



# CITY COUNCIL MEETING

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**MONDAY, NOVEMBER 20, 2023 | 7:00 PM**

**City Council will meet 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  
COUNCIL MEETING AGENDA  
NOVEMBER 20, 2023  
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

- |                                                                    |                    |
|--------------------------------------------------------------------|--------------------|
| <b>1. Call to Order</b>                                            | MPT Matney         |
| a. Welcome                                                         |                    |
| b. Invocation                                                      |                    |
| c. Pledge of Allegiance                                            |                    |
| <br><b>2. Proclamations and Presentations</b>                      | MPT Matney         |
| a. Presentations                                                   |                    |
| Chris McCord Retirement                                            |                    |
| Audit Presentation                                                 |                    |
| <br><b>3. Reading and Approval of Minutes</b>                      | MPT Matney         |
| a. City Council Meeting- October 16, 2023 [Pages                   |                    |
| Special Called Council- November 6, 2023 [                         |                    |
| <br><b>4. Public Comment</b>                                       | MPT Matney         |
| <br><b>5. Report from City Administrator</b>                       | Seth Duncan        |
| <br><b>6. Report from Standing Committees</b>                      |                    |
| 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)                                |                    |
| <br><b>7. Unfinished Business-</b>                                 | MPT Matney         |
| <b>Ordinances- 2<sup>nd</sup> Reading</b>                          |                    |
| a. An ordinance amending the business license ordinance of the     | Chairwoman Kuzniar |
| City of Mauldin to update the class schedule as required by        |                    |
| Act 176 of 2020 [Pages ]                                           |                    |
| b. An ordinance authorizing the conveyance of any and all interest | Chairwoman Kuzniar |
| in certain real property in the City of Mauldin at New             |                    |
| Commerce Court [Pages                                              |                    |

### **Standing Committee Items**

c. Naming of Pedestrian Bridge [Pages

Chairman Allgood

### **8. New Business**

#### **Ordinances – 1st Reading**

None

MPT Matney

### **Standing Committee Items**

a. Administrative Judge Appointment [Pages

Chairwoman King

b. FLSA Policy Update [Pages

Chairman Reynolds

c. City Holidays [Pages

Chairman Reynolds

d. GTA Funding Cost Share [Pages

Chairman Reynolds

### **9. Public Comment**

MPT Matney

### **10. Council Concerns**

MPT Matney

### **11. Adjournment**

MPT Matney

# **PROCLAMATION**

**WHEREAS**, Chris McCord, retired on October 26, after 25 years of service to the Citizens and City of Mauldin; and

**WHEREAS**, Mr. McCord graduated from Mauldin High School, Greenville Technical College and completed The South Carolina Criminal Justice Academy along with numerous trainings to become a Lieutenant with the Mauldin Police Department; and

**WHEREAS**, Mr. McCord has served with distinction the City of Mauldin and Citizens of Mauldin as a Lieutenant for more than 3 years after previously serving as the Communications Sargent; and

**WHEREAS**, Mr. McCord was responsible for overseeing the daily operations of the City's dispatch operations and Police IT responsibility for 15 Years, having significantly assisted in the City's rapid expansion; and

**WHEREAS**, Mr. McCord dedicated his life to his profession and the protection of the City's citizens and businesses; and

**WHEREAS**, Mr. McCord has served as an example of devotion and loyalty for others to follow.

**NOW THEREFORE**, I, Terry Merritt, Mayor of the City of Mauldin, South Carolina, joined by the City Council of the City of Mauldin, do hereby recognize and congratulate Chris McCord on his retirement and thank him for his dedicated and outstanding service to our community.

**IN WITNESS THEREOF**, I hereunto set my hand this 20<sup>th</sup> day of November, 2023.

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Terry Merritt  
Mayor

**MINUTES  
CITY OF MAULDIN  
COUNCIL MEETING  
OCTOBER 16, 2023  
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

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

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

**1. Call to Order-** Mayor Merritt

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

Councilman Matney took the opportunity to tell everyone about the 50<sup>th</sup> anniversary of Mauldin High School events that are coming up this weekend.

**2. Proclamations and Presentations**

- a. Red Ribbon Week Proclamation- Mayor Merritt read the proclamation.
- b. Cultural Center Mural Presentation- Leadership Golden Strip presented the first draft of the proposed mural.
- c. Stormwater Utility Fee Presentation- KCI. Matt Kelly, a Stormwater Engineer with KCI presented the proposed utility fee and what it might look like. Councilman Matney asked Mr. Duncan if the County gives any money to Mauldin for stormwater revenue and if the City has its own stormwater revenue stream. Mr. Duncan answered the County gives the City no money for stormwater and the City does not a revenue stream for stormwater. The County stormwater fee would remain the same.

The proposal is for an optional stormwater fee on Mauldin properties. Councilman Kraeling asked what the City could do with stormwater. Mr. Duncan said a MS4 would have to be established. There is not an advantage for the City to try and remedy stormwater on its own.

Councilman Reynolds suggested this item be sent to the Public Works committee for discussion.

**3. Reading and Approval of Minutes**

- a. City Council Meeting- September 18, 2023- The minutes were approved by unanimous consent.

**4. Public Comment**

- a. Richard Hardin: 145 Silver Hill Lane. Mr. Hardin said this is a bad proposal and he believes the original proposal reflects the true intentions of the developer. This area has many mature trees that may be cut down and not replaced. The tract is not big enough for all of the proposed housing.

Mr. Hardin also mentioned he is concerned about flooding and that the road to Greenbrier Meadows would become a cut-through.

- b. Daniel Fowler: 141 Silver Hill Lane. He has been a real estate appraiser for over 20 years. When he bought his house on Silver Hill Lane, it was sold as a wooded lot in a wooded community. The proposed R10 is a high density. The area where this project is proposed has narrow streets and no sidewalks. He believes more planning should take place.
- c. Leanna Long: 141 Silver Hill Lane. She would like to see more planning. There would be a minimal landscape buffer. She is concerned about traffic coming through the development. She suggested the plan revised to extend her development to allow for half acre lots for this project.
- d. Sandra Bone- 701 Log Shoals Road. She does not believe townhomes and these proposed single-family homes are a good fit for the surrounding areas. The trees that are currently around her are beautiful and she does not want them to be cut down.
- e. Chrissy Drake was present from Bluewater Civil Design, 718 Lowndes Hill Road. She presented some points on the property. The developer changed the original plan and is now proposing a mixed-use development. There is a larger buffer now. The lot sizes are identical to Allston Chase, which is an existing development near the proposed one. There will be a connector road for traffic access. A tree survey is required by the City of Mauldin and any trees removed will be replaced according to requirements.
- f. Myra McCrum: 693 Log Shoals Road. She is now in favor of the revised plan. There are no houses in her backyard in the new plan. The only concern she has now is flooding, but is happy with the revised plan overall.
- g. Dennis Cartier: 153 Silver Hill Lane. He agrees with the opposition to the development . He wants to see sustained development.

## **5. Report from City Administrator**

Mr. Duncan reported on a \$25,000 economic development grant the City received that Council has previously approved. The auditors will be submitting their report soon. Leaf pickup will begin and the schedule is on the City website. Mr. Duncan reminded everyone of the upcoming November Council election.

## **6. Report from Standing Committees**

- a. Finance and Policy (Chairperson Reynolds)- The City has received its 21<sup>st</sup> GFOA award.
- b. Public Safety (Chairperson King)- Chairwoman King thanked the Fire Department for its response to the construction brush fire. She then stated National Night Out was a success due to the police and other City departments. Captain Clardy has been sworn in and is now working.
- c. Public Works (Chairperson Kraeling)- No report
- d. Economic Planning & Development (Chairperson Matney)- No report
- e. Building Codes (Chairperson Kuzniar)- Chairwoman Kuzniar reported the Business and Development Services Department is continuing to break records.
- f. Recreation (Chairperson Allgood)- Chairman Allgood thanked the police department for providing security during recreation events.

## **7. Unfinished Business- Ordinances- 2<sup>nd</sup> Reading**

None

## **8. New Business Ordinances – 1st Reading**

- a. Discussion on Annexation and Zoning Assignment for 14.3 acres at 635-689 Log Shoals Road

The applicant has revised their conceptual plans for the development of this project. Previously, they were proposing to develop this tract for approximately 101 attached single-family homes (townhomes). The applicant has since revised their proposal to include a mix of 31 detached single-family homes and 42 attached single-family homes (townhomes) for a total of 73 homes for R10 zoning.

Councilman Matney asked what might be allowed in the County if this property is not annexed. Mr. Dyrhaug said RS is comparable to R20. The density probably would not be allowed in the County. Councilman Kraeling said he looked into it, and he thinks it would be 1/3 of the proposed development. Councilman Matney asked Mr. Dyrhaug if he knew if Metro is going to accept sewer for the property. Mr. Dyrhaug said he would not have a question that they would take it under normal circumstances, but this property will need a sewer lift station. He does not know whether Metro will accept the sewer lift station. Councilman Matney is hesitant to approve the project with the question of the sewer not being answered.

Councilman Kraeling said there is also an issue with the traffic and roads in this area. It will be a burden on our services. He is also concerned with the sewer question.

Chairwoman Kuzniar said this project is not consistent with the comprehensive plan, which calls for low density in this area. Councilman Allgood said he is glad the Council was able to discuss this and appreciates the developer going back and changing the plans after receiving feedback from the surrounding communities. He does appreciate also the residents coming out and voicing their concerns.

Another concern of Councilman Allgood was answered this morning by Mr. Dyrhaug, and that is if the annexation is denied, it can come back. It is not like zoning, which requires the applicant wait to reapply.

Councilman Reynolds said he would like to give the developers the opportunity to come back again with changes after the feedback tonight.

Mayor Merritt said there are state and county roads surrounding the properties. The City has done a terrific job maintaining its roads. The State and County roads have not been as well maintained and are probably not on the list for improvements. Baldwin Road would be the preferred cut-through and would be the way sanitation would have to go to service the neighborhood. Sidewalks would be installed for the neighborhood.

The biggest concern the Mayor has is the unsettled sewer question. He does also wish there was a different material on the side of the house other than vinyl.

**Motion:** Councilman Matney made a motion to send this item back to the Building Codes Committee to incorporate additional comments from Council and provide an opportunity for the developer to come back with a different plan. Councilman Reynolds seconded the motion.

Chairwoman Kuzniar said she does not believe this neighborhood is a good fit for the area.

Councilman Reynolds said if there were no townhomes in the proposal, it may be more palatable and have less density. It would also be similar to what is across the street.

Daniel Hughes said Metro should give us an answer before the next committee meeting. Mr. Dyrhaug said Bluewater is expecting an answer on the sewer from Metro this week.

