



CITY COUNCIL MEETING

MONDAY, DECEMBER 16, 2024 | 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
DECEMBER 16, 2024
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

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|---|-------------------|
| 1. Call to Order | Mayor Merritt |
| a. Welcome | |
| b. Invocation | |
| c. Pledge of Allegiance | |
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| 2. Proclamations and Presentations- | Mayor Merritt |
| a. Oliver Stull Swim Certificate Presentation | |
| b. Mauldin Police Explorers Presentation [Page 4] | |
| c. Mauldin Chamber Report | |
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| 3. Reading and Approval of Minutes | Mayor Merritt |
| a. City Council Meeting- November 18, 2024 [Pages 5-10] | |
| b. Council Workshop- December 2, 2024 [Page 11] | |
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| 4. Public Comment | Mayor Merritt |
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| 5. Report from City Administrator | Seth Duncan |
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| 6. Report from Standing Committees | |
| a. Economic Planning & Development (Chairperson Matney) | |
| b. Public Safety (Chairperson King) | |
| c. Public Works (Chairperson Kraeling) | |
| d. Finance and Policy (Chairperson Reynolds) | |
| e. Recreation (Chairperson Allgood) | |
| f. Building Codes (Chairperson Steenback) | |
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| 7. Unfinished Business-
 Ordinances- 2nd Reading | Mayor Merritt |
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| a. Ordinance 1047-Accomodations Tax and Hospitality Tax
Revenue bond [Pages 12-25] | Chairman Reynolds |
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| b. Ordinance 1048-Sale of Property on East Butler [Pages 26-36] | Chairman Kraeling |

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| 8. New Business-
Ordinances- 1st Reading | Mayor Merritt |
| a. An ordinance to rezone a 2-acre portion of a property located at Fowler Circle (p/o Tax Map Parcel #M007.03-01-013.00 [Pages 37-45]) | Chairman Steenback |
| Committee of the Whole | |
| b. Final Debris Removal [Pages 46-47] | |
| 9. Public Comment | Mayor Merritt |
| 10. Council Concerns | Mayor Merritt |
| 11. Call for Executive Session | Mayor Merritt |
| a. Executive Session to consider an economic development matter related to Bridgeway Station as allowed by State Statute Section 30-4-70(a)(2) | |
| b. Executive Session to consider negotiations incident to proposed contractual arrangements and proposed sale or purchase of property as allowed by State Statute 30-4-70 (a)(2) | |
| c. Possible action on items discussed in Executive Session | |
| 12. Adjournment | Mayor Merritt |

Mauldin Explorer Awards

Domestic Violence: 2nd Place
Physical Agilities Test: 3rd Place
Building Clearing: 3rd Place
Impaired Handcuffing: 1st Place
Unknown Trouble: 2nd Place
Traffic Stop: 2nd Place
Felony Traffic Stop: 1st Place
Overall: 1st Place

There were 9 Explorer Posts that participated in the competition, which was held in Lawrenceville, GA and hosted by Gwinnett County Sheriff's Office.

**MINUTES
CITY OF MAULDIN
COUNCIL MEETING
NOVEMBER 18, 2024
7:00 P.M.**

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

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

1. Call to Order- Mayor Merritt

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

2. Proclamations and Presentations-

- a. Kendall Jackson Golf Certificate Presentation- Mayor Merritt presented a certificate to Miss Jackson.

Mayor Merritt introduced the following four proclamations.

- b. American Indian Proclamation
- c. Red Ribbon Proclamation
- d. Small Business Week Proclamation
- e. Pancreatic Cancer Proclamation
- f. Audit Presentation- Michael Slapnick of Scott and Company presented the audit. The company issued the highest assurance they can give. The general fund reported \$30 million in assets and \$18 million in liabilities.

Chairman Reynolds asked if there was going to be any GASB changes for next year. Mr. Slapnick answered there would be a change in how compensated absences are reported, which is vacation and sick leave.

