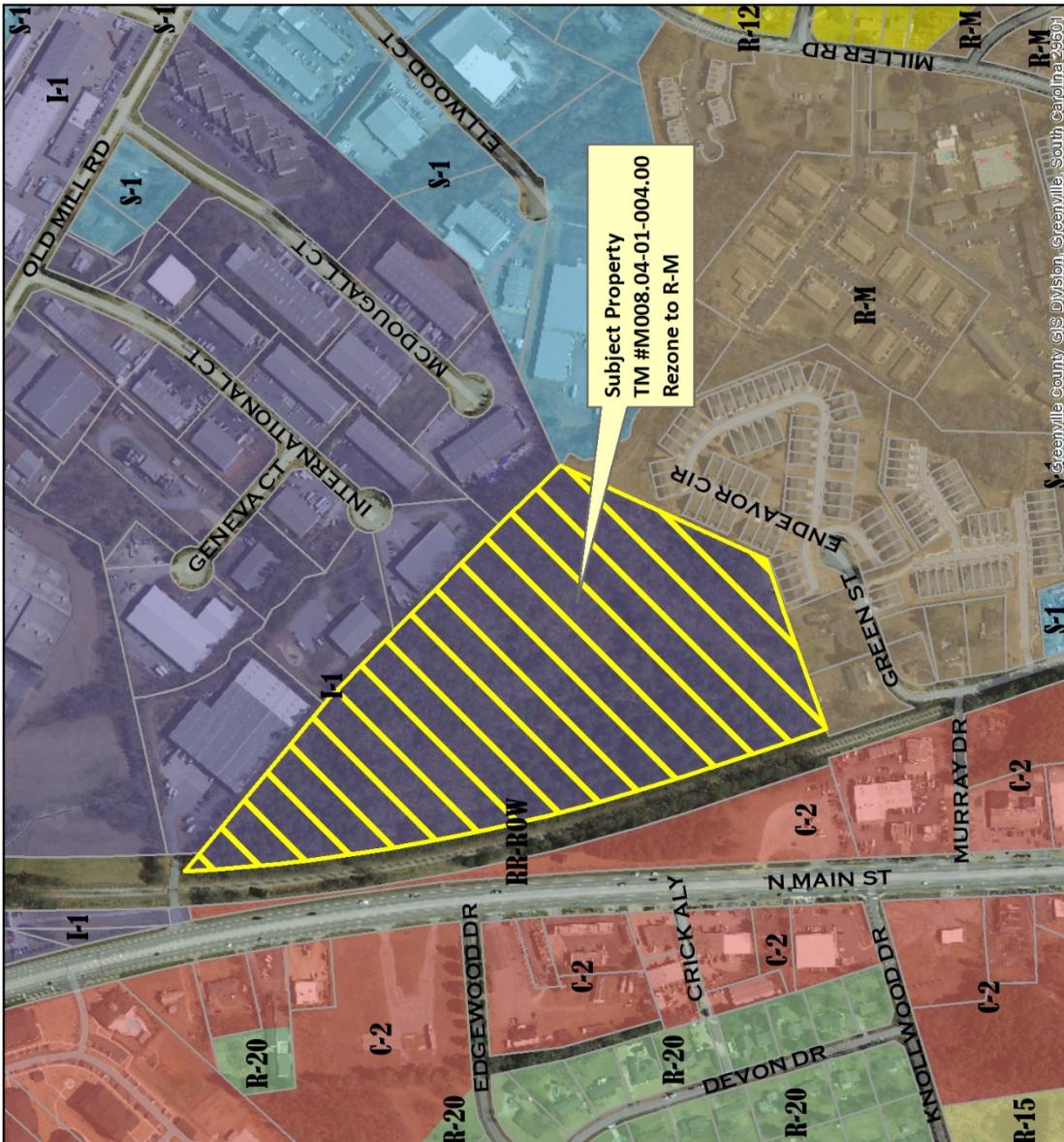
Terry Merritt, Mayor

Cindy Miller, Municipal Clerk

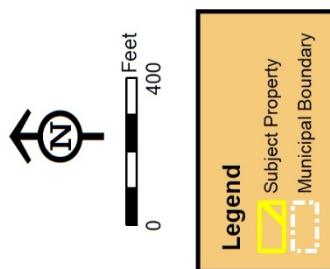
APPROVED AS TO FORM:

John Duggan, City Attorney

EXHIBIT 1



TJA LLC Property on N Main St Zoning & Property Map



Created on July 14, 2022

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.



Neighborhood Meeting Notes

Property: 23 acres at N. Main Street and 9 Green Street – Rezoning

Meeting Date: June 8, 2022

Meeting Time: 6 PM

Meeting Location: Mauldin Library

Summary: We are looking to rezone 23 acres from Industrial to Residential. The property has some access challenges. We have spoken with everyone surrounding the property regarding access. We purchased a residential home (9 Green Street) to obtain access to the property off Green Street. It seems the highest and best use for this property is residential. We do not feel anyone would want commercial or industrial traffic accessing the property off of Green Street. One entrance does offer the ability for 99 townhomes. With it being 23 acres and a lot of property for the number of units we wanted to provide land for the swamp rabbit trail as well as a city park. We feel this could be a nice park for walking trails, bike trails, picnic tables or whatever the city feels would be best. It is 23 acres in a great location so we want to create a win-win for the community and us.

Questions from the attendees along with my answers:

- 1) How do we plan to buffer the community from Whispering Oaks?** We plan to do heavy landscaping, save as many existing trees as possible and possibly add a fence if needed.
- 2) What does this look like from a traffic standpoint?** Based on a preliminary study by, Matt Short @ Short Engineering and Consulting out of Columbia, SC – He stated that the trip generation falls under the 100 trip threshold. I also stated, I am in the process of getting a more in depth study performed and will be more than happy to share that information once I receive it.
- 3) What about water run off – will it come onto Whispering Oaks property?** The low-lying area of the property tends to be towards the detention pond shown in the drawing. We plan to work with our civil engineers to certainly make sure that no additional water is sent towards Whispering Oaks.
- 4) One person referenced a previous wreck on Green Street and had some traffic concerns.** *It also was asked or brought up about the entrance and if*



that could potentially be shifted and be more of a straight drive into the entrance. - We can look into a straighter entrance but we need to look into the setbacks required by the Railroad. Regarding accidents, it is my understanding that we are looking to have railroad crossing arms in the future off Murray Street and also there is hope for a Traffic Light at the Intersection of Main and Murray. I thought perhaps these additional units could assist with the requirements for the traffic light.

5) What size will the townhomes be? Somewhere in the 2000 sqft range.

6) What price point will the townhomes be? Projecting in the \$300's

7) How many stories will the townhomes be? Most likely 2 stories

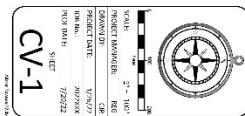
The majority of the questions & comments centered on as 1 attendee kept stating the "2 T's" – Traffic and Trees.

Most attendees were from Whispering Oaks and wanted reassurance of nice landscaping and an overall nice community.

The overall reception seemed positive as most folks understood that at some point the land would probably get developed and felt that residential was the best use.



NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			



STAKEOUT PLAN
ALLSTON TOWNES
MAIN STREET
CITY OF MAURICE, SC

THIS DRAWING AND ASSOCIATED CAD FILES ARE AN ATTACHMENT OF
AN AGREEMENT FOR CONTRACTOR PAYMENT. THEY ARE THE PROPERTY
OF THE CITY OF MAURICE, SC AND ARE TO BE HELD ON BORROWING BASIS.
THESE DRAWINGS ARE NOT TO BE COPIED OR USED FOR ANY OTHER
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G Gray
Engineering
333 TRAILER ROAD - GREENVILLE, SC 29607
P: (864) 257-2627 F: (864) 257-2628
WWW.GRAYENGINEERING.COM

CITY COUNCIL AGENDA ITEM

MEETING DATE: August 15, 2022

AGENDA ITEM: 8b

TO: City Council

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

SUBJECT: **Rezoning at W Butler Road and Laurel Meadows Pkwy**

OWNER(S):	Abby & Matt, LLC
AUTHORIZED REP(S):	Austin Allen • Arbor Land Design
TAX MAP NUMBER(S):	#M008.02-01-003.00
LOCATION:	Property along W. Butler Rd. between Taylor Rd. and Laurel Meadows Pkwy.
CURRENT ZONING:	C-2, Commercial
REQUESTED ZONING:	R-M, Multi-Family Residential
SIZE OF PROPERTY:	Approx. 5 acres

REQUEST

The City of Mauldin has received a signed petition requesting the rezoning of a tract of land pursuant to Section 4:2 of the Mauldin Zoning Ordinance. This petition includes approximately 5 acres located along W. Butler Road between Taylor Road and Laurel Meadows Parkway. The applicant has requested that this tract be rezoned from C-2, Commercial, to R-M, Multi-Family Residential. The applicant is planning to develop a townhome community described below.

HISTORY/BACKGROUND

This tract is currently undeveloped and is heavily wooded. This property has been listed as available for commercial development for the last few years.

PROPOSED DEVELOPMENT

At present, Arbor Land Design is proposing to develop a 57-unit townhome community on this 5-acre tract. This community would consist of townhomes with projected price points starting at \$300,000. The conceptual drawings for the proposed development do not depict any amenities but do include just under one acre of open space.

Access. Access to this proposed development project will be via two separate drives along Laurel Meadows Parkway. One drive will line up with Waterbrook Dr and the other drive will be slightly offset from the second driveway into the Mauldin Library parking lot. The intersection of W. Butler Road and Laurel Meadows Parkway is currently signalized which aids access at this intersection.