**Vote:** The vote was 6-1 with Chairwoman Kuzniar dissenting.

- i. An ordinance to provide for the annexation of property consisting of approximately 12.0 acres owned by Lesley P. Corn, and located at 635 Log Shoals Road (Tax Map Parcel: 0573.01-01-005.06) by one hundred percent petition method; and to establish a zoning classification of R-10, Residential, for said property
- ii. An ordinance to provide for the annexation of property consisting



of approximately 1.5 acres owned by Lesley P. Corn and Vicki H. Corn, and located at 635 Log Shoals Road (part of Tax Map Parcel: 0573.01-01-005.08) by one hundred percent petition method; and to establish a zoning classification of R-10, Residential, for said property

- iii. An ordinance to provide for the annexation of property consisting of approximately 0.03 acres owned by Emma Bonham and Joseph Love Bonham III, and located at 641 Log Shoals Road (part of Tax Map Parcel: 0573.01-01-005.18) by one hundred percent petition method; and to establish a zoning classification of R-10, Residential for said property
- iv. An ordinance to provide for the annexation of property consisting of approximately 0.8 acres owned by Ronald Spanton, and located at 689 Log Shoals Road (Tax Map Parcel: 0573.01-01-004.00) by one hundred percent petition method; and to establish a zoning classification of R-10, Residential, for said property
- b. An ordinance amending the business license ordinance of the City of Mauldin to update the class schedule as required by Act 176 of 2020

**Motion:** Chairwoman Kuzniar made a motion to approve this ordinance on first reading. Councilman Matney seconded the motion.

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

#### **Standing Committee Items**

##### **c. FOIA Policy Change**

This resolution will remove the requirement that the City Attorney must approve every FOIA request response.

**Motion:** Chairman Reynolds made a motion to approve this resolution. Councilwoman King seconded the motion.

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

##### **d. Naming of Pedestrian Bridge**

Councilman Reynolds thanked Ms. Carter and the other City staff for the process to start whittling down the names and also to give Council all of the submissions.

Councilwoman King said her preference is the Mauldin Skyway Bridge, but does not know

how the seven Council members are going to come to a consensus. Skyway has a nice ring to it and connotes the sky is the limit.

Councilman Matney said the bridge will only be named once, but it will take on a life of its own. The longer the name is, the more truncated it will become. It does not have to be named tonight. Bridgeway Station is not completely open, so there is not a rush. He would like to see how it continues to evolve. If it had to be done now, he would probably lean toward Skyway.

Mayor Merritt likes the Mauldin Gateway Bridge. He would like Mauldin included, because Bridgeway Station has a Simpsonville address, but is located in Mauldin. The Mayor also said the Mauldin Hop is one he likes as well.

Councilwoman Kuzniar likes the Mauldin Gateway Bridge and the Hop.

Councilman Allgood likes the Mauldin Hop because it works with the Swamp Rabbit trail. Gateway is the easiest on the ears for him. He said he thinks Council is struggling because the names don't have a Mauldin connotation.

Mr. Duncan said Mauldin Hop and Mauldin Gateway Bridge seem to be the top 2 with Skyway behind. He said the top two or three can be focused on.

**Motion:** Councilman Matney made a motion to keep this item on the Council floor. Councilwoman King seconded the motion. Councilman Reynolds said he would like the focus on the top three names.

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

## **9. Public Comment- None**

## **10. Call for Executive Session**

- a. Executive Session to consider a contractual matter related to the Parker Group as allowed by State Statute Section 30-4-70 (a)(1)

**Motion:** Councilwoman King made a motion to go into executive session with Councilman Kraeling seconding.

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

Mayor Merritt reconvened the meeting at 10:13 p.m. Councilman Matney reported no decisions were made and no action taken in executive session.

- b. Possible action on items discussed in executive session- None

**11. Council Concerns-** None

**12. Adjournment-** Mayor Merritt adjourned the meeting at 10:15 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

**MINUTES  
CITY OF MAULDIN  
SPECIAL CALLED CITY COUNCIL MEETING NOVEMBER 6, 2023, IMMEDIATELY FOLLOWING  
COMMITTEE MEETINGS  
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. City Administrator Seth Duncan was also present.

**1. Call to Order- Mayor Terry Merritt**

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

**2. New Business**

Building Codes Committee

- a. An ordinance authorizing the conveyance of any and all interest in certain real property in the City of Mauldin at New Commerce Court

As part of the development of the Parkside at Butler Apartments on New Commerce Court, the City permitted the developer to redesign the end of New Commerce Court. In accordance with the City's Land Development Regulations, the developer replaced the cul-de-sac at the end of New Commerce Court with a hammerhead or T-intersection configuration. This resulted in a better transition from New Commerce Court into the drives for Parkside at Butler.

At this time, the developer of Parkside at Butler and the City are seeking to clean up the right-of-way so that it matches the new T-intersection configuration. This includes the conveyance of 0.054 acres (2,315 square feet) from the City of Mauldin to the Parkside at Butler development, and the conveyance of 0.048 acres (2,074 square feet) from the Parkside at Butler development to the City of Mauldin.

Under the direction of the City Attorney, Daniel Hughes, this conveyance will be accomplished through quit claim deeds. This is being presented to the City Council as an ordinance that will require approval at two readings.

Motion: Chairwoman Kuzniar made a motion to approve the ordinance on first reading with Councilman Reynolds seconding.

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

**3. Council Requests- None**

**4. Adjournment-** Mayor Merritt adjourned the meeting at 7:56 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** 7a

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**TO:** City Council

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

**SUBJECT:** Business License Standardization Ordinance  
Amendment  
\*\*\* 2<sup>nd</sup> READING \*\*\*

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## BACKGROUND

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South Carolina's Act 176, the Business License Standardization Act, requires every municipality and county government with a business license tax to update its business licensing class schedule every odd-numbered year to go into effect the following year. As such, 2023 is a time to update the City's licensing practices to remain in compliance with state law.

As required by Act 176, the class schedule updates are based on the latest statistical data on business profitability from the IRS, which then receives approval from the SC Revenue and Fiscal Affairs Office.

Each local government must adopt these updates by December 31, 2023, to address those licensing renewals that will take place for the license year running from May 1, 2024 – April 30, 2025.

## AMENDMENT SUMMARY

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This amendment to entails the following:

1. The NAICS codes for Class 8.3, Telephone Companies, have been corrected.
2. Class 8.6 for Billard or Pool Tables has been updated as follows: A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business license pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table long than that.
3. The NAICS codes for Class 9.41, Regular Peddlers, and Class 9.42, Season Peddlers, have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

4. The rate class schedule in Appendix B has been replaced. Some of the business sectors have been reassigned to new rate classes. These include:

NAICS Code	Industry Sector	Old Rate Class	New Rate Class
<b>11</b>	Agriculture, forestry, hunting and fishing	2	1
<b>21</b>	Mining	4	2
<b>48-49</b>	Transportation and warehousing	2	1
<b>56</b>	Administrative and support and waste management and remediation services	4	3
<b>61</b>	Educational services	4	3
<b>721</b>	Accommodation	3	1
<b>81</b>	Other services	5	4

In all the above reassignments, the industry sectors were reassigned to classes with lower rates. This means that the business license revenue collected by the City from these industry sectors may go down.

#### **STAFF RECOMMENDATION**

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In order to be compliant with South Carolina's Act 176, staff recommends approval of the attached ordinance.

#### **BUILDING CODES COMMITTEE RECOMMENDATION**

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The Building Codes Committee has forwarded this ordinance to the City Council with a recommendation of approval.

#### **ATTACHMENT**

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Ordinance

## AN ORDINANCE

### AMENDING THE BUSINESS LICENSE ORDINANCE OF THE CITY OF MAULDIN TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

**WHEREAS**, the City of Mauldin (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

**WHEREAS**, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

**WHEREAS**, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

**WHEREAS**, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 989 on November 15, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

**WHEREAS**, the City Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof:

**SECTION 1. Amendments to Appendix A.** Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be add, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the ordinance that have been skipped and remain unchanged*):

#### APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

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**8.3 NAICS ~~517311, 517312~~ 517111, 517112, 517122 – Telephone Companies.**

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**8.6 NAICS ~~713990~~ Code Varies – Billiard or Pool Tables Rooms, ~~all types~~.**

A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition,



the billiard or pool tables shall require their own separate business license pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.

~~(A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:~~

~~Minimum on first \$2,000 ..... \$47.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$3.50~~

\*\*\*

~~**9.4 — NAICS 454390 — Peddlers, Solicitors, Canvassers, Door-to-Door Sales.**~~

~~Direct retail sales of merchandise. [Non-resident rates apply]~~

~~**9.41** — Regular activities [more than two sale periods of more than three days each per year]~~

~~Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$1.90~~

~~**9.42** — Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]~~

~~Minimum on first \$2,000 ..... \$200.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$1.90~~

~~Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.~~

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**SECTION 2. Amendments to Appendix B.** Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.
- [(c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to

apply and pay for a business license in their natural class.

**SECTION 3. Repealer, Effective Date.** All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

**ENACTED IN REGULAR MEETING**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

First reading: \_\_\_\_\_

Final reading: \_\_\_\_\_

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the  
Current Business License Ordinance**

**APPENDIX B**

**Classes 1 – 8: Business License Class Schedule by NAICS Codes**

<b>NAICS Sector/ Subsector</b>	<b>Industry Sector</b>	<b>Class</b>
<b>11</b>	Agriculture, forestry, hunting and fishing	<b>1</b>
<b>21</b>	Mining	<b>2</b>
<b>22</b>	Utilities	<b>1</b>
<b>31 - 33</b>	Manufacturing	<b>9.8</b>
<b>42</b>	Wholesale trade	<b>1</b>
<b>44 - 45</b>	Retail trade	<b>1</b>
<b>48 - 49</b>	Transportation and warehousing	<b>1</b>
<b>51</b>	Information	<b>4</b>
<b>52</b>	Finance and insurance	<b>7</b>
<b>53</b>	Real estate and rental and leasing	<b>7</b>
<b>54</b>	Professional, scientific, and technical services	<b>5</b>
<b>55</b>	Management of companies	<b>7</b>
<b>56</b>	Administrative and support and waste management and remediation services	<b>3</b>
<b>61</b>	Educational services	<b>3</b>
<b>62</b>	Health care and social assistance	<b>4</b>
<b>71</b>	Arts, entertainment, and recreation	<b>3</b>
<b>721</b>	Accommodation	<b>1</b>
<b>722</b>	Food services and drinking places	<b>2</b>
<b>81</b>	Other services	<b>4</b>
<b>Class 8</b>	<b>Subclasses</b>	
<b>23</b>	Construction	<b>8.1</b>
<b>482</b>	Rail Transportation	<b>8.2</b>
<b>517111</b>	Wired Telecommunications Carriers	<b>8.3</b>
<b>517112</b>	Wireless Telecommunications Carriers (except Satellite)	<b>8.3</b>
<b>517122</b>	Agents for Wireless Telecommunications Services	<b>8.3</b>
<b>5241</b>	Insurance Carriers	<b>8.4</b>
<b>5242</b>	Insurance Brokers for non-admitted Insurance Carriers	<b>8.4</b>
<b>713120</b>	Amusement Parks and Arcades	<b>8.51</b>
<b>713290</b>	Nonpayout Amusement Machines	<b>8.52</b>
<b>713990</b>	All Other Amusement and Recreational Industries (pool tables)	<b>8.6</b>
<b>423930</b>	Junk or Scrap Dealers	<b>9.1</b>

<b>522298</b>	Pawn Brokers	9.2
<b>4411</b>	Automobile Dealers	9.3
<b>4412</b>	Other Motor Vehicle Dealers	9.3
<b>713290</b>	Bingo Halls, Parlors	9.5
<b>711190</b>	Carnivals and Circuses	9.6
<b>722410</b>	Drinking Places, Bars, Lounges, Cabarets	9.7

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** 7b

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**TO:** City Council

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

**SUBJECT:** New Commerce Court Right-of-Way Reconfiguration  
\*\*\* 2<sup>nd</sup> READING \*\*\*

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## BACKGROUND

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As part of the development of the Parkside at Butler Apartments on New Commerce Court, the City permitted the developer to redesign the end of New Commerce Court. In accordance with the City's Land Development Regulations, the developer replaced the cul-de-sac at the end of New Commerce Court with a hammerhead or T-intersection configuration. This resulted in a better transition from New Commerce Court into the drives for Parkside at Butler.