3. Reading and Approval of Minutes

- a. City Council Meeting- October 21, 2024

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

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

- b. Special Called City Council- October 24, 2024 and November 4, 2024

The minutes were approved by affirmation.

4. Public Comment

- a. Michael Jones- 110 Bangor Street. Mr. Jones spoke on Hurricane Helene debris. He said the City's Facebook page mentioned debris pickup would be returning to the regularly scheduled pickup. He asked if that could be paused to allow the Public Works department to continue picking up larger storm debris. He says he has the same pile of debris in front of his driveway that he has had the entire time the City has been doing special pick-ups. His debris has not been cleared.

- b. Megan Brock- 311 Wild Rice Drive. She commented on the \$4 million dollars the City will be giving towards the stadium project. Ms. Brock strongly suggested the ordinance not pass tonight. The Council has not done due diligence in making sure the community is safe. The lease was discussed behind closed doors while the citizens were cleaning up from Hurricane Helene and distracted from what Council was doing. She looked at the 2020 traffic study, which was the last one conducted. The 2020 study was done with numbers from 2018 because of COVID. Traffic patterns have changed since 2018. It is in the interest of the community to do another evaluation.

There is no parking plan as of yet. Where are the cars going to park? 20 acres will be needed to fit all of the cars. How will that impact traffic or the surrounding neighborhoods? Pedestrian traffic will also increase, which could be unsafe.

The noise ordinance gives exemptions for stadiums. She says this is negligent to the surrounding communities. Stadiums increase petty crime and bring drunk drivers. She said all of these questions should be asked in a public setting and it is irresponsible for Council to have this vote tonight.

5. Report from City Administrator

Road Repaving

Greenville Legislative Delegation Transportation Committee's (GLDTC) contractor for the Municipal Match Resurfacing Program for Fiscal Year 2023-2024 recently completed the repaving of several streets within the City. Sections completed include approximately 1.27 miles of residential streets along Sweetland Court, Middleton Lane, New Commerce Court, Setters Court, Sickle Court, Ashwood Ave. and Mapleton Drive. As you may recall, FY 2023 funding was combined with FY2024 funding due to the rapid increase in paving prices over the last several years. The City continues to contribute more than \$300k in funding annually towards the C-Funds funded Resurfacing program, and have submitted 15 road segments (or just over 3 miles of roads) for funding consideration in FY2024-2025. We should learn in the coming months exactly how much will be allocated from the County and how far our resurfacing match will go.

Staff have begun exploring alternative methods for infrastructure improvements that are needed throughout our community since the penny sales tax initiative was defeated. The City does not receive federal or state gasoline tax revenue and therefore must cooperate with other partners or initiatives to see needed improvements. The primary sources of transportation improvements in our area are from SCDOT-directly funded projects, GLDTC C-Funds (\$100k annually), and Greenville-Pickens Area Transportation Study committee. Projects currently underway or under development include Building a Better Butler (E. Butler from 276 to Bridges Road), and HWY 276 repaving from City of Greenville to Forrester Drive. Staff will continue to work with county, state and regional partners to address our transportation needs.

Storm Debris Pick-up

Storm Debris Pick-up continues throughout the City. To date our crews have collected more than 2,000 tons of storm debris and are close to completing the first full-sweep of debris pick-up through all zones. To help our crews remove debris as quickly and efficiently as possible, we ask that residents cut their remaining storm debris to lengths and widths that we are more easily able to accommodate (roughly no larger than 6 feet in length and 6 inches round). Root balls will not be picked up by Public Works crews, and debris piles should be free from any building materials or other non-vegetative debris.

Also, if work is being done or has been done by a contractor, the property owner needs to ensure the contractor removes the debris. While we used external contractors initially for emergency right-of-way clearing, we only have our standard boom trucks and knuckle claws available for debris removal operations.