Buffering. The developer has not provided information about buffering adjacent to the Laurel Meadows community but the conceptual drawings depict a storm water detention pond and open space adjacent to the Laurel Meadows community.

About Arbor Land Design

On their website, Arbor Land Design, also known as Arbor Engineering, describes its company as “actively engaged in all aspects of landscape architecture and design, including residential and commercial; urban planning; land use planning; parks and recreational development; and civil engineering.” Arbor Land Design has been involved with projects all across the Greenville area. They are currently involved with providing civil engineering for Riley Trace, Hawk Haven, Bethel Townes, Madison Park, Miller Park, Holly Ridge, and Alston Chase, among others.

NEIGHBORHOOD MEETING

In accordance with Section 4:3.3 of the Mauldin Zoning Ordinance, the applicant held a neighborhood meeting on June 20, 2022. Based on the sign-in sheet, it appears that approximately 12 neighbors attended the meeting, most of whom were from the Laurel Meadows community and the Laurel Heights community.

According to the meeting summary provided by the applicant, questions and concerns covered topics including: traffic, insufficiencies at the intersection of W Butler Road and Laurel Meadows Parkway, amenities, open space, tree preservation, stormwater runoff, landscape buffering and screening, target demographic, price points, building façade materials, and rental homes. Attached is the applicant’s summary of the neighborhood meeting.

PUBLIC HEARING

The Planning Commission held a public hearing on July 26, 2022. The following citizens spoke at the public hearing.

- Joe Hanson, 512 Laurel Meadows Parkway, expressed support for rezoning this property from commercial but also shared some concerns about the proposed development of the site. His concerns included: (1) traffic at the intersection of Laurel Meadows Parkway and W. Butler Road and the lack of a dedicated left-turn arrow at the traffic signal for drivers on Laurel Meadows Parkway, (2) the challenge that Laurel Meadows has of other uninvited communities using the Laurel Meadows community pool, and (3) the displacement of wildlife.
- Jane Triplett*, 3 Kalmia Creek Drive, indicated that she does not believe that the property and location is viable for commercial development. She commented that there is a curve along W. Butler Road that causes visibility issues at the intersection of Laurel Meadows Parkway and W. Butler Road. She also commented that the additional development along Ashmore Bridge Road has resulted in increased traffic along Fowler Circle placing additional pressure on the signalized intersection at Laurel Meadows Parkway and W. Butler Road.

* Please note that Ms. Triplett spoke after the floor had been closed to public comments but her comments are shared here anyway.

ZONING EVALUATION

Existing Zoning Classification

The C-2 district is established to promote accessible and central concentrations of business activities and commercial establishments offering both retail goods and services to people from throughout the community. This district is intended to serve both pedestrians as well as people who travel by automobile. Therefore, this district is located along major roadways, and businesses are encouraged to locate in close proximity to one another. Where necessary, adjacent residential areas are protected through landscaping and site design.

Proposed Zoning Classification

The R-M zoning designation is a multi-family residential district intended to provide a full range of medium-to high-density multi-family housing types in addition to detached and attached single-family homes recreational, religious, and educational facilities. This district is intended to provide a transition between single-family districts and commercial districts.

Development standards associated with the R-M zoning district include:

- Maximum density: 16 units per acre
- Maximum building height: 45 feet
- Minimum perimeter setbacks: 25 feet
- Buffer required next to Laurel Meadows community: none required by ordinance
- Minimum open space: 15 percent of development area
- Minimum parking: 1.5 parking spaces per multi-family dwelling unit; 2 parking spaces per single-family dwelling unit

Surrounding Development/Zoning

These properties are surrounded by the following zoning and land uses:

Direction	Zoning District(s)	Existing Use(s)
North	PD (City)	Laurel Meadows community
South	C-1 (City)	Undeveloped commercial property
East	R-20 (City)	Undeveloped residential property
West	C-2 (City)/ PD (City)	Mauldin Library Laurel Heights community

Comprehensive Plan Vision

This property is designated as a “multifamily residential” and also as part of a “regional corridor” in the future land use map of the comprehensive plan. Multifamily residential areas are intended to include apartments, townhomes, and duplexes. They should have good access to major roads as well as parks and open space. A Regional Corridor is envisioned to include intense commercial uses, including “big box” retail, drive-through restaurants, large shopping centers, and automotive service centers.

REVIEW CRITERIA

The Mauldin Zoning Ordinance does not contain any specified criteria that should be considered by the Planning Commission when reviewing requests for rezoning. However, the following criteria are typical of those used by other jurisdictions.

- F. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- G. Suitability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district;
- H. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;
- I. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising public health, safety or welfare; and
- J. Public need for the potential uses permitted in the requested zoning district.

STAFF FINDINGS

The analysis below includes staff findings pertaining to each criterion.

CRITERIA

- 1. Consistency with the Comprehensive Plan or, if conditions have changed, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- 2. Suitability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed

STAFF FINDINGS

This property is designated as “multifamily residential” and also as part of a “regional corridor” in the future land use map of the comprehensive plan. Multifamily residential areas are intended to include apartments, townhomes, and duplexes. A regional corridor is envisioned to include intense commercial uses, including “big box” retail, drive-through restaurants, large shopping centers, and automotive service centers. Consistent with the “regional corridor” designation along W. Butler Road and in the interest of expanding commercial opportunities along W. Butler Road, staff has commented to the applicant about preserving a commercial area along the front of this property. However, the applicant would rather rezone the entire property to multifamily residential. The Planning Commission and the City Council may or may not judge that the proposed rezoning is consistent with the intent of the comprehensive plan, recent development trends, and the general character of the area.

To staff’s knowledge, there are no apparent floodplains, wetlands, or topographic constraints on the site. Staff is not aware of any features at this site that would make it unsuitable for development.

CRITERIA

3. Compatibility of the potential uses allowed with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values

4. Capacity of public infrastructure and services to sufficiently accommodate potential uses allowed without compromising public health, safety, or welfare

5. Public need for the potential uses permitted

STAFF FINDINGS

The tract is located in a transitional area between the Laurel Meadows and Laurel Heights residential communities and commercial uses along W. Butler Road, albeit this section of W. Butler Road is currently underdeveloped in comparison to other sections of W. Butler Road to the east. It appears that the proposed residential development of this property is consistent with the residential communities along Laurel Meadows Parkway. However, the extension of this proposed residential development along the front of the property is less consistent with the general commercial development along W. Butler Road. The Planning Commission and the City Council may or may not judge that this rezoning is compatible with the surrounding uses.

Staff is not aware of any utilities, including water and sewer, that would not be available at this tract. This project is expected to connect to the existing City sewer line along Laurel Meadows Parkway. If the project will generate more than 100 peak hour trips, the applicant will be required to provide a traffic impact study (TIS) before the development plans can be approved. It does not appear at this time that this project will generate more than 100 peak hour trips. Therefore, a traffic impact study is not likely to be required for this development project prior to preliminary plat.

Notwithstanding, some of the citizens that have commented on this project have indicated that there are some deficiencies at the intersection of Laurel Meadows Parkway and W. Butler Road.

The Comprehensive Plan forecasts that an aging population, shrinking household sizes, and affordability will continue to increase the demand for smaller, low-maintenance housing. The current conceptual development proposal would provide additional living options that support this forecast in the Comprehensive Plan. Additionally, this rezoning also helps to meet the high demand for housing around this area. However, the Comprehensive Plan also has a stated goal to ensure an adequate supply of non-residential land to support future economic development. This rezoning of the front of this property away from commercial decreases the commercial growth opportunities along W. Butler Road.

TIMELINE

On June 20, 2022, the applicant met with interested neighbors to review their proposal and to seek questions and comments.

On June 27, 2022, staff received the request to rezone this tract.

On July 26, 2022, the Planning Commission conducted a public hearing. At this meeting, the Planning Commission voted 6-0 to recommend approval of the rezoning.

On August 1, 2022, the Building Codes Committee voted 3-0 to forward this rezoning to City Council for consideration.

STAFF RECOMMENDATION

In staff's opinion, the rezoning of the back part of this property for a townhome community appears consistent and compatible with the adjacent Laurel Meadows and Laurel Heights communities. Conversely, the presence of the proposed residential community along the front of W. Butler Road will introduce the first and only residential community that front W. Butler Road between Main Street and Plant Street/Hollyridge Court (notwithstanding the main office for the Ashmore Bridge Estates apartment community fronts on W. Butler Road). It should be noted, however, that at Plant Street and Hollyridge Court, approximately one-quarter mile west of this site, the Gleneagle apartment community and the Holly Ridge subdivision both front along W. Butler Road. Additionally, the members of the surrounding community that have spoken about this project have expressed that they do not support commercial development at this property.

Ultimately, the Planning Commission and the City Council will need to make a judgment on whether (1) this rezoning is consistent with the vision for the future of this area, (2) the rezoning is compatible with the surrounding uses, and (3) any other factors that they deem pertinent.

PLANNING COMMISSION RECOMMENDATION

On July 26, 2022, the Planning Commission voted 6-0 to recommend approval of the rezoning. Please note that during their discussion, the Planning Commission expressed concern about the lack of amenities being planned for the development project and have encouraged the applicant to consider including some amenities in this project.