## REQUEST

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At this time, the developer of Parkside at Butler and the City are seeking to clean up the right-of-way so that it matches the new T-intersection configuration. The includes the conveyance of 0.054 acres (2,315 square feet) from the City of Mauldin to the Parkside at Butler development, and the conveyance of 0.048 acres (2,074 square feet) from the Parkside at Butler development to the City of Mauldin. See the attached recombination plat for reference. (Please note in this plat, parcels "B" and "C" would be conveyed to the Parkside at Butler development and parcels "E" and "F" would be conveyed to the City of Mauldin.)

Under the direction of the City Attorney, Daniel Hughes, this conveyance will be accomplished through quit claim deeds. This is being presented to the City Council as an ordinance that will require approval at two readings.

## STAFF RECOMMENDATION

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Staff recommends approval of the attached ordinance.

## BUILDING CODES COMMITTEE RECOMMENDATION

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The Building Codes Committee has forwarded this ordinance to the City Council with a recommendation of approval.

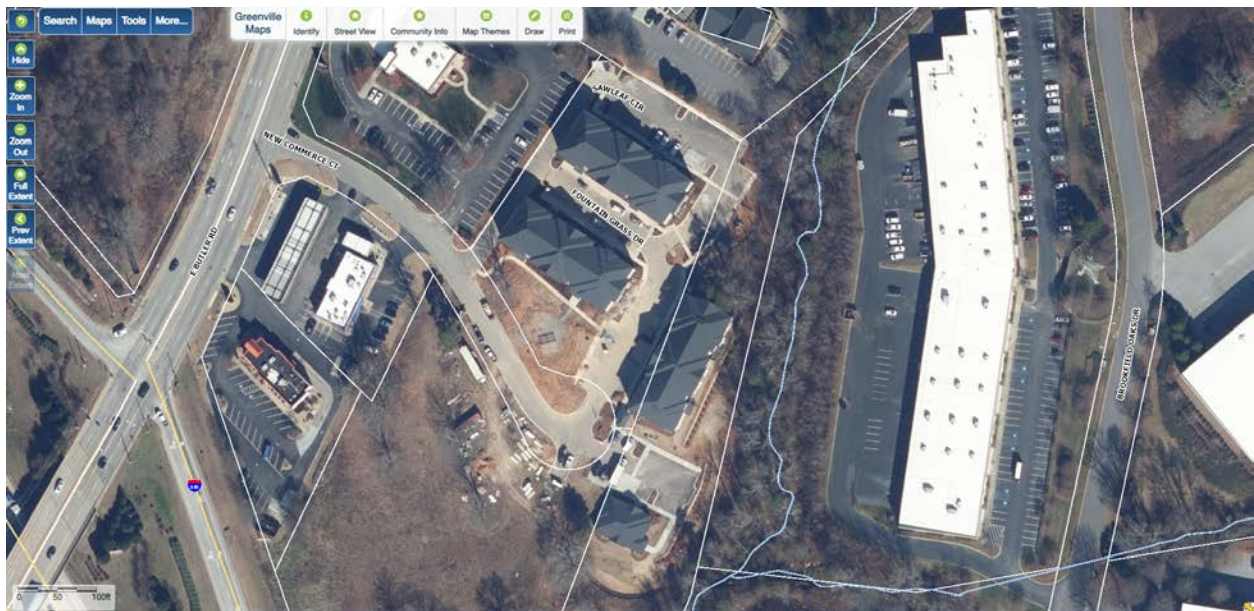
## FORMER TERMINUS AT NEW COMMERCE COURT

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## NEW TERMINUS AT NEW COMMERCE COURT

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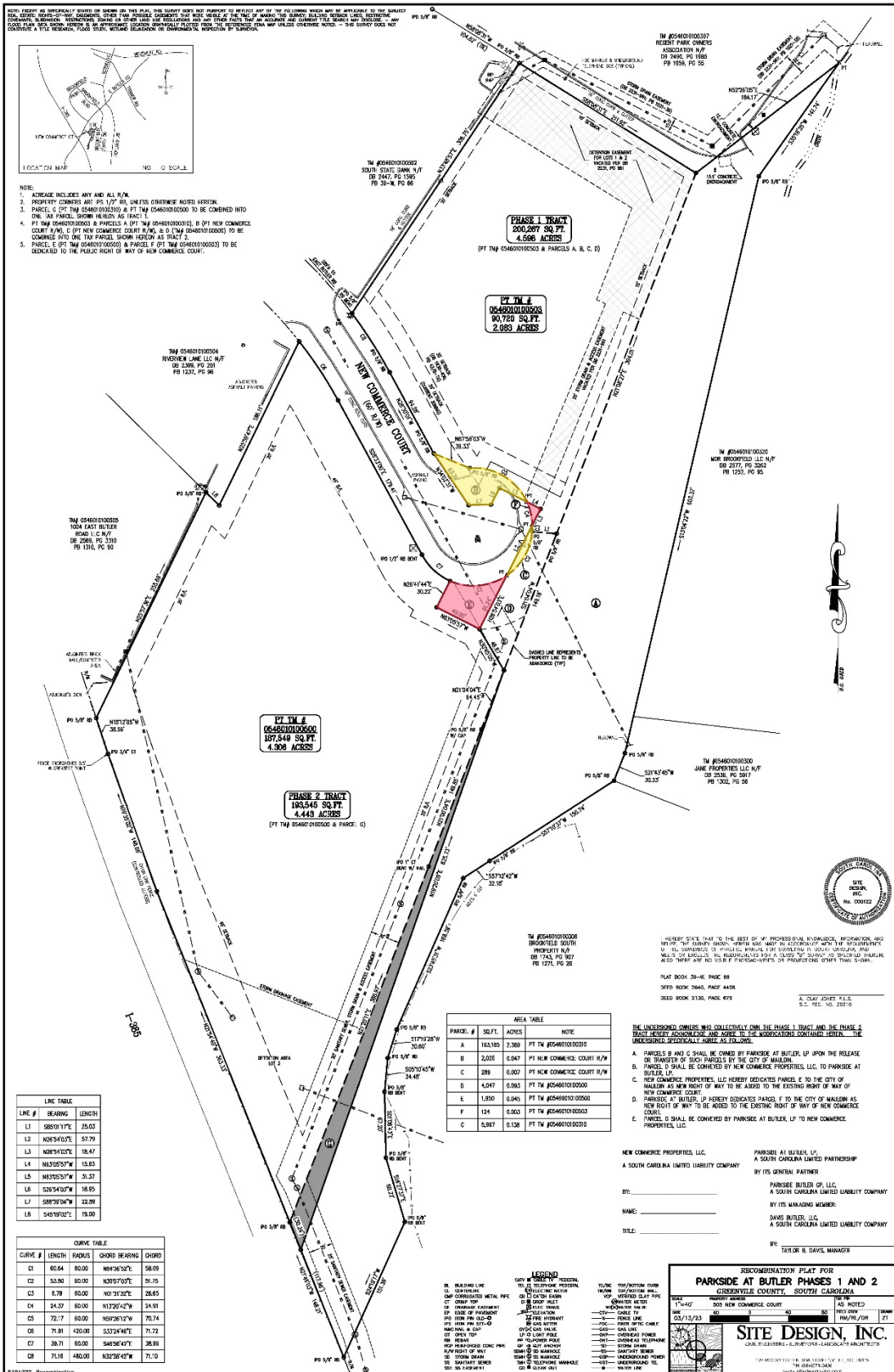


## ATTACHMENTS

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Recombination Plat  
Ordinance





**MAULDIN ORDINANCE \_\_\_\_\_-2023**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
ANY AND ALL INTEREST IN CERTAIN REAL PROPERTY IN THE CITY OF MAULDIN**

**WHEREAS**, the City of Mauldin (“City”) owns certain road right-of-way property lying and situate within the city limits of Mauldin, County of Greenville along New Commerce Court identified as Parcel “B” and Parcel “C” on the “Recombination Plat for Parkside at Butler Phases 1 and 2” attached hereto as Exhibit “A;” and,

**WHEREAS**, Parkside at Butler, LP (“Parkside”) owns certain property lying and situate within the city limits of Mauldin, County of Greenville along New Commerce Court identified as Parcel “F” on the Recombination Plat for Parkside at Butler Phases 1 and 2” attached hereto as Exhibit “A;” and,

**WHEREAS**, New Commerce Properties, LLC (“New Commerce”) owns certain property lying and situate within the city limits of Mauldin, County of Greenville along New Commerce Court identified as Parcel “E” on the Recombination Plat for Parkside at Butler Phases 1 and 2” attached hereto as Exhibit “A;” and,

**WHEREAS**, Parkside and New Commerce desire for the City to convey its interest in Parcel “B” and Parcel “C” to Parkside to facilitate the development of Parkside at Butler; and,

**WHEREAS**, in exchange for the City’s conveyance of Parcel “B” and Parcel “C,” Parkside agrees to dedicate Parcel “F” to the City and New Commerce agrees to dedicate Parcel “E” to the City as new right-of-way to be added to the existing right-of-way of New Commerce Court; and,

**WHEREAS**, pursuant to S.C. Code § 5-7-40, a municipality may convey or dispose of property it owns by Ordinance; and,



**WHEREAS**, the Mayor and City Council find that it is in the best interest of the City of Mauldin to convey Parcel “B” and Parcel “C” to Parkside by the quit-claim deed attached hereto as Exhibit “B” in exchange for the dedication of Parcel “E” and Parcel “F” to the City by New Commerce and Parkside, respectively, as additional right-of-way of New Commerce Court.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Mauldin, that the Mayor of the City is hereby authorized, empowered, and directed to execute, acknowledge and deliver the quit-claim deed attached hereto as Exhibit “B.”