Also, we have received several inquiries regarding FEMA, FEMA contractors, or FEMA assistance. All debris pick-up within the City to-date has been at the expense of the City through hired contractors or Public Works staff directly. FEMA is not running or supporting a debris removal program in the City. The City has applied for a Public Assistance grant through FEMA to recover the cost associated with storm debris removal, but that application is still pending.

Upcoming Events

Lastly, there are a lot of holiday events throughout the City of Mauldin and at the Mauldin Cultural Center. For a complete list of upcoming events and activities be sure to follow on Facebook or visit mauldinculturalcenter.org.

6. Report from Standing Committees

- a. Economic Planning & Development (Chairperson Matney)- No report
- b. Public Safety (Chairperson King)- Chairwoman King mentioned Police Explorer post 2228 went to a competition this weekend in Georgia. The post won several awards and placed overall in 1st place.
- c. Public Works (Chairperson Kraeling)- Chairman Kraeling thanked PW for their hard work during the storm clean-up.

- d. Finance and Policy (Chairperson Reynolds)- Chairman Reynolds mentioned the good report on the audit.
- e. Recreation (Chairperson Allgood)- No report
- f. Building Codes (Chairperson Steenback)- Chairman Steenback thanked the BDS department inspectors for their work on helping contractors pass their inspections.

7. Unfinished Business-

Ordinances- 2nd Reading

- a. Ordinance 1046- Sewer Ordinance Revisions

Motion: Chairman Kraeling made a motion to accept the sewer ordinance revisions on second reading. Councilwoman King seconded the motion.

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

8. New Business

Ordinances – 1st Reading

- a. Ordinance 1047-Accommodations Tax and Hospitality Tax Revenue bond

Motion: Chairman Kraeling made a motion to accept the ordinance on first reading. Councilman Matney seconded the motion.

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

- b. Ordinance 1048-Sale of Property on East Butler

Motion: Chairman Kraeling made a motion to accept this ordinance on first reading with Councilwoman King seconding the motion.

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

Standing Committee Items- None

Committee of the Whole

Motion: Councilman Matney made a motion to consider the next two items informally. Councilman Steenback seconded the motion.

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

c. Helene Storm Debris Response

Council is requested to approve the authorization of \$250,000 in additional ARPA funds to aid the hurricane debris removal within the municipal boundaries of the City. This should pay for all of the subcontracted clean-up expenditures to date.

Motion: Councilman Kraeling made a motion to allocate \$250,000 in additional funds from ARPA monies. Councilwoman King seconded the motion.

Councilman Allgood asked if this takes into consideration everything spent to date. Mr. Duncan answered yes, the final bills from the cleaning sub-contractor are coming in and are figured in to this amount.

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

d. City Administrator's Evaluation

Motion: Councilman Reynolds made a motion to accept the City Administrator's contract and authorize the Mayor to sign the document. Councilman Matney seconded the motion.

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

9. Public Comment

- a. Phillip Cochrane- 435 Bishop Drive. Mr. Cochrane was present to remind Council that every time it rains, Bishop Heights suffers. He appreciates the hurricane response. The City has done a great job.

Megan Brock asked if she could make a follow-up comment. Mayor Merritt said that would be left up to the pleasure of Council.

Motion: Councilman Matney made a motion to suspend the rules to allow Ms. Brock the opportunity to speak again. Councilman Kraeling seconded the motion.

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

- b. Megan Brock- Ms. Brock said the City is not doing its due diligence by moving forward with the stadium project. This project will bring approximately 3,000 cars to this area with no plan to address the traffic. No one knows where the money will come from to fix the existing problems there, let alone a new set of problems brought by bringing 10,000 more people in.

She is concerned about the noise with the exemption in the ordinance regarding stadium events. Companies looking to make a profit have a different set of rules from everyone else. She hopes Council will put the health and safety of the community over profits. She can't imagine 10,000 people coming to watch minor league soccer. Ms. Brock said she is concerned this will open the City up to litigation because the project was not made public with an opportunity to ask questions.