ATTACHMENTS

Proposed ordinance (maps included therein)

Neighborhood meeting information

Conceptual drawing(s)

ORDINANCE # _____

AN ORDINANCE TO REZONE PROPERTY CONSISTING OF APPROXIMATELY 5 ACRES LOCATED AT WEST BUTLER ROAD AND LAUREL MEADOWS PARKWAY (TAX MAP PARCEL: #M008.02-01-003.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Abby & Matt LLC, has petitioned the City of Mauldin to rezone +/- 5 acres from the C-2, Commercial District, to the R-M, Multi-family Residential District; and

WHEREAS, a rezoning of the parcel is in keeping with the City of Mauldin 2014 Comprehensive Plan Update; and

WHEREAS, the site is suitable for the types of uses that could be developed under the new zoning district; and

WHEREAS, the potential uses permitted in the new zoning district meet a public need and are not detrimental to the public health, safety, and welfare; and

WHEREAS, the Mauldin Planning Commission has given favorable recommendation to the zoning application; and

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

Section 1. That the property described in zoning docket PC-2022-10-RZ and Greenville County Tax Map Parcel M008.02-01-003.00 be rezoned from C-2 to R-M, Multi-family Residential. The property is further identified on the attached exhibit that is hereby incorporated into this ordinance, including Exhibit 1, Zoning & Property Map.

Section 2. This ordinance shall become effective upon and after its final passage.

Passed on First Reading _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

ATTEST:

BY: _____

Terry Merritt, Mayor

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

John Duggan, City Attorney

EXHIBIT 1



Abby & Matt LLC Property on W Butler Rd Zoning & Property Map



0 Feet
400



Created on July 14, 2022

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.



Neighborhood Meeting Notes for West Butler Road/Laurel Meadows Pkwy Parcel Rezone

Austin Allen from Arbor Land Design was the presenter for this meeting. Alex Williams of Arbor Land Design was in attendance taking notes as questions were asked. The meeting was held on June 20, 2022 at 5:30 at Mauldin First Baptist Church. City of Mauldin staff present for this meeting was Mr. Terry Merritt. The meeting started at roughly 5:35 to allow for any attendees running late to not miss out on information. Austin Allen made a presentation of the project and what all was being proposed. Austin also addressed the rezoning process and schedule that this project would go through prior to approval. Upon ending the presentation, the presenter opened up the floor for questions. Any questions by the meeting attendees were recorded and listed below with their responses from the presenter.

- **What is the plan for the open space/green area? Will it be a park?**
-We plan on only disturbing what is necessary. If these areas are not necessary for grading, the current plan is to keep these areas undisturbed. At this time, there are no plans for a park or amenity area.
- **If a residential use is not constructed on this property, then what else could be constructed here?**
- If the property were to remain to be zoned commercial, there could be big box grocery stores, fitness centers, etc. that are allowed under the current zoning classification. These uses would likely generate more trips than residential uses.
- **Are you aiming for older residents within this development?**
- No, typically, older residents without children or empty nesters gravitate towards Single Family Attached due to the lesser maintenance and smaller building foot print.
- **Will there be a pool or amenity area on site?**
- We are currently not showing an amenity area. The addition of a pool or amenity area would be detrimental to the density on site necessary to make this project feasible. We will speak to the developer about potential amenity areas and the requests made by meeting attendees.
- **What is your anticipated selling point?**
- We anticipate the starting price point for these units will be somewhere around \$300,000 but may go much higher than that. Builders allow for upgrades to the unit at the buyers request that increase the price of the unit.

-
- **Will these be custom homes?**
 - No, we believe these will be spec.
 - **Has the client bought the property?**
 - No, generally developers will take a project through all of its entitlement process prior to closing on a piece of property to limit risk. *Correction, the client has purchased the property and has owned this parcel for some time now. The property owner has been unable to sell this property for a commercial use.*
 - **Concerns arose of the existing traffic light on West Butler. Specifically, although there is an existing light, there is not a specific turn lane/light. Attendees of the meeting indicated that they are unable to turn right onto West Butler without the light turning green due to sight distance.** The presenter indicated that we were not aware of any issues with this light but we would confirm if the City/SCDOT has any plans for this intersection.
 - **Will there be covenants to prevent rentals and Airbnb?**
 - The developer has no intentions of these units being short term rental but we will confirm this with the developer.
 - **What are the building materials going to be?**
 - We have not selected a builder for the project but we will confirm if the City of Mauldin would recommend any material limitations for this site.
 - **Attendees made the recommendation again for a turn lane/light at the intersection of Laurel Meadows Parkway and West Butler Road.**
 - **What are the plans for drainage? Currently the proposed lots run into existing developments.**
 - State and Federal Regulations require us to address stormwater quantity and quality. Post development conditions will be held to a higher standard than that of existing developments in the area. We will collect the stormwater before it leaves the site to be treated. Stormwater will be released towards the right of way of Taylor Road. We will not increase runoff to existing lots.
 - **Will there be fencing along West Butler Road? (Attendee expressed concern about the proximity of lots to West Butler Road and the safety concern with children playing near the road.)**
 - Currently, no fencing is required but there will be landscaping along West Butler that should help with safety concerns. We will confirm with the developer if they have any further intention of buffering this area of the development from the road.

Austin Allen



West Butler Road/Laurel Meadows Pkwy Parcel Rezone Narrative

Mr. David Dyrhaug,

We are proposing the rezone of the parcel indicated by Greenville County tax map number M008020100300. We are proposing a rezone from C-2 to R-M to allow for Single Family Attached Dwelling Units.

As of right now, we are currently showing 57 Single Family Attached Dwelling Units. The pad size for these units is shown at 20' wide and 40' deep. The proposed site plan will have 2 connection points on Laurel Meadows Parkway. No other vehicular access will be provided for this site. All traffic will be directed towards the lighted intersection at West Butler Road. The current site plan proposes 0.86 acres of open space which equates to 16% of the site being open space. This calculation does not include common areas. The current plan for these open space areas is to remain natural with the existing mature vegetation on site where grading for roads and building pads is not necessary. All landscaping for this site will be in accordance with the City of Mauldin's landscape ordinance. All road frontages will have road side plantings to provide screening between the proposed and existing developments.

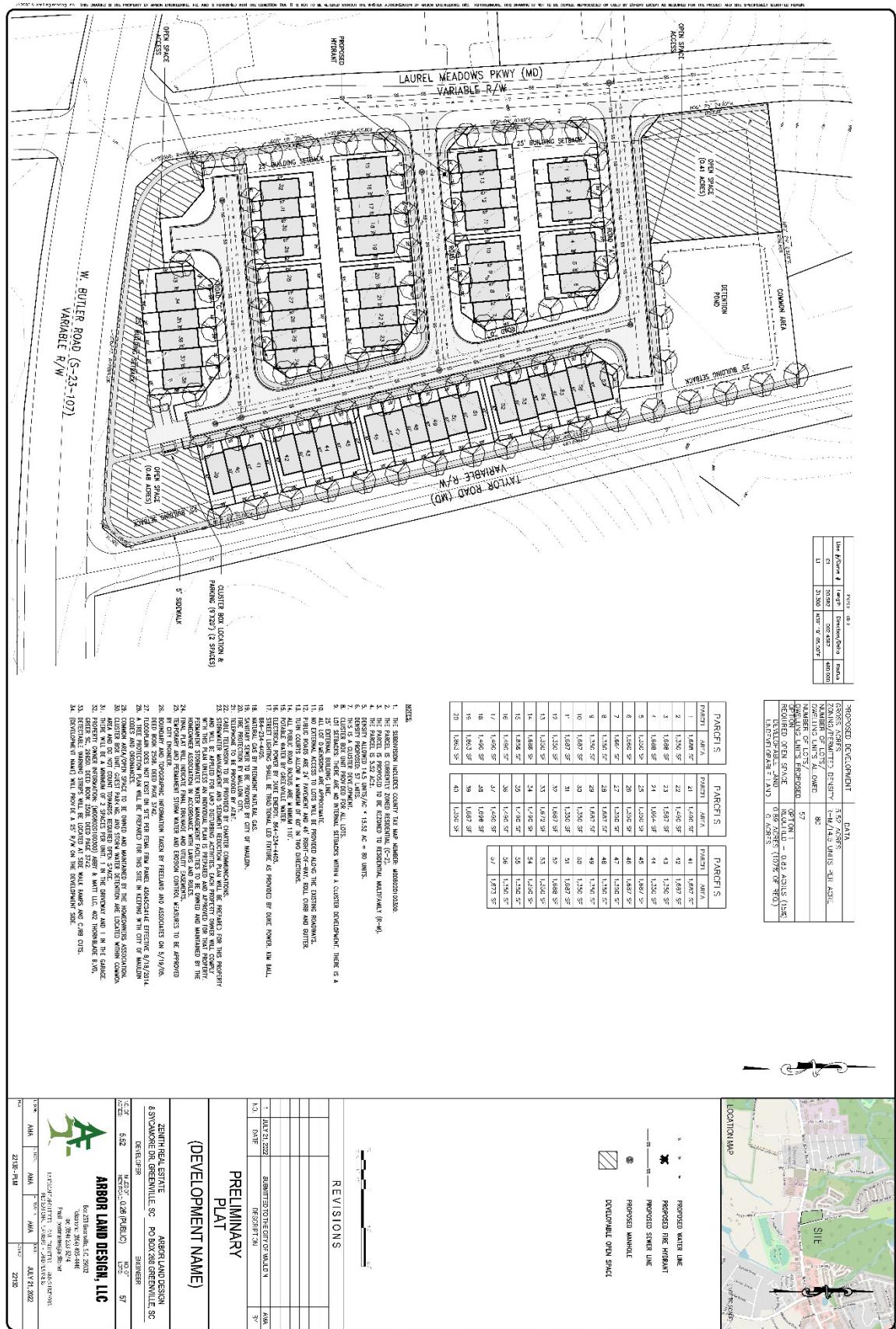
There is not a builder selected for this site. The developer is currently in conversations with multiple builders in the area to try and find the right floorplan for this site. These conversations are being directed towards builders such as Toll Brothers and Dan Ryan Builders. Although, we cannot guarantee that either one of these builders will be on site, they represent the type of quality the developer would like to see on site. Given the location of the project and the proposed building type, we anticipate these units start price to be around \$300,000. The cost of these units could be much higher due to higher end packages the builders offer to buyers.