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver all documents related to the conveyance contemplated by this Ordinance.

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

ATTEST:

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

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

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

Second Reading: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Daniel R. Hughes

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** 7c

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**TO:** City Council

**FROM:** Seth Duncan, City Administrator

**SUBJECT:** Naming of Pedestrian Bridge

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## REQUEST

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City Council will continue its discussion regarding the naming of the pedestrian bridge over I-385 being built by the City of Mauldin. At its October meeting, City Council evaluated the staff recommendations and voted unanimously to keep the item on the Council floor.

## HISTORY/BACKGROUND

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Based on a process approved by the Recreation Committee on August 7, 2023, the City of Mauldin sought public input on a name for the pedestrian bridge over I-385 through a press release, social media posts and website post. The City received a total of 2,111 submissions. After removing duplicate names and names that were discriminatory, profane, vulgar, derogatory or sexual in nature, there were a total of 1,284 names to consider. A selection committee comprised of 7 members met to discuss the submissions and recommend 5 names to the Recreation Committee. The Recreation Committee then forwarded the list of names to full Council for review.

In October, City Council met and discussed the list of 5 names. Each Council Member shared their thoughts on the names and the discussion seemed to focus on three top names including:

- Mauldin HOP
- Mauldin GateWay Bridge
- Mauldin SkyWay Bridge

At the conclusion of the discussion a motion to keep this item on the Council floor was made and approved.

## NEXT STEP

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Council will continue its discussion regarding the naming of the City's pedestrian bridge over I-385.

# CITY COUNCIL

## AGENDA ITEM SUMMARY

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** 8a

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**TO:** City Council  
**FROM:** Donna DeRado, Judicial Director/Administrative Judge  
**SUBJECT:** Municipal Judge Administrative Judge Appointment Term

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### REQUEST

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To appoint the Honorable Brandi White as part-time Administrative Judge for City of Mauldin.

### HISTORY/BACKGROUND

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The City of Mauldin has several appointed part-time Administrative Judges who rotate on a weekend basis covering bond hearings, signing of warrants and executing surety bonds posted. These judges are paid on a set per-diem daily rate allotted for in our department budget and only get paid for the days they are scheduled.

### ANALYSIS or STAFF FINDINGS

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It light of the resignation of Judge Connie Barnett as part-time Administrative Judge, that on-call judge slot for coverage two weekends a month became vacant. The job was posted and S.C. Certified Municipal Judge Brandi White applied for the position. Judge DeRado interviewed Judge White and was very impressed with her educational background, her professionalism and her work-ethic and believes she can assume the role with little to no training given her current full-time job as a ministerial recorder for the City of Columbia. Judge White currently lives in Greenville County. She is in good standing with SC Court Administration and SC Bar.

### FISCAL IMPACT

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There is no fiscal impact to the City associated with this request as the Judicial budget already includes the per diem financial obligation for this position.

### RECOMMENDATION

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To appoint Brandi White as part time Administrative Judge through the expiration of the current two-year appointment term.

### ATTACHMENTS

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# CITY COUNCIL

## AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** FLSA/Overtime Policy

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**TO:** City Council

**FROM:** Human Resources Director, City Administrator

**ITEM NUMBER:** 8b

**SUBJECT:** FLSA/Overtime Policy

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### REQUEST

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The Council is requested to consider adopting an amended FLSA/Overtime policy which was adopted in May 2011.

### HISTORY/BACKGROUND

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Pursuant to the Federal FLSA law, the City is required to pay overtime or provide compensation time and designate all job classifications as either Exempt or Nonexempt based on the FLSA statutes. The City adopted the current FLSA Policy in May 2011 which included the accrual of compensation time (comp time) instead of payment of overtime. Council last discussed the FLSA Policy in August 2017 regarding “engaged to wait”, but made no changes. Under the current policy, the City has accumulated a large comp time liability that must be realized. The policy changes proposed will eliminate the comp time liability and begin paying overtime as earned by nonexempt employees.

In addition, MPD currently operates a rotating shift for officers which consists of seven 12-hour shifts in a two-week period for a total of 84 hours. Officers are then compensated with 80 hours of paid time, plus 6 hours of comp time (booked not paid). Officers annual salary is based upon working 2,080 hours per year. As part of the elimination of comp time, MPD officers will be paid 84 hours of straight time and will be paid overtime (time and a half) after working 86 hours in a pay period. No comp time will be accumulated going forward.

### ANALYSIS

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The City’s current FLSA/Overtime policy is too extensive with sections that repeat information and several sections that cover subjects not pertinent to FLSA regulations.

The proposed FLSA/Overtime policy covers the FLSA requirements the City is obligated to administer and is easier to interpret. The policy also spells out how Overtime will be paid City wide.

Summary of Changes:

Old Policy:	New Policy:
Allowed for Comp time to be earned instead of Overtime paid.	Eliminates Comp Time.
Contained sections that dealt with: On-Call Time Training Time Travel Time Sleep Time (Firefighters) Meal Periods Rest or Break Time Substitutions	These topics will be included in the next update to the Employee Policy manual.
PD Non-exempt officers were gaining 6 hours of comp time each pay period.	Non-exempt officers receive overtime after 86 hours per pay period.
Exempt vs Non-Exempt position was not listed	Exempt vs Non-Exempt position is listed

### **FISCAL IMPACT**

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It is estimated that the elimination of compensation time (comp time), which must be paid out, will cost approximately \$425,000 and which was set aside by Council with FY23 surplus funds.

Changes, if approved, would go into effect on November 21<sup>st</sup>. Payouts for comp time will be reflected in paychecks received on December 8<sup>th</sup>.

### **RECOMMENDATION**

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Staff recommends approval of the updated FLSA/Overtime Policy as presented.

### **ATTACHMENTS**

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Proposed FLSA/Overtime

**NOTHING IN THIS DOCUMENT CREATES AN EXPRESSED OR IMPLIED CONTRACT. THE CITY RESERVES THE RIGHT TO CHANGE OR MODIFY THIS POLICY AT ANY POINT. EMPLOYMENT WITH THE CITY OF MAULDIN IS AT-WILL EXCEPT THE CITY ADMINISTRATOR.**

## **CITY OF MAULDIN**

DATE:

SUBJECT: Fair Labor Standards Act Compliance and Overtime

### **CONTENTS**

- I.** Purpose
- II.** Applicability
- III.** Definitions
- IV.** Policy
- V.** Procedures
  - A. Determination of FLSA Exemption Status
  - B. Determination of Base Pay
  - C. Calculation of Regular Rate
  - D. Hours Worked
  - E. Unauthorized Work
  - F. Reporting Hours Worked
  - G. Overtime Compensation
  - H. Recordkeeping Requirements
  - I. Roles and Responsibilities

## **I. Purpose**

The purpose of this policy is to ensure compliance with the Fair Labor Standards Act (FLSA) as amended and to establish the City's guidelines for overtime payment.

## **II. Applicability**

This policy applies to all employees of the City of Mauldin.

## **III. Definitions**

- **Exempt Employees:** Pursuant to FLSA, exempt employees do not receive overtime pay for those hours worked over 40 in a workweek. Exempt employees are expected to work whatever hours are necessary to satisfactorily perform their job duties without regard to the number of hours worked.
- **Fair Labor standards Act (FLSA):** The FLSA of 1938 as amended establishes laws covering minimum wage, overtime, recordkeeping, and child labor standards.
- **Hours Worked (Compensable Work Time):** Hours worked, also referred to as compensable work time, includes all of the time a nonexempt employee is on duty at the City or at a prescribed workplace and time that a nonexempt employee is "suffered or permitted" to work for the employer. An employer "suffers or permits" an employee to work when the employer knows or has reason to know that the employee is working.
- **Non-Covered Employees:** Non-covered employees are not covered by the Fair Labor Standards Act. Positions within the City of Mauldin which would be classified as non-covered include: elected officials, personal staff who are under the direct supervision of an elected official AND have regular contact with the official, and City of Mauldin volunteers.
- **Nonexempt (Civilian) Employee:** Employees classified as nonexempt receive hourly wages. Nonexempt employees must be compensated with overtime for all hours worked over 40 in a workweek.
- **Overtime:** Overtime is time worked by non-exempt employees that exceeds the employee's normally scheduled workweek. Non-exempt employees are paid for each hour worked on their time sheet. If non-exempt employees work more than 40 hours in their workweek, they must be paid at a rate of 1.5 times their normal hourly rate. The police and fire departments are governed by the FLSA based on different criteria which will be covered below.
- **Pay Period:** The two-week pay cycle on which employee payroll is processed. The cycle is a combination of two consecutive workweeks.
- **Regular (Hourly) Rate:** The rate that must be used in computing overtime is referred to as the regular hourly rate. In general, the regular rate of pay is the hourly rate actually paid the employee for the usual, non-overtime workweek or work period, plus other payments to the employee which is included by the FLSA in overtime compensation. The regular rate of pay cannot be less than the minimum wage. The regular rate of pay includes all remuneration for

employment except certain payments excluded by the FLSA.

- **Sworn Nonexempt Police and Fire Employees:** Employees holding the rank of Police Officer, Police Corporal, Police Sargent, Firefighter, Senior Firefighter and Fire Engineers are consider Nonexempt employees and will be compensated overtime as follows: Police Nonexempt employees will be compensated overtime for all hours worked over 86 in a two week pay period. Nonexempt Fire must be compensated for overtime for all hours worked over 212 hours in a 28- day period.
- **Sworn Exempt Police and Fire Employees** job duties.

Job duties are exempt job duties if the employee:

1. regularly supervises two or more other employees, and also
2. has management as the primary duty of the position, and also,
3. has some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments).

Supervision means what it implies. The supervision must be a regular part of the employee's job and must be that of other employees. Supervision of non-employees does not meet the standard. The "two employees" requirement may be met by supervising two full-time employees or the equivalent number of part-time employees. (Two half-time employees equal one full-time employee.)

- **Unauthorized work.** Hours worked by an employee without supervisory permission or contrary to supervisory instructions.
- **Workday.** In general, workday means the period between the time on any particular day when the employee commences his or her "principal activity" and the time on that day at which he or she ceases such principal activity or activities.
- **Work Period:** For all civilian employees, the work period is one (1) stand-alone workweek. As allowed by the FLSA, the City uses Section 7(k) in setting the work period for sworn fire protection and law enforcement personnel. For Sworn Police employees, the work period is a bi-weekly pay period consisting of 2 consecutive workweeks. For sworn Fire employees, the work period is 66.73 hours.

#### IV. Policy

It is the City of Mauldin's policy to comply with the applicable provisions of the FLSA and with State and Federal child labor laws. Therefore, the City of Mauldin administers compensation in compliance with the FLSA, its amendments and regulations.

Overtime by non-exempt employees must be approved in advance, when possible, but if worked, it must be compensated, whether approved or not. Unauthorized work shall be counted as hours worked if the supervisor should have stopped it but did not, or if he/she knows or has reason to know about the work. A non-exempt employee is expected to report overtime worked at the time of reporting



other hours worked in a work period.