10. Council Concerns- Councilman Allgood mentioned the MHS marching band won 6th place at State out of 17 competitors.

11. Adjournment- Mayor Merritt adjourned the meeting at 7:52 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

**MINUTES
CITY OF MAULDIN
CITY COUNCIL WORKSHOP
DECEMBER 2, 2024, AFTER COMMITTEE MEETINGS
CITY HALL – UPSTAIRS CONFERENCE ROOM
5 E. BUTLER ROAD**

Members present were Mayor Terry Merritt, Council members Taft Matney, Carol King, Jason Kraeling, Frank Allgood, Michael Reynolds and Mark Steenback. City Administrator Seth Duncan was also present.

1. Call to Order- Mayor Merritt
2. Strategic Plan Discussion with Benchmark Planning
Council discussed the strategic plan.
3. Adjournment- Mayor Merritt adjourned the meeting at 8:17 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

CITY COUNCIL AGENDA ITEM

MEETING DATE: December 16, 2024

AGENDA ITEM: 7a

TO: Mauldin City Council
FROM: Seth Duncan, City Administrator
SUBJECT: Ordinance H&A Tax Bond

DISCUSSION

Council is being asked to approve an ordinance for the issuance and sale of an Accommodations Tax and Hospitality Tax Revenue Bond.

HISTORY/BACKGROUND

In October 2024, City Council approved a development agreement with Greenville Pro Soccer, CenterPlace, LLC, and BridgeWay Owners Association that would ensure the development of a stadium at BridgeWay Station. As a condition of the agreement in general, and to necessitate the transfer of property from CenterPlace, LLC to the City, the City must commit to the City Obligation (\$4,000,000 into the project). This commitment will be made in the way of a Revenue Bond derived from Hospitality and Accommodations Tax Revenue.

ANALYSIS or STAFF FINDINGS

The City seeks to issue an H&A Tax Revenue Bond in an amount up to \$4,250,000 for the construction of a stadium at BridgeWay Station. If approved by Council, the Bond would set as follows:

1. Principal amount not exceeding \$4,250,000
2. Project is described as the acquisition, construction, renovation, installation and equipping of a multi-purpose entertainment venue, which will be utilized to host a variety of entertainment and sporting events.
3. Federally taxable – not exceeding 6.5% interest rate
4. Maturity date not later than 12/31/2045 (20 years)
5. Allows for negotiated sale with a bank or competitive sale, at your option

Council would still retain some flexibility and could shorten the Bond term to 15 years, if it desires. The Bond would be limited to only defraying the costs of the acquisition, construction, renovation, installation and equipping of a multi-purpose entertainment venue (stadium). The Bond is grossed up to \$4.25 million to cover the cost of financing and development agreement attorney fees, and should net the City Obligation of \$4 million.

The Ordinance and Exhibits were prepared by Brad Love, the City's bond attorney.

FISCAL IMPACT

The City currently has one outstanding H&A Revenue Bond with a balance of \$2,379,000 for the GateWay Pedestrian Bridge. This Bond, up to \$4,250,000, would support the construction of the stadium at BridgeWay Station. The H&A Fund has the ability to repay the Bond with an available (unaudited) fund balance of \$2,906,939 and a planned contribution to fund balance in this year's budget of \$504,311. H&A Revenues continue to come in stronger year over year, and with additional buildout of BridgeWay and other growing commercial areas, we anticipate revenues to remain strong for the foreseeable future.

RECOMMENDATION

Staff recommends City Council approve the Bond issuance.