This is a parcel that has been on the market as commercial for the better half of a decade without being sold for a commercial use. There has been little interest in this site being commercial. It is believed by the developer and engineer that this property falls outside of the City of Mauldin's commercial area and should be used as residential much like the developments that surround this site.

A handwritten signature in blue ink that reads "Austin Allen".

Austin Allen

Arbor Land Design



CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8c

TO: City Council
FROM: J.R. Charles, Community Development Director
SUBJECT: Consider Contract for Landscaping Services at Maverick Station (1 East Butler Road)

REQUEST

To consider a request by East Butler Investments for the City to contract with Piedmont Landscaping for landscaping services at Maverick Station (1 East Butler Road)

HISTORY/BACKGROUND

East Butler Investments (Parker Development) has asked that the City contract with Piedmont Landscaping to maintain the landscaping at Maverick Station in the amount of \$11,400 per year. East Butler Investments has stated the advantages of contracting with Piedmont Landscaping, namely that the foliage would be covered under Piedmont Landscaping's warranty.

The City of Mauldin own the parking lot/landscaped area of Maverick Station (1 East Butler Road), and East Butler Investments (Parker Development) owns the building. Currently, City of Mauldin Public Works is responsible for maintenance of the landscaping.

There is an existing agreement (dated June 9, 2021) which grants an Access/Parking Easement to the City-owned parking lot for guest/customer access. The agreement states that the City will undertake maintenance of the City's property (i.e. the parking lot and landscaping areas) at its sole cost and expense. East Butler Investments has reasonable discretion to undertake reasonable repairs of damage. If East Butler Investments undertakes repairs, the City would reimburse the company within 10 days of East Butler Investments submitting written evidence of the repair/costs of the repair. East Butler Investments can also request that the City repair any damage via a written notice/provision of evidence within 10 days of discovered damage, and the City will have 10 days of the notice to repair damage.

ANALYSIS or STAFF FINDINGS

The proposed contract is a one-year term at a cost of \$11,400. Because this is an unbudgeted item between \$5,000 - \$15,000, the Procurement Policy requires an Informal Bid on this item. A Large Purchase Order must be completed with documentation of attempts to obtain at least three informal bids. Additionally, assigning landscaping services to a private company for the maintenance of public property would be a departure from the practice of City of Mauldin Public Works for the maintenance of public property.

FISCAL IMPACT

\$11,400 per year

RECOMMENDATION

Due to the potential new practice of pursuing private contracts for the maintenance of public property, staff seeks guidance from City Council on its willingness to engage in this type of contract. There is a

definitive cost/quote of \$11,400 from Piedmont Landscaping, but we have not pursued the acquisition of other bids. At this time, it is unknown if there are cost savings that would result from an informal bid. Additionally, because Public Works maintains public property in its scope of work, and costs associated with a private contract would be an increase in the city's operational costs.

ATTACHMENTS

Maintenance Proposal: Piedmont Landscaping



Piedmont Landscaping & Maintenance Inc.
Maverick Station - Landscape Maintenance Proposal
1 E. Butler Rd, Mauldin, SC 29662
Date: 7 - 14 - 22

Qty.	Unit	Item	Description	Monthly	Annually
1	Annual Program	Landscape Bed Pre-emergent.	2 granular applications annually. Suppression of common weed growth in all landscape beds. These treatments will be critical to control weeds in the landscape. March and September.	\$60.00	\$720.00
1	Annual Program	Turf Care Program	7 applications/year. Pre-emergent, Fertilization, and Selective Herbicide Applications. ***Additional fungicides, insecticides, and herbicide treatments may be needed and will be invoiced at time of service per approval from client.	\$85.00	\$1,020.00
1	Annual Program	Tree & Shrub Care Program	1 application / year. Organic Fertilization and Bio stimulant Treatment. Dormant Oil Spray for the suppression of armored scale insects. Systemic Insecticide Treatments for season long control of common insect pests. Material to be treated: All perennials, shrubs, and trees 8' and under. (larger trees can be added upon request.)	\$55.00	\$660.00
1	Annual Program	Landscape Maintenance	Mow and edge all lawn areas. Blow all hardscape areas free of leaf and lawn debris at each visit. Manual trash pickup. Minor pruning of trees and shrubs during the first year of growth. Includes any plant material that can be reached with a 12' ladder. Cut back all perennials and grasses early spring. Fall leaf litter removal as needed. After all the leaves fall we will perform a final cleanup to remove excess leaves from beds and plant material. Manage irrigation settings quarterly. Includes spring start up and winterization. Post emergent treatment of weeds as well as manual removal. Pricing is based off of 45 service visits / year.	\$750.00	\$9,000.00
1	Annual Program	Annual Landscape Program Total	Total of all landscape services.	\$950.00	\$11,400.00



Piedmont Landscaping & Maintenance Inc.
Maverick Station - Landscape Maintenance Proposal
1 E. Butler Rd, Mauldin, SC 29662
Date: 7 - 14 - 22

Additional Services					
1	Annual Program	Seasonal Color Program	\$500 per season minimum. This service is to provide seasonal flowers during the winter and summer in beds and planters. Details and designs of areas to receive plantings TBD.	\$83.00	\$996.00
1	Per request	Lighting	Review of all landscape lighting to ensure everything is functioning properly. Time & Material.		\$0.00
1	Per install	Mulch	Mulch installation when requested by owner.		\$0.00
1	Per request	Drainage	Drainage work done per request of owner. Time & Material.		\$0.00



Piedmont Landscaping & Maintenance Inc.
Maverick Station - Landscape Maintenance Proposal
1 E. Butler Rd, Mauldin, SC 29662
Date: 7 - 14 - 22

NOTES & EXCLUSIONS

1. Does not include mulch or pine straw. Pricing can be provided upon request.
2. Does not include water feature maintenance. Services can be provided upon request.
3. Does not include cleaning out downspout or foundation drains. Services can be provided upon request.
4. Does not include lighting system maintenance. Services can be provided upon request.
5. Does not include hauling off fallen trees. Services can be provide upon request.
6. Does not include Mosquito Treatments. Pricing can be provided upon request.

SIGN: _____

DATE: _____

CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8d

TO: City Council
FROM: J.R. Charles, Community Development Director
SUBJECT: Consider Certification of Distressed Textile Mill Site Tax Credits

REQUEST

To consider the certification of Distressed Textile Mill Site Tax Credits for BBMA Mauldin (Pat and Jennifer Britt) as they seek to redevelop a property at 255 Service Bay Road for a 12,000 sq ft day care center.

HISTORY/BACKGROUND

Pat Britt and his wife, Jennifer, have organized a new company, BBMA Mauldin, to redevelop Lot 1 of the properties located at 255 Service Bay Road with a 12,000 sf day care center. The location of the Lot and day care center is across the railroad right of way from the former Her Majesty textile manufacturing facility.

The Appalachian Council of Governments has indicated that the Her Majesty tax parcels are located in a distressed area, and due to the BBMA tract being contiguous, it would also qualify as an abandoned textile mill site under the South Carolina Textiles Communities Revitalization Act found in Section 12-65-20(4)(b). The entire width of the Her Majesty site is just over 417 feet so all of the BBMA site would be within 1,000 feet of the textile mill uses.

BBMA Mauldin can elect to take one of the following tax credits: 1) A credit against Real Property Taxes by Local Taxing Entities, or 2) A credit against Income Taxes imposed pursuant to Chapters 6 and 11, or Corporate License Fees pursuant to Chapter 20, or Insurance Premium Taxes imposed by Chapter 7, Title 38. BBMA Mauldin has indicated that it wishes to claim the Real Property Tax Credit.

ANALYSIS or STAFF FINDINGS

City Attorney Daniel Hughes received the request to review the resolution/documents on July 22 just prior to his vacation. As such, Mr. Hughes has not provided legal guidance for this resolution as of the date this memo was drafted (July 28, 2022).

An independent review of the South Carolina Textiles Communities Revitalization Act provides the following information:

- The amount of the tax credit is determined by a Notice of Intent to Rehabilitate, which the taxpayer must file with the municipality/local taxing entity.
 - o Once the Notice of Intent to Rehabilitate is filed with the municipality/local taxing entity, the site may be approved by a majority vote of the local governing body.
 - o The City must hold public hearing, and as such, provide a 45-day advanced notice to all local taxing entities of the property owner's intent to claim the credit against real property taxes. The City must also provide the amount of the estimated tax credit based on the estimated rehabilitation expenses. If the local taxing entities do not file an

objection to the tax credit before the date of the public hearing, the local taxing entity is considered to have consented to the tax credit. Additionally, the municipality/county must ensure that the credit does not violate its tax increment financing transactions or any outstanding general obligation bond.

- The credit is calculated as follows:
 - o If the rehabilitation expenses are below 80% of the estimated expenses in the Notice of Rehabilitation, the credit is not allowed.
 - o If the rehabilitation expenses are between 80%-125% of the estimated expenses in the Notice of Rehabilitation, the property tax credit is equal to 25% of the actual rehabilitation expenses
 - o If the rehabilitation expenses are greater than 125% of the estimated expenses in the Notice of Rehabilitation, the taxpayer qualifies for the credit based on 125% of the estimated expenses as opposed to the actual expenses.
- The credit can be taken up to 75% of the real property taxes due each year for up to 8 years.
- The credit against real property taxes for each applicable portion of the textile mill may be claimed at the beginning of the property tax year.

FISCAL IMPACT

Because BBMA Mauldin is constructing a new facility, any reduction in property tax will still be a net positive to the municipality.