Employees who engage in practices in violation of this policy may be subject to disciplinary action, up to and including termination.

## **V. Procedures**

### **A. Determination of FLSA Exemption Status**

The overtime provisions of the FLSA apply to employees in certain types of jobs. Employees who are not subject to overtime provisions are considered “exempt.” Employees considered “nonexempt” are subject to the overtime provisions of the FLSA. To be exempt from overtime, an employee must meet the criteria of either the “standard test” (29 C.F.R. §541.231) for one of the following exemptions or the “highly compensated test” (29 C.F.R. §541.232) for the Executive exemption. The standard exemption must be used if the employee receives a total annual compensation of less than \$100,000. The allowable exemptions are:

- Executive Exemption,
- Administrative Exemption,
- Professional Exemption (Learned or Creative),
- Computer Employees Exemption,
- “White-Collar” exemption of certain Police and Firefighting employees.

Job descriptions for all classified employees are maintained by the Human Resources Department. Human Resources is responsible for assigning the FLSA exemption status for these job titles.

### **B. Determination of Base Pay**

1. Exempt Employees. Exempt employees are paid on a salaried basis, which means that an employee regularly receives a predetermined amount of annual compensation, equally divided among 26 pay periods. Any deductions made from an exempt employee’s salary must be made in compliance with the Fair Labor Standards Act.
2. Nonexempt Civilian and Nonexempt Sworn Police Employees. Nonexempt Civilian and Nonexempt Sworn Police employees are compensated on an hourly basis, which means that an employee receives a predetermined amount of pay for each hour worked. In accordance with the definitions and overtime sections, these employees are compensated at overtime rates as required by their individual definitions.
3. Nonexempt Sworn Fire Employees. Nonexempt Sworn Fire employees are compensated on a fluctuating workweek salary basis, which means that an employee receives a predetermined amount of annual compensation, equally divided among 26 pay periods. This amount of pay remains the same, regardless of the number of hours worked during an individual work week or pay period.

### **C. Calculation of Regular Rate**

In general, the regular rate of pay is the hourly rate actually paid the employee for the normal, non-

overtime workweek or work period for which he/she is employed. It is an hourly rate regardless of the manner in which the employee is compensated (e.g., salary or piece work basis). The regular hourly rate of pay is the rate that must be used in computing overtime. The regular hourly rate must include all remuneration for employment paid to or on behalf of the employee, except for payments excluded by FLSA. Payments that must be included in the hourly rate are salaries and salary increases (including any retro payment) and on-call compensation. Excluded are payments for unworked holidays, and general leave (ie. annual leave, sick leave, etc.).

#### **D. Hours Worked**

Hours worked (compensable work time), as already defined, includes not only the time a nonexempt employee worked at the City's request but also the time the City "suffers or permits" the nonexempt employee to work. The City "suffers or permits" an employee to work when the City knows or has reason to know that the employee is working. If this occurs, the City has accepted the benefits of the employee's work and must pay for that work. The location of the work (i.e., at the job site or away from it) is immaterial.

#### **E. Unauthorized Work**

Non-exempt employees shall not, without prior approval of their supervisor, engage in work either at the worksite or away from the work site for the primary benefit of the City at any time other than during their assigned work hours, except in an emergency. Employees are not permitted to unilaterally extend their work hours.

If a supervisor or Administrator knows or has reason to believe that a non-exempt employee is working over 40 hours in a workweek, the employee must be paid overtime, regardless if the overtime was approved or not approved. Administrators and supervisors must be attentive to practices that can incur overtime expense, such as a nonexempt employee who arrives at the work station and begins work 15 minutes before the start of their schedule. Hours worked by an employee without the employer's permission or contrary to instructions will be considered as hours worked. The burden will be on the Department Head or supervisor to exercise control of the work. Failure to obtain supervisory approval before working overtime will lead to disciplinary action up to, and including, termination.

#### **F. Reporting Hours Worked**

Any activity performed outside of a nonexempt employee's assigned work hours which the nonexempt employee believes constitutes work hours must be reported to the employee's supervisor by the end of the next shift after the activity is performed. Time worked of less than 10 minutes shall be considered "de minimus" and shall not be considered hours worked nor should such time be reported on the employee's timesheet.

Supervisors shall keep track of hours worked in excess of 10 minutes to the nearest minute. Such time shall be recorded on the employee's approved timesheet to the nearest quarter hour. Supervisors are required to take the necessary steps to ensure all nonexempt, reported hours worked are accurately recorded and paid in compliance with this policy.

Nonexempt employees are required to accurately and honestly record actual hours worked. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up

to and including termination.

## **G. Overtime Compensation**

All employees of the City of Mauldin may be required to work overtime from time to time. All overtime must be approved by a Department Head or designee who has been authorized by the Department Head to approve overtime. Department Heads or their designees shall be responsible for assigning overtime as equally as possible among employees in the department. If a nonexempt employee engages in unauthorized overtime, disciplinary action may be taken, up to and including termination.

Calculation of Overtime. For the purposes of computing hours worked, authorized general leave days used (both annual and sick), funeral leave, jury duty and holiday hours shall not be counted as time worked.

Overtime is determined as follows:

- |                                                             |                                                                                 |
|-------------------------------------------------------------|---------------------------------------------------------------------------------|
| • Regular, full-time, <u>non-exempt, civilian employees</u> | Hours worked over forty (40) hours in a Civilian employees' normal work period. |
| • Sworn, <u>non-exempt, Police employees</u>                | Hours worked over eighty (86) hours in an employee's normal work period.        |
| • Sworn, <u>non-exempt, Fire Employees</u>                  | Hours worked over two hundred twelve (212) in a twenty-eight (28) day period.   |

1. Payment of Overtime. Payment for overtime is computed at 1½ times the regular rate of pay for all hours worked in excess of the normal number of hours required in a normal work period (see definitions above). Overtime hours that are to be paid must be reported on the employee's time sheet, showing the actual overtime hours worked in the pay period, and verified by the supervisor's signature on the timesheet.

## **H. Recordkeeping Requirements**

The City is required to keep records for non-exempt and exempt employees. The records must include accurate information about the employee and data about the hours worked and wages earned. The following is a listing of the basic records the City must maintain:

- Employee's full name and social security number
- Address, including zip code
- Birth date if younger than 19
- Sex and occupation
- Time and day of week when employee's workweek and/or work period begins and ends
- Hours worked each day and total hours worked each workweek/work period
- The basis on which the employee's wages are paid
- Regular hourly pay rate or annual salary for exempt employees
- Total daily or weekly straight-time earnings

- Total overtime earnings for the workweek
- All additions to or deductions from the employee's wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment.

Payroll records shall be maintained for a minimum of three (3) years.

## **I. Roles and Responsibilities**

### Department Heads/Supervisors:

- Ensure existing job descriptions are detailed and current.
- Ensure all employees have been trained in all applicable employee time recordkeeping and overtime requirements in accordance with City policy.
- Maintain accurate recordkeeping of hours worked, any leave used.
- Implement internal controls for the purpose of reviewing and evaluating the use of overtime.

### Employees:

- Comply with all applicable employee time record keeping requirements.
- Maintain accurate recordkeeping of hours worked, and any leave used.
- All nonexempt employees must comply with the City's/Departments overtime policy.

### Human Resources Department

- Maintain updated classified job descriptions.
- Ensure all employees are properly categorized as exempt or non-exempt.
- Ensure compliance with this policy.

RECOMMENDED TITLE	FLSA CLASSIFICATION
ADMINISTRATIVE ASSISTANT ALL DEPARTMENTS	NON-EXEMPT
BDS BUILDING OFFICIAL	EXEMPT
BDS SENIOR BUILDING INSPECTOR	EXEMPT
BDS BUSINESS AND DEVELOPMENT SERVICES DIRECTOR	EXEMPT
BDS PERMIT TECHNICIAN	NON-EXEMPT
COMMUNITY DEVELOPMENT DIRECTOR	EXEMPT
CULTURAL CENTER EVENT COORDINATOR	NON-EXEMPT
CULTURAL CENTER MANAGER	EXEMPT
CULTURAL CENTER MARKETING SPECIALIST	NON-EXEMPT
CULTURAL CENTER THEATER PRODUCTION COORD	NON-EXEMPT
FINANCE ACCOUNTANT	EXEMPT
FINANCE ACCOUNTING SPECIALIST	NON-EXEMPT
FINANCE DIRECTOR	EXEMPT
FINANCE SENIOR ACCOUNTANT	EXEMPT
FIRE BATTALION CHIEF	EXEMPT
FIRE CHIEF	EXEMPT
FIRE MARSHALL	EXEMPT
FIRE DEPUTY FIRE MARSHAL	EXEMPT
FIRE LIEUTENANT	NON-EXEMPT
FIREFIGHTER	NON-EXEMPT
FIREFIGHTER ENGINEER	NON-EXEMPT
HUMAN RESOURCES DIRECTOR	EXEMPT
HUMAN RESOURCES GENERALIST	EXEMPT
JUDICIAL RECORDS CLERK	NON-EXEMPT
JUDICIAL ASSISTANT CLERK OF COURT	NON-EXEMPT
JUDICIAL CLERK OF COURT	EXEMPT
MUNICIPAL CLERK	EXEMPT
POLICE ANIMAL CONTROL / CODE OFFICER	NON-EXEMPT
POLICE CHIEF	EXEMPT
POLICE CORPORAL	NON-EXEMPT
POLICE DISPATCHER	NON-EXEMPT
POLICE EVIDENCE TECHNICIAN	NON-EXEMPT
POLICE LIEUTENANT	NON-EXEMPT
POLICE PATROL OFFICER	NON-EXEMPT
POLICE RECORDS CLERK	NON-EXEMPT
POLICE SERGEANT	NON-EXEMPT
POLICE VICTIM ADVOCATE	NON-EXEMPT
PUBLIC WORKS DIRECTOR	EXEMPT
PW BUILDING MAINTENANCE SUPERVISOR	NON-EXEMPT
PW CUSTODIAN	NON-EXEMPT

PW DRIVER (CDL)	NON-EXEMPT
PW FACILITY ASSET MANGEMENT TECH	NON-EXEMPT
PW FLEET MECHANIC	NON-EXEMPT
PW OPERATOR I	NON-EXEMPT
PW OPERATOR II	NON-EXEMPT
PW OPERATOR III	NON-EXEMPT
PW PARKS AND GROUNDS SUPERVISOR	NON-EXEMPT
PW SANITATION SUPERVISOR	NON-EXEMPT
PW SEWER SUPERVISOR	NON-EXEMPT
PW STREET SUPERVISOR	NON-EXEMPT
RECREATION COORDINATOR	NON-EXEMPT
RECREATION DIRECTOR	EXEMPT
RECREATION FITNESS INSTRUCTOR	NON-EXEMPT
RECREATION LEADER (FRONT DESK SUPERVISOR & MEMBERSHIP COORDIANTOR)	NON-EXEMPT
RECREATION PROGRAM MANAGER	NON-EXEMPT
RECREATION SENIORS PROGRAM MANAGER	EXEMPT
RECREATION ASSISTANT SENIORS PROGRAM MANAGER	EXEMPT
RECREATION SPORTS CENTER MANAGER	EXEMPT
RECREATION ASSISTANT RECREATION DIRECTOR	EXEMPT
RECREATION SPORTS CENTER FLOOR/FRONT DESK	NON-EXEMPT

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** Holiday Schedule Adjustment

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**TO:** City Council

**FROM:** Human Resources Director, City Administrator

**ITEM NUMBER:** 8c

**SUBJECT:** Holiday Schedule Adjustment

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## REQUEST

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The Committee is requested to consider adopting the City Holiday schedule for calendar year 2024 to include Juneteenth.