ATTACHMENTS

- Ordinance Fourth Supplemental Ordinance H&A Tax Revenue Bond

FOURTH SUPPLEMENTAL ORDINANCE

A FOURTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$4,250,000 TAXABLE CITY OF MAULDIN, SOUTH CAROLINA ACCOMMODATIONS TAX AND HOSPITALITY TAX REVENUE BOND; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED by the City Council of the City of Mauldin (the “*Council*”), the governing body of the City of Mauldin, South Carolina (the “*City*”):

Section 1. **Findings of Fact.**

As an incident to the enactment of this ordinance, and the issuance of the bond provided for herein, the Council finds that the facts set forth in this **Section 1** exist and the following statements are in all respects true and correct:

(a) The Council has made general provision for the issuance of Accommodations Tax and Hospitality Tax Revenue Bonds of the City by a General Bond Ordinance enacted by the Council on October 18, 2010 (the “*General Bond Ordinance*”).

(b) The City presently has outstanding the following Series of Bonds secured by the General Bond Ordinance and by the Pledged Fee Revenues:

(i) the outstanding \$2,379,000 of an original issue of a \$2,841,000 City of Mauldin, South Carolina Accommodations Tax and Hospitality Tax Revenue Bond, Series 2020 (the “*Series 2014B Bond*”) dated July 8, 2020.

(c) The Council has determined that it is in the best interest of the City to issue a Series of Bonds for the purposes of (i) defraying the costs of the acquisition, construction, renovation, installation and equipping of a multi-purpose entertainment venue, including the drafting and negotiating of agreements related thereto, which venue will be utilized to host a variety of entertainment and sporting events (the “*Project*”), and (ii) paying Costs of Issuance related thereto.

Section 2. **Definitions.** The terms defined above and in this **Section 2** and all words and terms defined in the General Bond Ordinance (the General Bond Ordinance, as from time to time amended or supplemented by Supplemental Ordinances, being defined as the “*Ordinance*”) (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this Fourth Supplemental Ordinance have the respective meanings given to them in the Ordinance and in this **Section 2**.

“*2025 Construction Fund*” shall mean the Construction Fund established pursuant to **Section 5** hereof.

“*Interest Payment Date*” shall mean, with respect to the Series 2025 Bond any April 1 or October 1 beginning on such April 1 or October 1 as determined by the City Administrator, or such other dates as may be determined by the City Administrator, until the principal of the Series 2025 Bond has been paid in full.

“*Series 2025 Bond*” shall mean the City’s not exceeding \$4,250,000 Taxable Accommodations Tax and Hospitality Tax Revenue Bond, Series 2025 authorized to be issued hereunder.

Section 3. Authorization of Series 2025 Bond, Maturities and Interest Rate.

(a) There is hereby authorized to be issued a Series of Bonds designated “Taxable Accommodations Tax and Hospitality Tax Revenue Bond, Series 2025” (the “*Series 2025 Bond*”), or other appropriate annual designation with an appropriate sub-series designation, in the total principal amount of not exceeding Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000) for the purpose of providing funds for defraying the Project Costs and paying the Costs of Issuance.

(b) The Series 2025 Bond shall be issued as a single fully-registered Bond in the denomination of \$4,250,000 or such lesser amount as is actually issued. The Series 2025 Bond shall be dated as of its date of delivery, shall mature on April 1 (or such other date determined by the City Administrator) in the years and in the principal amounts, and shall be subject to mandatory sinking fund redemption on such dates and in such amounts, if any, as approved by the City Administrator, upon advice of the City’s Municipal Advisor, provided that the aggregate principal amount may not exceed \$4,250,000 and the final maturity date shall not be later than December 31, 2045. The Series 2025 Bond shall bear interest at such rate or rates as agreed to by the City and the successful purchaser thereof; provided that the net interest rate shall not exceed 6.5% per annum. The Series 2025 Bond shall be numbered R-1.