Unless the actual construction expenses are 125% above the estimated expenses outlined in the Notice of Intent to Rehabilitate, the tax credit is equal to 25% of the actual construction expenses. If the construction costs exceed 125% of the estimated expenses, the credit is based on 125% of the estimated expenses as opposed to the actual construction costs. The tax credit can be carried forward for 8 years and be claimed against 75% of the real property taxes.

This means that, even if the tax credit reaches its maximum potentials should the construction costs exceed 125% of the estimated construction costs, the city would receive at least 25% of the value of the real property taxes for a period of 8 years. Following the 8-year credit period, the real property taxes would be collected at their full taxable value.

RECOMMENDATION

The City Attorney has not yet reviewed the documents as of the date of this memo (7-28-2022), so staff would defer to the legal expertise of the City Attorney for all required due process. However, staff has reviewed the documentation provided by BBMA Mauldin, as well as the South Carolina Textiles Communities Revitalization Act, and staff recommends positive consideration of this proposal. The request complies with the South Carolina Textiles Communities Revitalization Act, and the location has been certified by the Appalachian Council of Governments as a distressed area. Additionally, even though the taxpayer is seeking a property tax credit, the construction of a new facility will generate a net positive increase in property taxes of at least 25% of property's potential tax value over a maximum period of 8 years.

ATTACHMENTS

Resolution to Certify Textile Mill Site

Parcel Map - 210991, Recorded

Aerial Photo – Distance between BBMA Site and Her Majesty Site

Letter of Certification – Appalachian Council of Governments

RESOLUTION NO. 2022-__

STATE OF SOUTH CAROLINA
CITY OF MAULDIN
A RESOLUTION

TO CERTIFY PROPERTY AT 255 SERVICE BAY ROAD, MAULDIN SC AS AN ABANDONED TEXTILE MILL SITE (TAX MAP NUMBER M005010201603).

WHEREAS, the South Carolina Textiles Communities Revitalization Act (the “Act”) was enacted in Title 12, Chapter 65 of the South Carolina Code of laws (2008), as amended, to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned textile mill sites located in South Carolina; and,

WHEREAS, the Act provides that it is necessary to encourage private investment and restore and enhance the tax base of the taxing districts in the areas by the redevelopment of these abandoned textile mill sites; and,

WHEREAS, Section 12-65-30 of the Act provides that a taxpayer who rehabilitates an abandoned textile mill site is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local property taxes; and,

WHEREAS, BBMA Mauldin, LLC or its affiliates (the “Taxpayer”) has represented to the City that it is responsible for the rehabilitation of and expenses associated with certain real property located at 255 Service Bay Road in the City of Mauldin, South Carolina (the “City”) and further identified as Greenville County Tax Map Number M005010201603 (the “Property”); and,

WHEREAS, Section 12-65-20(1) of the Act provides that a textile mill is “Abandoned” if at least eighty percent of the textile mill has been nonoperational as a textile mill for a period of at least one year, as further provided for in the Act; and,

WHEREAS, Section 12-65-20(4)(b)(iii) of the Act, as amended, provides for the inclusion of land and improvements which were used directly for textile manufacturing operations or ancillary uses, or were located on the same parcel or a contiguous parcel within one thousand feet of any textile mill structure or ancillary uses, provided the Property is located in a distressed area as designated by the applicable Council of Governments; and,

WHEREAS, the Property is adjacent to the properties located at 400 Bon Air Street which is identified as Greenville County Tax Map Numbers M004010101800 and M004010102000, which is the former location of Her Majesty Industries, a children’s clothing manufacturer, which ceased operations in 1995 (“Adjacent Textile Mill Site”); and,

WHEREAS, a copy of a recent survey of the Property (Exhibit A) and an aerial photograph (Exhibit B) shows the Property and the Adjacent Textile Mill Site; and,

WHEREAS, the Appalachian Council of Government has certified the Property as being located in a distressed area (Exhibit c) consistent with Section 12-65-20(4)(b)(iii) of the Act; and,

WHEREAS, the Taxpayer desires to rehabilitate the Property; and,

WHEREAS, the Property is located within the City; and,

WHEREAS, pursuant to the Act, a taxpayer may apply to the municipality or county in which the textile mill site is located for a certification of the textile mill site made by ordinance or binding resolution of the governing body of the municipality or county, which certification shall include findings that the:

- (1) textile mill site was a textile mill as defined in SC Code Section 12-65-20(3);
- (2) textile mill site has been abandoned as defined in SC Code Section 12-65-20(1); and
- (3) geographic area of the textile mill site is located within a Distressed Area as designed by the applicable Council of Government and consistent with SC Code Section 12-65-20(4); and,

WHEREAS, the Taxpayer has applied to the City for a certification of the Property as a textile mill site under the Act in order to encourage investment by potential investors in the redevelopment of the Property; and,

WHEREAS, the City wishes to provide the requested certification following due inquiry.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA:

Section 1. Taxpayer has submitted to the City a request for a certification of the Property as a textile mill site pursuant to Section 12-65-60 of the Act.

Section 2. Based upon the information provided to it by the Taxpayer, the City hereby certifies pursuant to the Act that:

- a. The Property is a contiguous parcel to an abandoned textile mill site as defined in SC Code Section 12-65-20(4)(b).
- b. The Adjacent Textile Mill Site has been abandoned as defined in SC Code Section 12-65-20(1).
- c. The geographic area of the Adjacent Textile Mill Site is located within a Distressed Area as designed by the applicable Council of Government and consistent with the definition of a textile mill site, as defined in SC Code Section 12-65-20(4).

Section 3. This Resolution provides no property tax relief whatsoever, and the City approves this resolution with the understanding Taxpayer will take any credits against State income taxes; further, the City expresses no opinion regarding the availability of same to Taxpayer beyond the certification contained herein.

Section 4. This Resolution shall become effective upon the date of enactment.

[Signature pages follow.]

DONE in meeting duly assembled this ____ day of ____, 2022.

CITY OF MAULDIN

Terry Merritt, Mayor

Attest:

Clerk to City Council

Exhibit A

Recent Survey of Property

[*See attached*]

Exhibit B

Aerial Photograph

{See attached}

Exhibit C
Appalachian Council of Governments Certification

[See attached]

Patrick Britt
Britt Realestate
255 Service Bay Road
Mauldin, SC 29662

November 16, 2020

Dear Patrick,

Thank you for inquiring about 400 Bon Air Street in Mauldin, SC. As you are aware, recent amendments to the South Carolina Textiles Communities Revitalization Act provide the opportunity for tax credits for certain activities pertaining to a property that is located in a distressed area, as designated by the applicable council of governments. At a meeting on October 26, 2018, the ACOG Board of Directors made these designations for Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg Counties.

Through this correspondence, I am certifying that the site, comprised of Greenville County tax parcels M004010101800 and M004010102000, is in a distressed area of the state, as designated by the Board of Directors of the Appalachian Council of Governments.

If we may provide further assistance with this effort, please do not hesitate to let me know.

With regards,

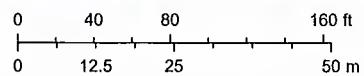

E. Brooke Ferguson
Economic Development Director

Greenville County, SC



July 21, 2022

1:960

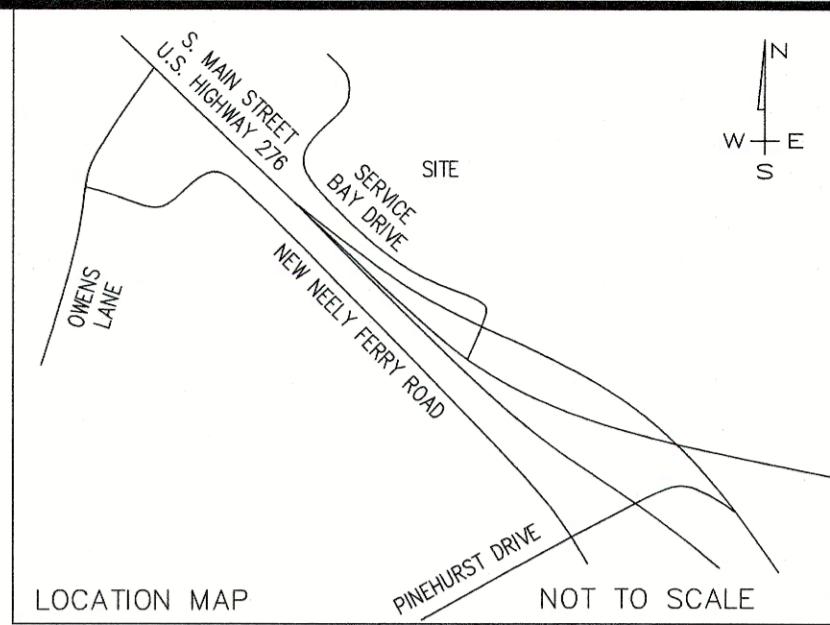


Greenville County GIS Division, Greenville, South Carolina, Greenville County GIS Division, Greenville, South Carolina 29601, Greenville County, South Carolina GIS Division

Disclaimer: This Map is not a LAND SURVEY and is for reference purposes only. Data contained in this map are prepared for the inventory of Real Property found within this jurisdiction, and are

NOTE EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: HIGHWAYS, WATER COURSES, EASEMENTS, TAX LINES, AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. ANY FLOOR PLAN DATA SHOWN HEREIN IS AN APPROXIMATE LOCATION GRAPHICALLY PLOTTED FROM THE REFERENCED FEMA MAP UNLESS OTHERWISE NOTED. THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, FLOOD Delineation OR ENVIRONMENTAL INSPECTION BY SURVEYOR.