## HISTORY/BACKGROUND

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For over a decade, the City of Mauldin's Holiday schedule has consisted of eleven (11) declared Holidays and one (1) Floating Holiday (see attachment). The City Holiday schedule details when City Offices are closed and provides an opportunity for many of the staff to enjoy religious or cultural celebrations or remembrances. For those working on the holiday itself, the City provides financial compensation of 8 hours of holiday pay.

## ANALYSIS

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In an effort to ensure City Holidays are reflective of holidays observed for religions and cultural celebrations and in similar alignment with federal, state, and local days of importance, staff recently reviewed the City's current holiday schedule and found the following:

	Mauldin	State of SC	Federal	Greenville County	Simpsonville
New Year's Day	X	X	X	X	X
Martin Luther King Jr. Day	X	X	X	X	X
Good Friday	X			X	X
Memorial Day	X	X	X	X	X
Independence Day	X	X	X	X	X
Labor Day	X	X	X	X	X
Veteran's Day	X	X	X	X	X
Thanksgiving Day	X	X	X	X	X

Day After Thanksgiving	X	X		X	X
Christmas Eve	X	X			X
Christmas Day	X	X	X	X	X
Floating Holiday	X				
Washington's Birthday (Feb 20)		X	X		
Juneteenth (June 19)	X		X		X
Confederate Memorial Day (May 10)		X			
Boxing Day (Dec 26)		X		X	
Columbus Day (Oct 9)			X		
New Year's Eve (Dec 31)	X				
	<del>12</del> 13	13	11	11	12

While there is a significant overlap, there are a few differences between the City's observed holidays and other jurisdictions. Most offer employees between 11 and 13 paid holidays, while the State of SC is also considering adding Juneteenth to its list of holidays for a total of 14. Though initially pitched to Finance & Policy Committee the idea of eliminating the floating holiday, the Committee believe it best to keep the floating day for the flexibility of staff. The Committee did support staff's recommendation for the creation of a new holiday commemorating the end of slavery in the United States – Juneteenth. Juneteenth became the latest federal holiday in 2021.

## **FISCAL IMPACT**

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Staff anticipates only a minor fiscal impact for those that will be working in public safety roles during the holiday, but this will not affect the overall budget of the City. With the addition of another holiday, there will be some associated cost for making up for time off, especially in Public Works with the need for double routes after the holiday. However, this marginal cost is offset by overall job performance that studies have shown occurs when employees take time off.

Just as important, the addition of another paid holiday will add greatly to the benefits offered to full-time employees, solidifying the City of Mauldin as a great place to work.

## **RECOMMENDATION**

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Staff recommends Council support for the adoption of the proposed 2024 City Holiday Schedule as recommend by Committee.

## **ATTACHMENT**

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Proposed 2024 City Holiday Schedule





## **City of Mauldin 2024 Holiday Schedule:**

<i>New Year's Day</i>	<i>Monday, January 1, 2024</i>
<i>Martin Luther King, Jr. Day</i>	<i>Monday, January 15, 2024</i>
<i>Good Friday</i>	<i>Friday, March 29, 2024</i>
<i>Memorial Day</i>	<i>Monday, May 27, 2024</i>
<i>Juneteenth</i>	<i>Wednesday June 19, 2024</i>
<i>Independence Day</i>	<i>Thursday, July 4, 2024</i>
<i>Labor Day</i>	<i>Monday, September 2, 2024</i>
<i>Veteran's Day</i>	<i>Monday, November 11, 2024</i>
<i>Thanksgiving Day</i>	<i>Thursday, November 28, 2024</i>
<i>Day after Thanksgiving</i>	<i>Friday, November 29, 2024</i>
<i>Christmas Holidays</i>	<i>Tuesday, December 24, 2024</i> <i>Wednesday, December 25, 2024</i>
<i>**Floating Holiday**</i>	<i>Used at Employee's Discretion</i>

**Must be used in 2023 calendar year cannot be carried over**

# CITY COUNCIL AGENDA ITEM

**MEETING DATE:** November 20, 2023

**AGENDA ITEM:** 8d

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**TO:** City Council

**FROM:** Seth Duncan, City Administrator

**SUBJECT:** Greenlink Route Funding

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## REQUEST

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Funding consideration in next fiscal year's budget for Greenville Transit Authority's (GTA) Greenlink Route 601 in the amount of \$54,000 to continue operating the route that serves the City of Mauldin.

## HISTORY/BACKGROUND

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The Greenville Transit Authority currently operates three routes in the Mauldin-Simpsonville Urbanized area, with two of these routes serving the City of Mauldin. Greenlink provides bus service to the City of Mauldin and City of Simpsonville via Route 501 and Route 601. Each route operates on a one-hour rotation, Monday through Friday from 5:30am until 11:30pm, and Saturday from 8:30am until 6:30pm. Services from Greenville to Mauldin to Simpsonville have existed since 2012.

The current total annual cost to operate the Mauldin-Simpsonville routes cost approximately \$2 million with the federal government subsidizing approximately 75% of the cost. The balance of the cost has been paid from a combination of fares, and state funding, and by joint funding by the City of Greenville and Greenville County.

Beginning July 1, 2024, the City of Greenville will no longer subsidize Route 601 of the Simpsonville Connector which serves both Mauldin and Simpsonville. In order for the GTA to continue providing this route, GTA is requesting financial participation by both the City of Mauldin and City of Simpsonville. The GTA has requested that the City of Mauldin commit to providing \$54,000 and the City of Simpsonville provide \$47,000 for FY2025 operations.

## ANALYSIS or STAFF FINDINGS

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According to ridership data received from GTA, approximately 11,171 rides were taken on the 601 Connector through July 2023. This rate is on pace to well exceed the ridership total from 2022 of just over 16,000 rides. The Route serves as a vital transportation option for individuals with limited transportation means, and is convenient to connect with employment centers, retail, and other points of interests.

Per the information provided by the Greenville Transit Authority, the Simpsonville Connector's Route 601 will no longer be subsidized by the City of Greenville starting next fiscal year. If \$101,000 in funding is not secured, the route will discontinue service on July 1, 2024. GTA has asked that both municipalities respond by February 28, 2024, regarding its decision to participate financially to support the continuation of Route 601.

## **FINANCIAL IMPACT**

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The fiscal impact will be \$54,000 in the City's FY2025 Budget, and every year after that, the cost will increase in line with inflation. The City's share of the route is contingent upon funding by the City of Simpsonville, should Simpsonville decide to not support the route, Mauldin would be responsible for all costs associated with the 601 Route.

The GTA stated in its letter that there are additional costs which may require additional funding considerations such as new bus stops, bus stop amenities, additional or expanded routes, and/or unforeseen changes to funding formulas.

Route funding will be subject to annual appropriations and the City will not be committed beyond each fiscal year.

## **RECOMMENDATION**

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Staff recommends Council approve funding in FY2025.

## **ATTACHMENTS**

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- Letter from Greenville Transit Authority
- Ridership Data

August 31, 2023

Seth Duncan  
City Administrator  
City of Mauldin  
P.O. Box 881  
Mauldin, South Carolina 29662

Dear Mr. Duncan,

The Greenville Transit Authority (d.b.a. Greenlink) currently operates three routes (510, 601, 602) in the Mauldin-Simpsonville Urbanized Area; two of these bus routes serve the City of Mauldin. These routes include Route 510: Laurens, which runs from downtown Greenville to Mauldin, and Route 601: Simpsonville Connector, which connects to Route 510 in Mauldin and travels through Mauldin to Simpsonville. Each of these routes operate on one-hour headways, Monday through Friday from 5:30 a.m. until 11:30 p.m. and Saturday from 8:30 a.m. until 6:30 p.m. GTA is currently hiring to expand service hours on Saturday to match the weekday service schedule. In addition to fixed route bus service, Greenlink also operates Greenville Area Paratransit (GAP), a complementary ADA paratransit service required to be operated in the fixed route area. All maintenance on vehicles and bus stop maintenance is performed by Greenlink staff.

Bus service from Greenville to Mauldin and Simpsonville has existed since 2012. Originally the route operated as "Route 14" and was a two-hour route – traveling from downtown Greenville to Harrison Bridge Road for approximately 60 minutes and then returning to downtown Greenville – with two vehicles operating on route to ensure each stop was serviced each hour. The City of Mauldin is within the Mauldin-Simpsonville Urbanized Area (UZA). As the designated regional transit authority, Greenlink is apportioned federal transit and state mass transit funding (SMTF) to provide transit services to this UZA. When the Route 14 service originally began in 2012, the total annual cost was estimated to be \$420,005, of which \$237,307 was paid for using federal transit funds, \$139,199 was paid using SMTF, and \$43,499 was paid using fare revenues collected from passengers. Route 602: Woodruff Connector operates in the Mauldin-Simpsonville UZA but does not enter the City of Mauldin, and this route is not subsidized with SMTF Funds.

In 2019, Greenlink implemented its Comprehensive Operations Analysis, which resulted in a redesign of the bus route network to create a more efficient system. One of the changes implemented in July 2019 included the split of Route 14 into two separate one-hour routes – becoming what is now operated as Route 510 and Route 601.

As GTA moves into FY-24—nearly 11 years later—the current total annual cost to operate the three routes (510, 601, 602) in the Mauldin-Simpsonville Urbanized Area is \$2,032,258, of which \$1,451,742 is covered using federal transit funding, \$33,200 is made up from fare revenue, \$158,418 is provided by SMTF, \$155,560 is funded by the City of Greenville, and \$233,339 is funded by Greenville County. The annual operating costs have significantly escalated while SMTF apportionments have barely increased by \$20,000, forcing the City of Greenville and Greenville County to subsidize this service.

Effective July 1, 2024, the City of Greenville will no longer subsidize service that runs into the cities of Mauldin or Simpsonville. Given that the SMTF is the other local funding source, GTA voted to implement the following policy decisions pertaining to SMTF and local contributions moving forward:

- Continue to utilize Mauldin-Simpsonville federal transit funds and SMTF to fund routes 510 and 601.
- As additional routes are integrated into the system, splice SMTF subsidy using a Route Revenue Hours percentage.
- The initial year of any new route will not be eligible for SMTF until that route has been in operation for at least *one complete fiscal year*.
- For routes that span multiple jurisdictions, use Route Revenue Miles to determine percentage of subsidy required for each municipality receiving bus service.
- If a municipality has less than 10% of Route Revenue Miles in its jurisdiction, no match will be required.