(c) Principal of and premium, if any, on the Series 2025 Bond when due, shall be payable by the City without presentation or surrender of the Series 2025 Bond. Interest on the Series 2025 Bond shall be payable from the date of initial issuance of the Series 2025 Bond. No accrued interest shall be due. Interest on the Series 2025 Bond (calculated on the basis of a 360-day year of twelve 30-day months) shall be payable on each Interest Payment Date, in each case to the Holder as of the immediately preceding Record Date, interest to be paid by check or draft mailed to the Holder at its address as it appears on the Books of Registry maintained by the City; provided that payment to a Holder of \$1,000,000 or more may be made by wire transfer to an account within the continental United States in accordance with written instructions filed with the City no later than the Record Date.

(d) The Series 2025 Bond shall be executed on behalf of the City by the Mayor and the City Administrator and attested by the City Clerk and be in substantially the form attached hereto as *Exhibit A*, with any necessary or appropriate variations, omissions, and insertions as are incidental to the series, numbers, denominations, maturities, interest rate or rates, redemption provisions, the purpose of issuance, and other details thereof or as are otherwise permitted or required by law or by the Ordinance, including this Fourth Supplemental Ordinance.

Section 4. Optional Redemption of the Series 2025 Bond. The Series 2025 Bond shall be subject to redemption prior to maturity upon the terms as agreed to by the City Administrator, upon advice of the City’s Municipal Advisor, and the successful purchaser.

Section 5. 2025 Construction Fund.

(a) There is hereby created and established the 2025 Construction Fund to be held in a separate account of the City. Withdrawals from the 2025 Construction Funds shall be made only for the purposes of paying Project Costs and Costs of Issuance.

(b) Promptly after the completion of the Project Date, the City shall transfer any moneys held in the 2025 Construction Fund and not needed to pay Project Costs or Costs of Issuance to the Debt

Service Fund and such funds shall be used only to (i) pay the principal of, premium, if any, and interest on the Series 2025 Bond or (ii) be applied to other lawful purposes as permitted under the Enabling Act.

Section 6. Use and Disposition of Series 2025 Bond Proceeds. Upon the delivery of the Series 2025 Bond and receipt of the proceeds thereof, such proceeds shall be deposited into the 2025 Construction Fund to be utilized to pay Project Costs and Costs of Issuance of the Series 2025 Bond. Such proceeds shall be invested at the direction of the City in investments authorized for political subdivisions under State law.

Section 7. Certain Findings and Determinations. The City finds and determines:

(a) This Fourth Supplemental Ordinance supplements the Ordinance, constitutes and is a “Supplemental Ordinance” within the meaning of the quoted term as defined and used in the General Bond Ordinance, and is enacted under and pursuant to the General Bond Ordinance.

(b) The Series 2025 Bond constitutes and is a “Bond” within the meaning of the quoted word as defined and used in the Ordinance.

(c) The Pledged Fee Revenues pledged under the Ordinance are not encumbered by any lien or charge thereon or pledge thereof, other than the lien and charge thereon and pledge thereof created by the General Bond Ordinance, as amended and supplemented, providing for payment and security of the Bonds.

(d) As of the date hereof, the Series 2020 Bond constitutes the only Outstanding Bond of the City secured by the Pledged Fee Revenues, and the Series 2025 Bond has been authorized to be issued pursuant to the Ordinance and this Fourth Supplemental Ordinance.

(e) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute an Event of Default under the Ordinance.

(f) The Series 2025 Bond is being issued to defray the Project Costs and to pay Costs of Issuance related thereto.

(g) There is no Debt Service Reserve Requirement for the Series 2025 Bond nor for the Series 2020 Bond.

(h) An estimate of the Project Costs is \$4,250,000.

Section 8. Continuing Disclosure.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the City has covenanted to file with a central repository for availability in the secondary bond market, when requested, an annual independent audit, within 30 days of its receipt of the audit; and event specific information within 30 days of an event adversely affecting more than five (5%) percent of its revenue or tax base. The only remedy for failure by the City to comply with the covenant in this **Section 8** shall be an action for specific performance of this covenant. The City specifically reserves the right to amend or repeal this covenant to reflect any change in or repeal of Section 11-1-85, without the consent of any Bondholder. Failure to comply with this **Section 8** shall not constitute an Event of Default hereunder or under the Series 2025 Bond.