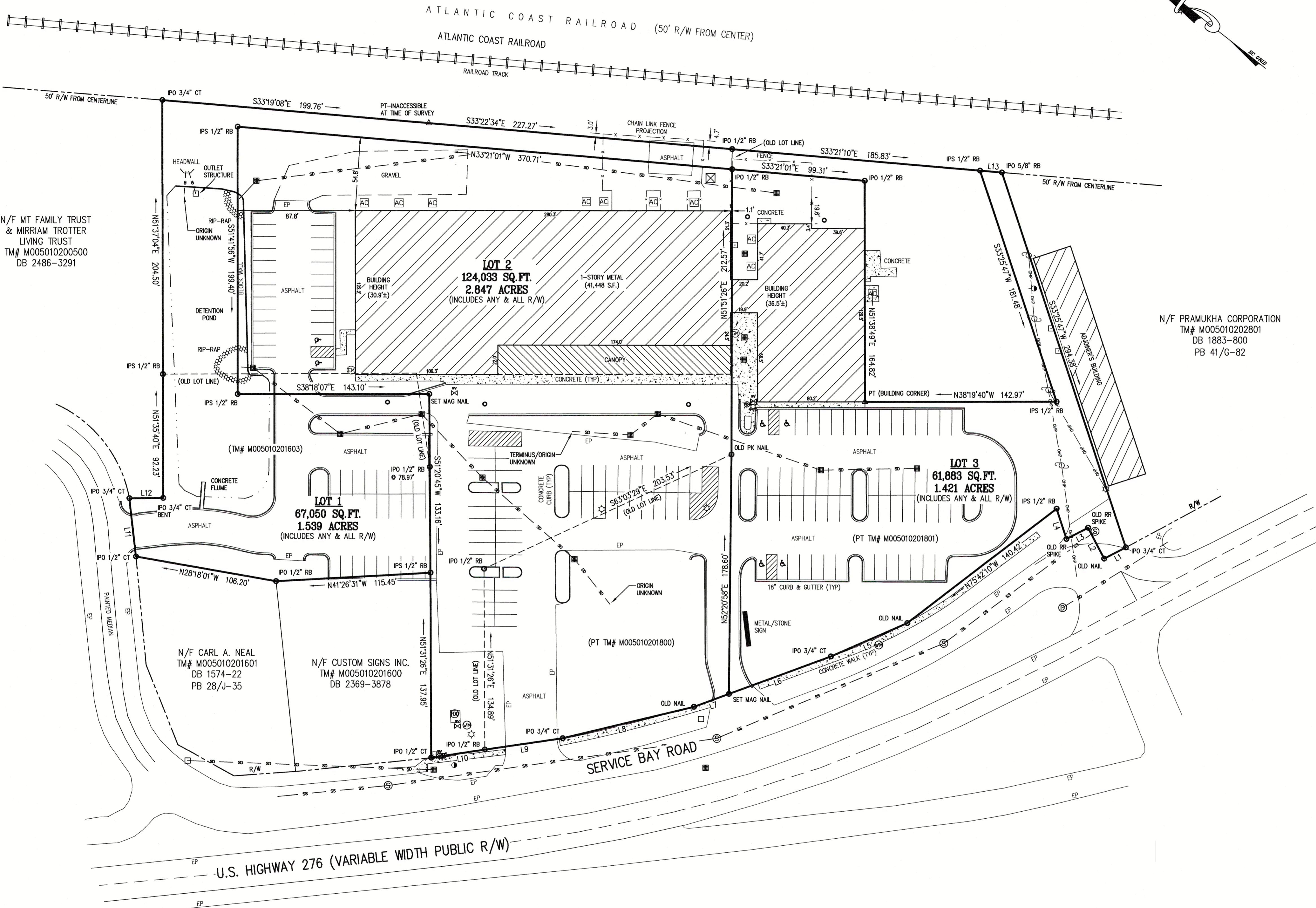
PLAT # 14 Book: PL 1434d Page: 0006 - 0006 1 Pg
June 14, 2022 04:31:30 PM
Rec: \$25.00
FILED IN GREENVILLE COUNTY, SC *Tony J. Herring*



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

REF DEED - 2579/10, 2455/693,
REF PLAT - 47-Z-89, 1312/32

A. CLAY JONES, P.L.S.
S.C. REG.# 26210



LEGEND	
BL	BUILDING LINE
TEL	TELEPHONE PEDESTAL
CL	CENTERLINE
CMP	COMPILED METAL PIPE
CT	CRIMP TOP
DE	DRAINAGE EASEMENT
EP	EDGE OF PAVEMENT
IPO	IRON PIN OLD
IPS	IRON PIN SET
M&C	M&C NAIL & CAP
OT	OPEN TOP
RBC	REBAR
RCP	REINFORCED CONC PIPE
R/W	RIGHT OF WAY
SD	STORM DRAIN
SS	SANITARY SEWER
SSE	SS EASEMENT
CATV	CABLE TV
TC/BC	TOP/BOTTOM CURB
TW/BW	TOP/BOTTOM WALL
VCP	VITRIFIED CLAY PIPE
WVW	WATER VALVE
WFC	WATER FOUNTAIN
FIRE HYDRANT	FIRE HYDRANT
FENCE LINE	FENCE LINE
GAS	GAS LINE
GUY	GUY LINE
FOC	FIBER OPTIC CABLE
GP	POWER POLE
GP-L	POWER POLE
GP-LP	POWER POLE
GP-O	OVERHEAD POWER
OHT	OVERHEAD TELEPHONE
SDH	SD MANHOLE
SSM	SS MANHOLE
SMH	TELEPHONE MANHOLE
UGT	UNDERGROUND POWER
CO	CLEAN OUT
W	WATER LINE

LOT LINE ADJUSTMENT SURVEY FOR
BRITT REAL ESTATE
GREENVILLE COUNTY, SOUTH CAROLINA

SCALE 1" = 40'	PROPERTY ADDRESS 215 SERVICE BAY ROAD	TAX PIN AS NOTED
DATE 5/27/22	40 0 40 40	FIELD CREW MS DRAWN BY BM
THIS PLAT IS NOT A SUBDIVISION AS DEFINED BY THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS <i>14/2022 Herring</i> Date Authorized Representative of Greenville County Planning Commission		
SITE DESIGN, INC. CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS 225 ROCKY CREEK ROAD, GREENVILLE, SC 29615 PH: (864)271-0495 www.sitedesign-inc.com		

CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8f

TO: City Council
FROM: Chief George Miller
SUBJECT: Contract with Clemson University

REQUEST

To approve a contract with Clemson University

HISTORY/BACKGROUND

Each year Clemson University requests assistance from agencies to help in the security for the home games for the football team's home games during the season.

ANALYSIS or STAFF FINDINGS

The police department has been assisting Clemson University for approximately 15 years with security for the football games. It has built a long-lasting relationship between Clemson, us and the multiple other agencies that participate.

FISCAL IMPACT

There will be no Fiscal Impact

RECOMMENDATION

Staff recommends we accept the contract with Clemson University

ATTACHMENTS

A copy of the contract with Clemson University

CONTRACT FOR LAW ENFORCEMENT SERVICES AT CLEMSON UNIVERSITY SPECIAL EVENTS

This Agreement is entered into as of July 1st, 2022 between CLEMSON UNIVERSITY (“University”) and the MAULDIN POLICE DEPARTMENT LAW ENFORCEMENT JURISDICTION (“Jurisdiction”).

RECITALS: The purpose of this Agreement is to describe the terms and conditions pursuant to which police officers from Jurisdiction will provide law enforcement services for Clemson University at Clemson University special events in accordance with South Carolina Code section 23-20-10 *et seq.*

1. Term.

The term of this Agreement will be one year, beginning on July 1, 2022, and ending on July 1, 2023. This Agreement may be terminated earlier by either party upon sixty (60) days’ prior written notice to the other party. Any modification of this agreement must be made in writing and signed by all parties.

2. Jurisdiction’s Rights and Obligations.

- a) Subject to availability and upon at least two weeks advance notice, Jurisdiction agrees to assign one or more police officers to provide law enforcement services at Clemson University special events, including but not limited to athletic events, concerts, graduation and livestock shows/events.
- b) At all times relative to this Agreement, Jurisdiction’s police officers shall remain employees of Jurisdiction and will have full arrest powers while performing services at Clemson University.
- c) All police officers assigned to any special event at Clemson University pursuant to this Agreement shall comply with those policies, procedures and instructions provided by University, provided no such duties shall be contrary to their oath or obligation as a sworn officer of the law under the laws of the State of South Carolina.
- d) Neither Jurisdiction nor any personnel of Jurisdiction will for any purpose be considered employees or independent contractors of University. Jurisdiction is solely responsible for the payment of salary to any police officers assigned to any special event under the terms of this Agreement, including withholding income taxes and social security, health insurance, worker’s compensation and disability benefits.

3. University’s Rights and Obligations.

- a) University will pay the Jurisdiction \$40.00 per hour for each officer assigned to work at a Clemson University special event (non-athletic event).

University will pay the jurisdiction \$45.00 per hour for each officer assigned to work at a Clemson University Athletics event.

- b) Jurisdiction shall determine those officers it shall assign to any special event at Clemson University, provided that Clemson University reserves the right to reject the Jurisdiction's assignment of any police officer at any Clemson University special event.
- c) University will maintain records concerning the performance of services provided to University.

4. Miscellaneous.

- a) This Agreement constitutes the entire agreement and understanding of the parties with respect to its subject matter. No prior or contemporaneous agreement or understanding will be effective. This Agreement shall be governed by the laws of South Carolina, the courts of which state shall have jurisdiction over its subject matter.
- b) The individuals signing below on behalf of Jurisdiction and University, respectively, hereby represent and warrant that they are duly authorized to execute and deliver this Agreement on behalf of Jurisdiction and University, respectively and that this Agreement is binding upon both parties in accordance with its terms.