#### **Impacts to Route 601: Simpsonville Connector**

Using this cost model for Route 601: Simpsonville Connector, which is 19.6 miles in total length, the following is determined:

- 7.5 Miles in Mauldin
- 6.5 Miles in Simpsonville
- 5.1 Miles in County
- 0.5 Miles in Fountain Inn
  - For Fountain Inn – 0.5 Miles represents 2.6% (0.5 / 19.6)

For Percent Split between Mauldin & Simpsonville, total mileage is 14 miles. These percentages are subject to change as the route changes:

- 54% for Mauldin
- 46% for Simpsonville

Utilizing the FY-24 Costs for Route 601: Simpsonville Connector as an example for this new cost model, the following breakout is determined:

<b>Current Cost</b>		<b>Proposed Revenue</b>	
Operations	\$ 516,935	Federal Subsidy	\$ 581,950
Maintenance	\$ 233,914	SMTF	\$ 79,209
Paratransit	\$ 143,074	Fare Revenue	\$ 33,200
Total Operating Cost	\$ 893,923	Local Revenue	\$ 199,564
		Total Revenue	\$ 893,923

#### **Sources of Local Revenue**

Greenville County (60%)	\$ 119,738
Municipalities (40%)	\$ 79,826

#### **Municipality Split**

Mauldin (54%)	\$ 43,106
Simpsonville (46%)	\$ 36,720

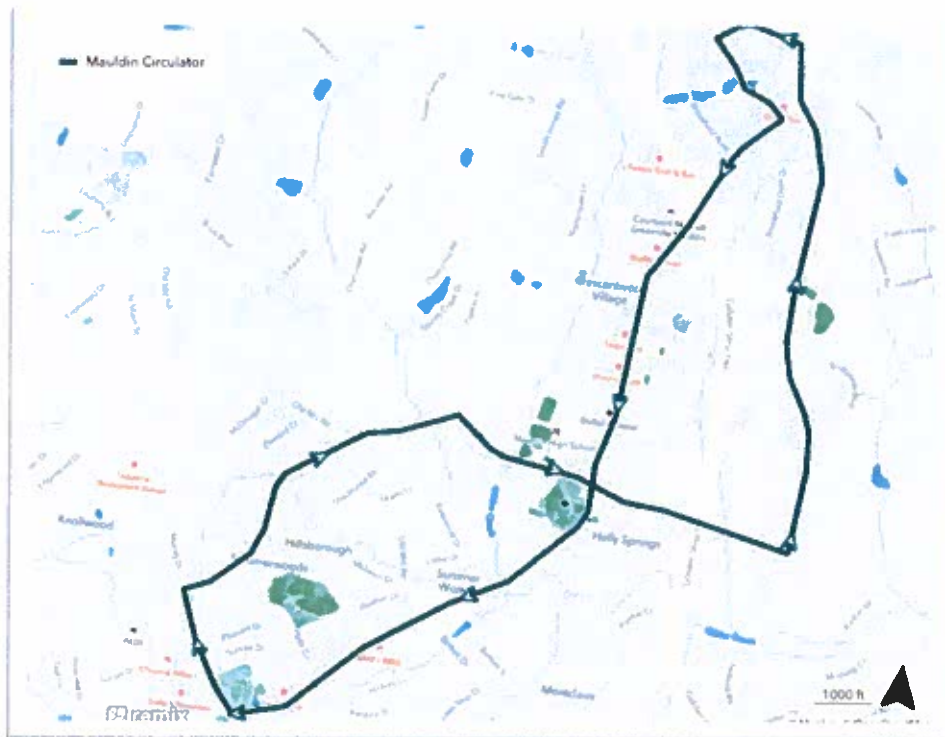
These costs do not represent the cost of replacement or expansion of vehicles or installation of new bus stops or bus stop amenities (i.e., shelters, benches, lighting, etc.). In general, a transit bus has a useful life of 12 years and is currently eligible for an 85% funding match from the Federal Transit Administration. Assuming the cost of a new bus is \$1,000,000 (which is reasonable for an electric bus), the local amount needed would be \$150,000 for expansion vehicles, and approximately \$12,500 per year for replacement costs, not considering inflation.

Since the City of Greenville will no longer subsidize Route 601: Simpsonville Connector beginning in FY-25 (effective July 1, 2024), GTA is requesting that both the City of Mauldin and the City of Simpsonville provide the local match needed to operate this route. **GTA is requesting the City of Mauldin provide \$54,000 per year (plus inflation per year) and the City of Simpsonville to provide \$47,000 per year (plus inflation per year) to continue to operate this route.** If the total annual local funding of \$101,000 is not secured, service will be discontinued effective July 1, 2024.

<b>Municipality</b>	<b>FY-24 Cost</b>	<b>Capital Costs</b>	<b>Total Cost + 10%</b>	<b>FY-25 Request</b>
Mauldin	43,106	6,250	54,291	54,000
Simpsonville	36,720	6,250	47,267	47,000

#### **Route Expansion Options for the City of Mauldin**

As outlined in GTA's 2021 Transit Development Plan Update, additional service has been identified as a need in Mauldin. The Mauldin Circulator was designed to offer service for 14 hours per weekday.



Setting up this route would require the purchase of a bus, bus stop and amenity installation, as well as ongoing operations cost. For planning purposes, the cost of a CNG (Compressed Natural Gas) bus is utilized below.

<u>Item</u>	<u>Cost</u>	<u>Federal Subsidy</u> <u>Rate</u>	<u>Federal Subsidy</u>	<u>Local Amount</u> <u>Required</u>
CNG Bus	\$700,000	85%	\$595,000	\$105,000
Stop/Amenity Installation	\$449,800	80%	\$359,840	\$89,960
<b>Total Capital</b>	<b>\$1,149,800</b>		<b>\$954,840</b>	<b>\$194,960</b>
<b>Annual Operating Cost</b>	<b>\$476,750</b>	<b>50%</b>	<b>\$238,375</b>	<b>\$238,375</b>
Total Year 1				\$433,335

For Year One, the City of Mauldin would need to provide ~\$200,000 in capital matching funds, and then be prepared to provide ~\$240,000 in annual funding (plus inflation) to operate the Mauldin Circulator. This route would also be eligible for SMTF, which is estimated to be approximately \$40,000 per year, leaving \$200,000 for the City of Mauldin to match annually. This change would decrease the amount of SMTF available to match the 601: Simpsonville Connector.

Implementing the Mauldin Circulator route, and utilizing SMTF to subsidize the Mauldin Circulator operating costs, would result in less SMTF funding available for Route 601, requiring more local municipality contributions to operate Route 601: Simpsonville Connector:

<u>Municipality</u>	<u>FY-24 Cost</u>	<u>Capital Costs</u>	<u>Total Cost + 10%</u>	<u>FY-25 Request</u>
Mauldin	47,896	6,250	59,561	60,000
Simpsonville	40,801	6,250	51,756	52,000

Additionally, by becoming a funding partner, each municipality is eligible to appoint one member to the Greenville Transit Authority Board of Directors.

We ask that you consider this request and provide a decision by February 28, 2024.

If the City of Mauldin is interested in bringing this service online, GTA is happy to present the operational plan for that service in more detail to the appropriate parties.

Greenlink staff is also happy to provide additional data or to meet to discuss this request.