UNIVERSITY

By _____
(Signature)

Name Anthony E. Wagner
Title Executive Vice President
VP Finance & Operations
Clemson University

JURISDICTION

By _____
(Signature)

Name George Miller

Title Chief

Address

5 East Butler Road
Mauldin, S.C. 29662

By _____
(Signature)

Name Greg Mullen
Title Chief of Police
Clemson University

CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8g

TO: City Council
FROM: Chief Brian McHone
SUBJECT: Open Burning

REQUEST

To approve an open burning permit

HISTORY/BACKGROUND

Terra Flex Group is the developer for Adams Glen and has asked for a burn permit.

ANALYSIS or STAFF FINDINGS

This property is off of Ashmore Bridge Road. No open burning is allowed in the City so a permit must be approved by Council.

FISCAL IMPACT

There will be no Fiscal Impact

RECOMMENDATION

Staff recommends approval by Council

ATTACHMENTS

Code of Ordinances regarding open burn

- **Sec. 20-8. - Open burning.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

It shall be unlawful for any person to start, or cause to be started, an open fire to burn any woodlands, brush, grass, structures, leaves, debris or other matter, except as provided in this section.

(b)

The city fire department may burn for official training purposes.

(c)

The city may issue a burning permit, at its discretion, for the burning of trees, brush and undergrowth on land in excess of five acres where such land has been cleared for development, under the following conditions:

(1)

The applicant shall give the city notice in writing of all information required by the city. This notice shall include, but not be limited to, the location of the proposed burn, the material to be burned, the times and dates of the proposed burn, and the location of public roads, streets, property lines, and dwellings in the proximity of the burn.

(2)

The applicant shall clear the area around the burn site and have immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread. If, in the opinion of the fire department, it is necessary for the city to send fire department equipment to the burn site, the applicant shall be responsible to pay for the reasonable cost thereof, as determined by the city.

(3)

No matter may be burned which is not native to the site.

(4)

The applicant shall conduct the burn at such location and under such conditions that smoke or fumes will not go onto any roadway or the property of others and not pose a

health or environmental hazard. Weather, atmospheric conditions and recent rainfall shall also be factors to be considered.

(5)

No burning shall be carried out during any period which the governor or other authorized official has declared that an emergency exists in connection with forest fires or open burning.

(6)

The applicant agrees to be fully responsible for any damages or injuries to others as a result of the burning activity. The city requires the applicant to provide proof of liability insurance in such amounts as determined by the city.

(7)

The city may impose such other conditions and restrictions as are deemed appropriate based on the type and size of the proposed burn.

(8)

The chief of the fire department and city administrator are authorized to establish additional rules and regulations for burning permits.

(9)

The applicant will pay a permit fee as determined by resolution of the city council. No permit shall be issued without the approval of the city council.

(d)

This section shall not prohibit cooking fires built in fireplaces, grills or barbecue pits which shall be kept under competent and continuous supervision.

(e)

The city may issue permits for open fires as part of special events under such terms and conditions as provided by the city.

(Code 1994, § 9-9)

CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8h

TO: City Council
FROM: Recreation Director, Bart Cumalander
SUBJECT: Connection to Bridgeway Station

REQUEST

It is the request of the Recreation and Public Works Department that we do a change order on the existing contract with Cely Construction to connect the footbridge to Bridgeway Station.

HISTORY/BACKGROUND

The new footbridge will connect to Bridgeway Station. Bridgeway Station will be a new development that holds entertainment, housing and other businesses all together in one location. The new footbridge will grant passage over 385 for pedestrians to get access to what Bridgeway Station has to offer.

ANALYSIS or STAFF FINDINGS

Cely Construction was awarded the bid for the new footbridge in Mauldin, SC. This new footbridge will connect to Bridgeway Station. In doing a change order on the existing contract, Cely will be using the same engineers as the project for Bridgeway Station.

FISCAL IMPACT

It would be an extra \$19,700 to study the connection from the end of the existing trail to the bridge across I-385. The funds for this project could come from the Hospitality and Accommodations fund. The construction costs are not included in this estimate.

RECOMMENDATION

It is the recommendation of the Recreation and Public Works department to do a change order on the existing Cely project for the connect of the footbridge and trail at Bridgeway Station.

ATTACHMENTS

Mauldin Walking Trail Proposal

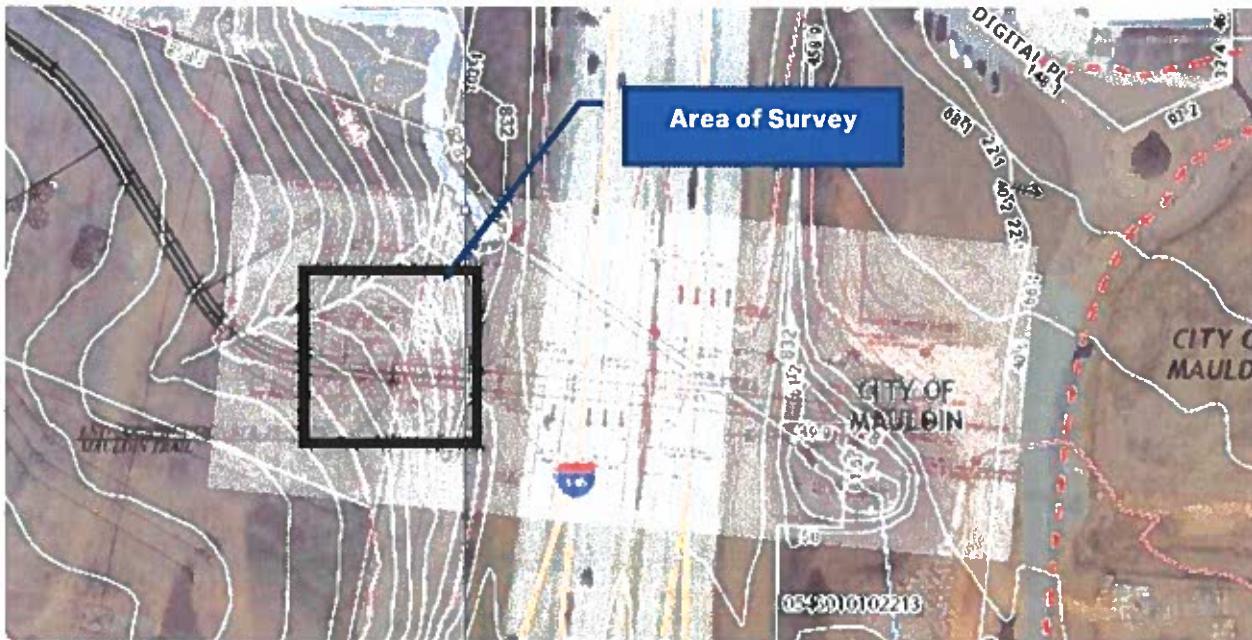
July 6, 2022

Kevin Talbott
COO – Manager of Projects
Cely Construction Company, Inc.
P.O. Box 8497
Greenville, SC 29604
Greenville, SC

RE: Design and Permitting Services for Bridgeway Station Trail and Bridge Tie In

Dear Mr. Talbot,

AECOM Technical Services, Inc. (AECOM) is pleased to present our proposal to provide services to complete designs for the tie in of the Bridgeway Station Trail to the new Pedestrian Bridge that is under construction that will connect to Bridgeway Station.



Tasks associated with the scope of work anticipated include:

- Task 1: Data Collection**
- Task 2: Design and Construction Plans**
- Task 3: SCDOT Permitting (optional)**

Scope of Work

Task 1: Data Collection

AECOM will review existing plans for the Pedestrian Bridge and the Constructed Bridgeway Station Trail. AECOM will complete a field visit to verify survey limits but anticipates gathering approximately 1.5 acres of Field survey data in the area between the pedestrian bridge and trail as shown on the graphic above. Field Survey will include:

- a. Horizontal and vertical control will be utilized from existing control set from the Pedestrian Bridge Project. Boundary and Topographic surveying services shall be to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.
- b. Locate site features on the one foot contour interval topo the with additional spot elevations as necessary to accurately depict the existing drainage patterns of the area. Horizontally and vertically locate all potential outfall drainage ditches and streams.
- c. Locate all visible drainage and gravity sewer structures within the corridor and one structure beyond the corridor limit. Information shall include top and invert elevations as well as pipe location, size, and material.
- d. Location of all visible existing above ground utility structures such as telephone pedestals, water valves, water meters, gas valves, fire hydrants, and visible existing utility designations by others will be shown. No connectivity of underground non-gravity utilities will be shown except as marked by PUPS.
- e. Surveyed property corners along with records for determining property lines and right of way will be provided.
- f. Prepare a Digital Terrain Model (DTM) or TIN file and combine it with existing model from the corridor.

Task 2: Design and Construction Plans

Geometric Design - AECOM will develop an alignment to tie the existing trail to the pedestrian bridge, while meeting design standards set forth in the AASHTO Bike and Pedestrian Guide. Cross sections along the alignment will be provided, along with proposed contours.

Hydraulic Designs – AECOM will review existing conditions and develop a plan to address drainage. The proposed design will show piping, ditches and the installation of any new structures and will include pipe, type, size, and invert elevations.

Erosion Control Design - Design for minimizing erosion and off-site sedimentation during construction will be developed. The location and type of erosion control devices will be shown on the construction plans. It is assumed that the land disturbance will minimal and therefore not require a Land Disturbance Permit, therefore it has not been included in this scope of work.

Utility Impacts - AECOM will make a concerted effort to design around and try to avoid unnecessary relocations of utilities. If absolutely necessary, AECOM will coordinate with Utility Providers to develop a plan for relocation and will be the responsibility of the CONTRACTOR will be responsible for ensuring that utilities are relocated satisfactorily for construction to proceed.

Construction Plans - AECOM will submit electronic plans for 95% plan review and comment by the Contractor and a PDF copy plans for the final submittal. It is anticipated that plans will include and/or address the following at a minimum:

- a. Title Sheet
- b. General Notes Sheet
- c. Summary of Quantities, Removal & Disposal Items
- d. Typical Sections
- e. Detailed Construction plan sheets
- f. Detailed profile sheets
- g. Storm drainage plans (may be included on roadway plan)
- h. Erosion control Plans (may be included on roadway plan)
- i. Utility conflicts
- j. Cross-sections
- k. Construction limits

Deliverables:

- 1) *It is assumed that AECOM will provide an electronic PDF set of plans for review at 95% Plan Level.*
- 2) *AECOM will provide Final Construction Plans at a scale of 1"=50' which will include all of the items listed above.*

Task 3: SCDOT Encroachment Permitting (Optional)

AECOM will coordinate with SCDOT to obtain an encroachment permit for the work if required. It is anticipated that submittals of the plans will be submitted to SCDOT for Review at Final plan stages. This scope includes preparing checklists and supporting documentation required by SCDOT to process encroachment permit application to include Sight Distance Calculations, Functional Classifications, driveway profiles, drainage calculations/statements, etc. and up to one (1) meeting with SCDOT at District office or on-site.

Schedule

It is anticipated that we could begin work on this project within 2 weeks of Notice to Proceed and we could complete the work within 6 weeks of Notice to Proceed with the exception of Permitting if required, which would be subject to review times.

Cost

Task	Cost
Task 1: Data Collection	\$4,800.00
Task 2: Design and Construction Plans	\$11,400.00
Task 3: SCDOT Encroachment Permitting (Optional)	\$3,500.00
Total	\$19,700.00

Assumptions and Exclusions

There are several exclusions from this contract, and they include:

Wetland Declinations, Geotechnical Explorations, Hazardous Material Explorations, permitting other than what is described above, Right of Way Acquisition, No Field Work including wetland delineations, geotechnical or hazardous material explorations will be completed.

We appreciate this opportunity to offer our proposal for these services to Cely Construction Company. It is assumed this work can be completed under a Standard AECOM Contract. As a Principal of the firm, please do not hesitate to contact me at the email address or phone numbers listed below should you have any questions about our submittal, or if you require additional information.

Respectfully submitted,



Emily Swearingen, PE
Associate Vice President, South Carolina Transportation Business Leader
emily.swearingen@aecom.com
O. (864) 234-2261 or M. (803) 331-9717
AECOM Technical Services, Inc.
www.aecom.com

CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: August 15, 2022

AGENDA ITEM: 8i

TO: City Council
FROM: Mark Putnam, HR Director
SUBJECT: Comp and Class Study

REQUEST

To approve a contract with Evergreen Solutions

HISTORY/BACKGROUND

The City of Mauldin last completed a Compensation and Class study in 2018. Most employers complete and Comp and Class study every 4 to 5 years.

ANALYSIS or STAFF FINDINGS

City HR staff is recommending the City enter a contract with Evergreen Solutions LLC. to assist the City in conducting an all-inclusive Comp and Class study for every hourly and salary position City-wide. In conducting our due diligence to ensure that the study is both thorough and would position the City's Compensation/Class structure for the next 4 to 5 years, the HR staff published an RFP in May to solicit experienced/capable contractors. The City received 5 responses to the published RFP. The HR Director, Finance Director and Business Development Director scored and discussed all presentations and together recommend Evergreen Solutions LLC.

FISCAL IMPACT

\$28,500

RECOMMENDATION

Staff recommends that the Evergreen LLC. contract be approved by Council.

ATTACHMENTS

Evergreen contract



Consulting Services Agreement

By and Between

City of Mauldin, South Carolina

and

Evergreen Solutions, LLC

This Agreement (the "Agreement"), dated as of August 22, 2022, is made by and between Evergreen Solutions, LLC, a Florida corporation ("Evergreen"), and the City of Mauldin (the "Client").

WHEREAS, Evergreen Solutions and the Client desire to enter into an agreement whereby Evergreen will provide certain management consulting services for the Client on the terms and conditions hereinafter set forth; and

WHEREAS, Evergreen Solutions is willing to provide such management consulting services for the Client.

NOW, THEREFORE, the parties hereto agree as follows:

1. Engagement. Evergreen Solutions hereby agrees to provide such management consulting services for the Client as may be reasonably requested by the Client in connection with the Request for Proposals (RFP #2022-05) and Proposal submitted by Evergreen Solutions on May 25, 2022.

2. Extent of Services. Evergreen Solutions agrees to perform such services to the best of its ability and in a diligent and conscientious manner and to devote appropriate time, energies and skill to those duties called for hereunder during the term of this Agreement and in connection with the performance of such duties to act in a manner consistent with the primary objective of completing the engagement.

Evergreen Solutions agrees to devote such time as is reasonably required to fulfill its duties hereunder. Throughout the duration of this agreement, Evergreen Solutions will serve as an independent contractor of the Client, as such; Evergreen Solutions will obey all laws relating to federal and state income taxes,

associated payroll and business taxes, licenses and fees, workers compensation insurance, and all other applicable state and federal laws and regulations.

In the successful completion of this engagement, Evergreen Solutions may utilize subcontractors, but Evergreen Solutions shall remain completely responsible to the Client for performance under this Agreement.

3. Term. The engagement of the Consultant hereunder by Client shall commence as of the date hereof and shall continue through January 30, 2023, unless earlier terminated, pursuant to Section 5 hereof.

4. Compensation.

(a) As compensation for the services contemplated herein and for performance rendered by Evergreen Solutions of its duties and obligations hereunder, the Client shall pay to Evergreen Solutions an aggregate fee equal to and not to exceed to \$28,500 (the "Consulting Fee"), earned and payable according to the following invoice/payment schedule:

(b) The Client's sole obligation shall be to pay Evergreen Solutions the amounts described in Section 4(a) of this Agreement, and the Consultant is not and shall not be deemed an employee of the Client for any purpose.

5. Termination. This Agreement shall be terminated as follows:

(a) 30 days after written notice of termination is given by either party at any time after August 22, 2022, provided however, that if the Client shall terminate this Agreement pursuant to this Section 5(a) for any reason other than Consultant's material breach of this Agreement (having given prior notice of, and reasonable opportunity for Consultant to cure, any such breach), Client shall pay to consultant in one lump sum an amount equal to that portion of the aggregate Consulting Fee which has not been paid to Consultant as of the effective date of such termination.

(b) On such date as is mutually agreed by the parties in writing.

(c) Upon expiration of the Term as set forth in Section 3.

If Client elects to terminate for material breach then Client shall pay to consultant in one lump sum an amount equal only to that for which services have been rendered.

Upon termination of this Agreement pursuant to this Section 5, except as contemplated by Section 5(a) in the event Client terminates this Agreement in the absence of continuing material breach hereof by Consultant, Consultant shall be entitled to payment of only that portion of the Consulting Fee earned through the effective date of such termination and any portion of the Lump Sum Payment which has not been paid to Consultant as of the effective date of such termination.

6. Confidential Information. Evergreen Solutions shall not, at any time during or following expiration or termination of its engagement hereunder (regardless of the manner, reason, time or cause thereof) directly or indirectly disclose or furnish to any person not entitled to receive the same for the immediate benefit of the Client any trade secrets or confidential information as determined by the Client in writing.

7. Covenants. Evergreen Solutions agrees to (a) faithfully and diligently do and perform the acts and duties required in connection with its engagement hereunder, and (b) not engage in any activity which is or likely is contrary to the welfare, interest or benefit of the business now or hereafter conducted by the Client.

8. Binding Effect. This Agreement will inure to the benefit of and shall be binding upon the parties hereto and their respective successors or assigns (whether resulting from any re organization, consolidation or merger of either of the parties or any assignment to a business to which all or substantially all of the assets of either party are sold).

9. Entire Agreement. This Agreement, including the aforementioned RFP and proposal, contains the entire agreement and understanding of the parties with respect to the subject matter hereof, supersedes all prior agreements and understandings with respect thereto and cannot be modified, amended, waived or terminated, in whole or in part, except in writing signed by the party to be charged.

10. Notices. All notices required to be given under the terms of this Agreement or which any of the parties desires to give hereunder shall be in writing and personally delivered or sent by registered or certified mail, return receipt requested, or sent by facsimile transmission, addressed as follows:

(a.) If to Evergreen Solutions addressed to:

Evergreen Solutions, LLC
Attention: Dr. Jeff Ling, President
2878 Remington Green Circle
Tallahassee, Florida 32308

(b.) If to the Client addressed to:

City of Mauldin
Attention: Mr. Mark Putnam, Human Resources Director
5 E. Butler Road
Mauldin, south Carolina 29662

Any party may designate a change of address at any time by giving written notice thereof to the other parties.

11. Miscellaneous. This Agreement:

(a) shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns;

(b) may not (except as provided in Section 9 hereof) be assigned by either party hereto without the prior written consent of the other party (any purported assignment hereof in violation of this provision being null and void);

(c) may be executed in any number of counterparts, and by any party on separate counterparts, each of which as so executed and delivered shall be deemed an original but all of which together shall constitute one and the same instrument, and it shall not be necessary in making proof of this Agreement as to any party hereto to produce or account for more than one such counterpart executed and delivered by such party;

(d) may be amended, modified or supplemented only by a written instrument executed by all of the parties hereto; and

(e) embodies the entire agreement and understanding of the parties hereto in respect of the transactions contemplated hereby and supersedes all prior agreements and understandings among the parties with respect thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

Evergreen Solutions, LLC

Jeff Ling, President

City of Mauldin