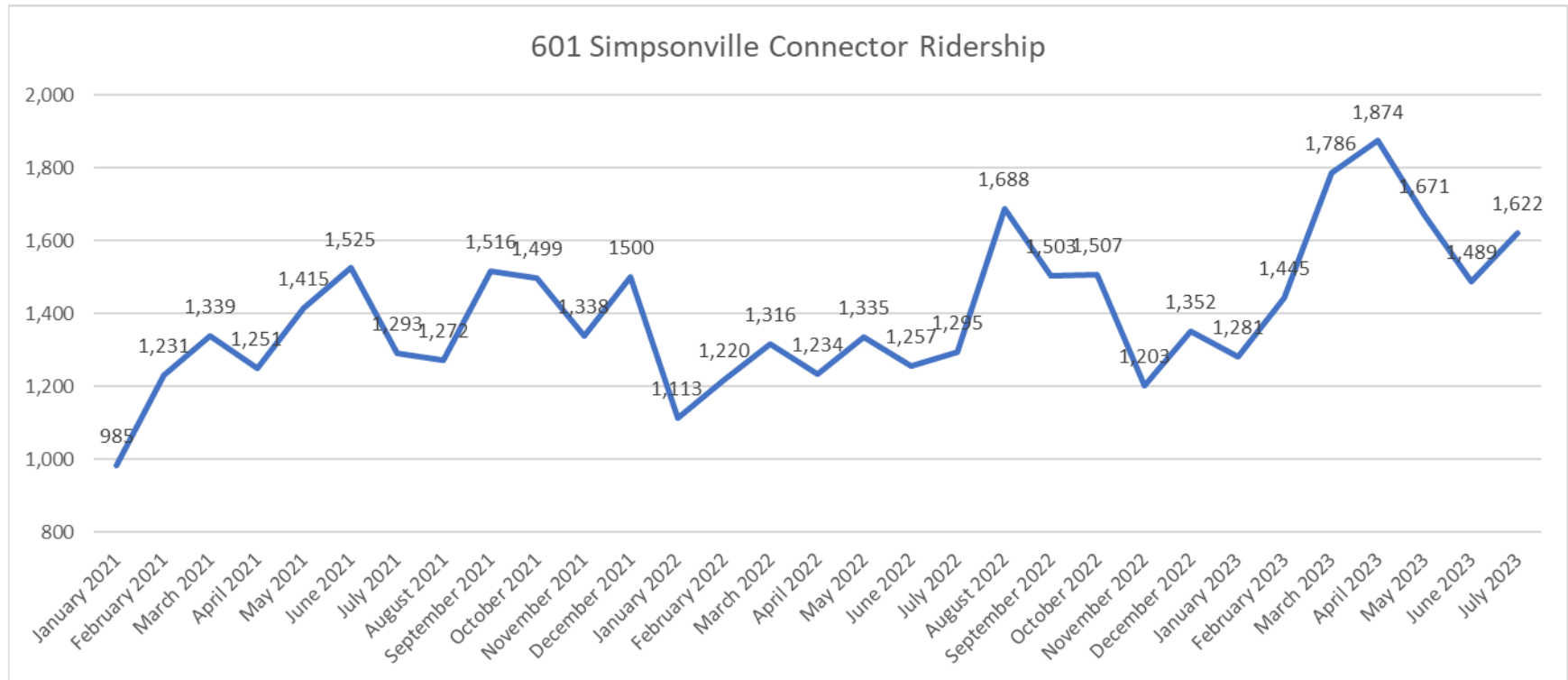
Sincerely,



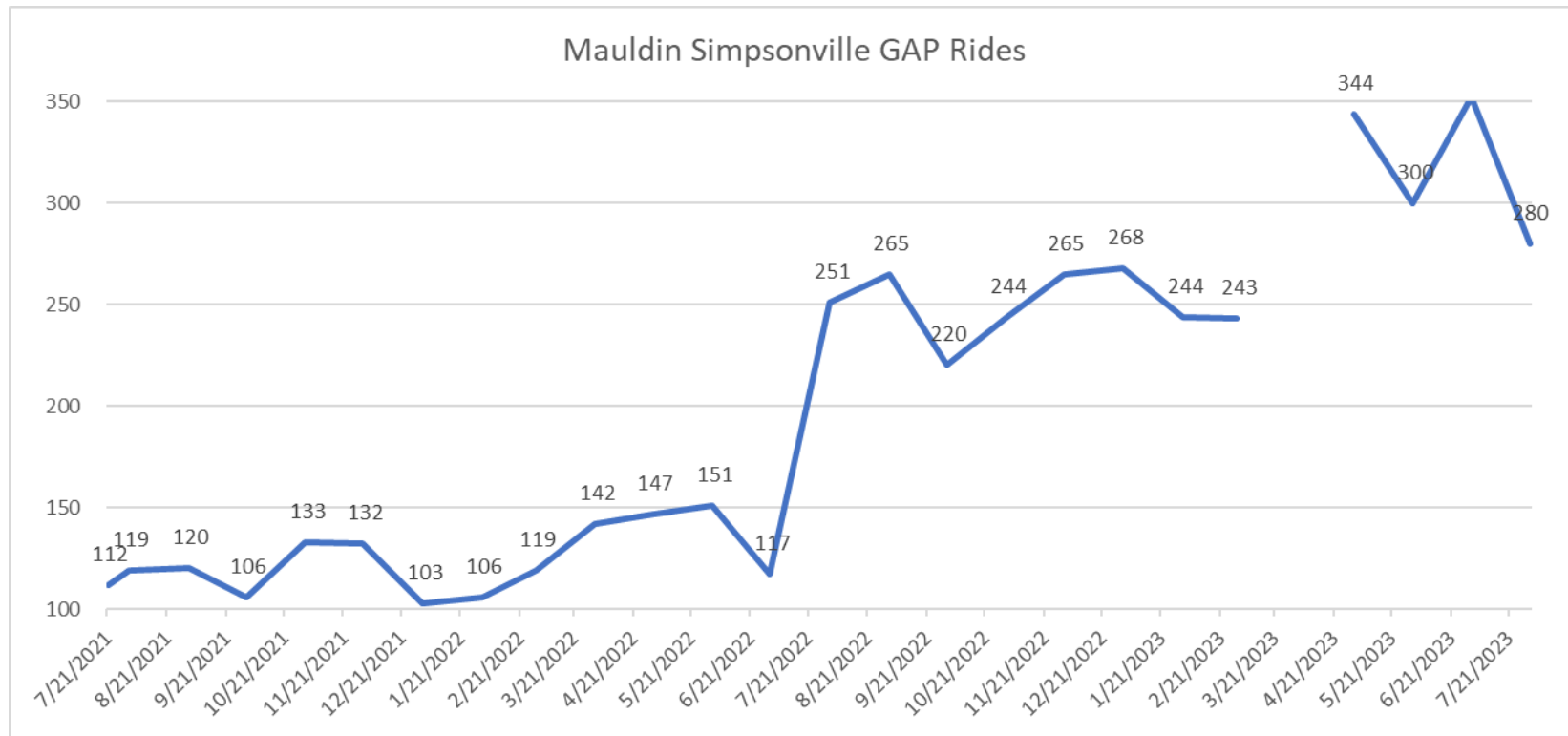
Walker Smith, GTA Board Chair

Cc: James C Keel, GTA Executive Director

## Simpsonville Ridership Overview

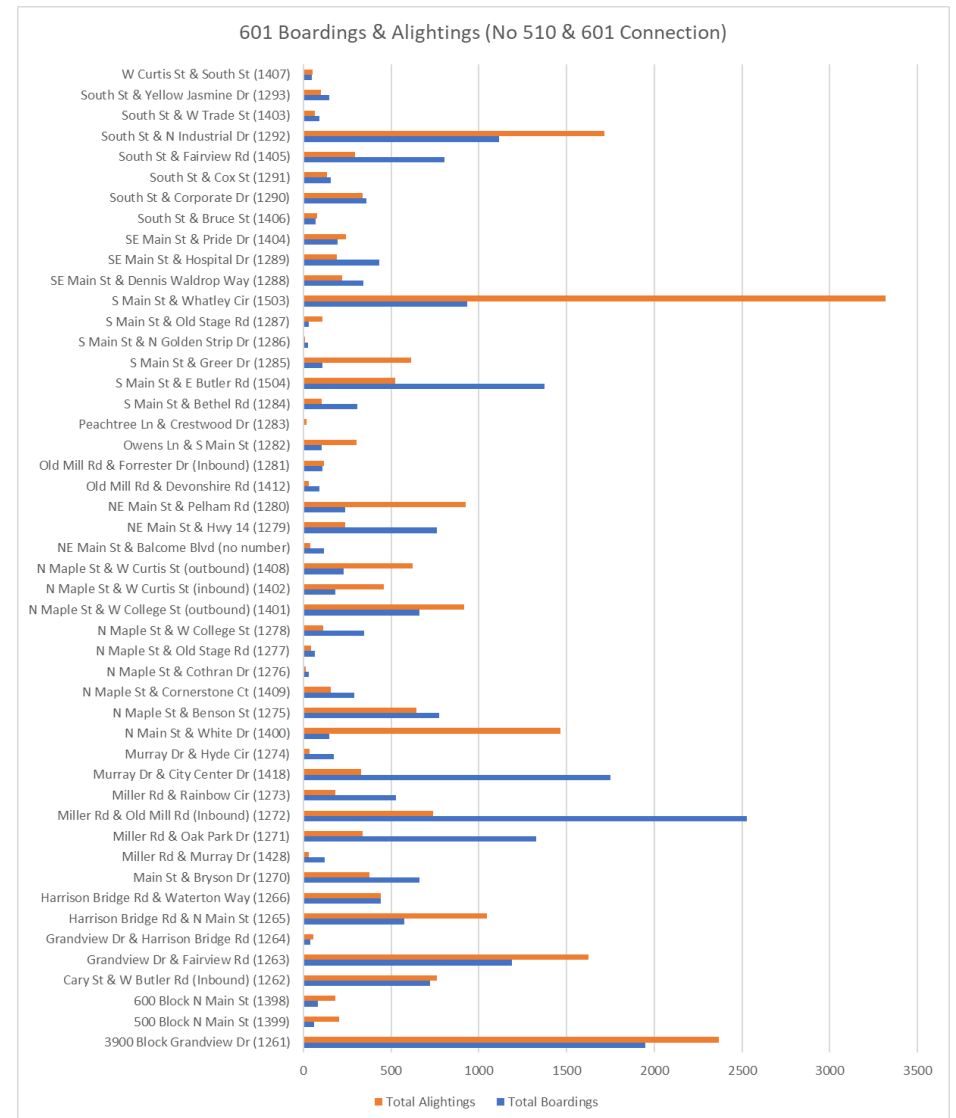
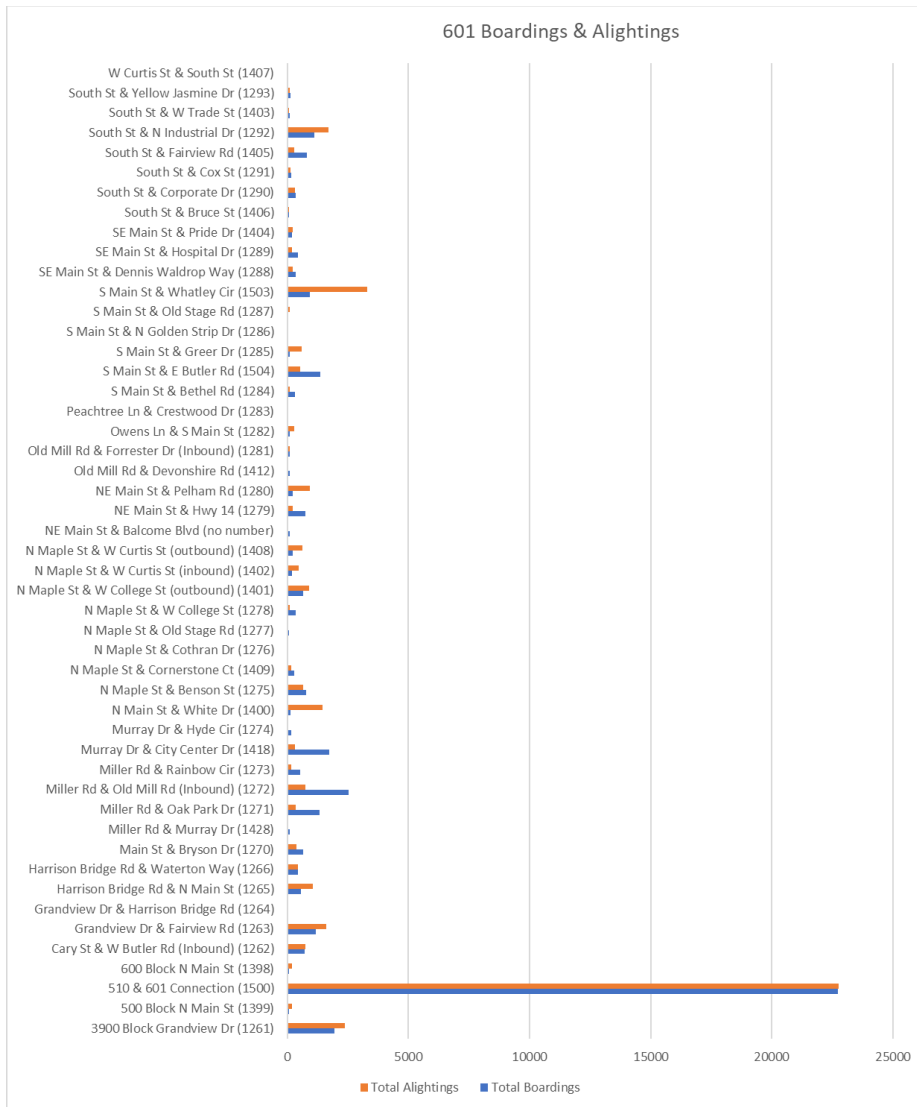






\*I started tracking GAP by UZA in July 2021.

\*\*There is no data available for GAP in April 2023 because we launched a new paratransit software and the system was unable to split out this data at that time.



\*The boarding and alighting data is pulled from 1/1/2021 – end of Syncromatics contract (2023).