Section 9. Award of Series 2025 Bond.

(a) The Series 2025 Bond is hereby authorized to be sold via either negotiated or competitive sale as determined by the City Administrator upon advice of the City's Municipal Advisor. The City Administrator is authorized to accept the proposal from the successful purchaser and to execute any commitment letter or term sheet from the successful purchaser on behalf of the City provided the terms thereof are consistent herewith.

(b) The Council hereby authorizes and directs all of the officers and employees of the City to carry out or cause to be carried out all obligations of the City under the Ordinance and to perform all other actions as they shall consider necessary or advisable in connection with the issuance, sale, and delivery of the Series 2025 Bond.

Section 10. Federally Taxable. Interest on the Series 2025 Bond is not excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 11. Interested Parties. Nothing in the Ordinance expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the City and the Registered Holder of the Series 2025 Bond, any right, remedy or claim under or by reason of the Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in the Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Registered Holder of the Series 2025 Bond.

Section 12. Additional Provisions. As supplemented herein, the General Bond Ordinance remains in full force and effect and shall govern the issuance of the Series 2025 Bond.

Section 13. Additional Documents. The Mayor, the City Administrator, the Finance Director and the City Clerk, acting jointly or individually, are each fully authorized and empowered to take any further action and to execute and deliver any closing documents or agreements as may be necessary and proper to effect the issuance and delivery of the Series 2025 Bond in accordance with the terms and conditions herein set forth, and the action of the officers or any one or more of them in executing and delivering any documents or agreements, in the form as he, she, or they shall approve, is hereby fully authorized.

Section 14. Section Headings; Table of Contents. The headings and titles of the several sections hereof, and any Table of Contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Fourth Supplemental Ordinance.

Section 15. Effective Date. This Fourth Supplemental Ordinance shall become effective immediately upon its enactment.

DONE in meeting duly assembled this 16th day of December, 2024.

CITY OF MAULDIN, SOUTH CAROLINA

Mayor

ATTEST:

City Clerk

First Reading: November 18, 2024
Second Reading: December 16, 2024

EXHIBIT A

FORM OF BOND

**UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF MAULDIN
TAXABLE ACCOMMODATIONS TAX AND
HOSPITALITY TAX REVENUE BOND
SERIES 2025**

NO. R-__ \$_____

INTEREST RATE MATURITY DATE ORIGINAL ISSUE DATE

REGISTERED HOLDER: _____

PRINCIPAL SUM: _____ AND NO/100 DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the City of Mauldin, South Carolina (the “City”), a body politic and corporate and a municipal corporation organized and existing under the laws of the State of South Carolina (the “State”), is justly indebted, and, for value received, hereby promises to pay, but only from the Pledged Fee Revenues (as defined in the Ordinances as hereinafter defined) pledged to the payment hereof, to the Registered Holder, or registered assigns, hereof on the Maturity Date set forth above, the Principal Sum set forth above subject to the principal maturity schedule set forth below (unless this bond be subject to redemption and shall have been duly called for previous redemption and payment of the redemption price made or provided for), and to pay interest on the Principal Sum from the date hereof or from the _____ 1 or _____ 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is an _____ 1 or _____ 1 to which interest shall have been paid, in which case from that date, interest being payable to the maturity hereof on _____ 1 and _____ 1 of each year (those dates being hereinafter referred to as the “*Interest Payment Dates*”), commencing _____ 1, 20__, at the Interest Rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months), until payment of the Principal Sum.

Principal of this Bond is payable on _____ 1 in each of the years and in the amounts as follows:

Year Principal Amount Year Principal Amount

The interest so payable and to be punctually paid or duly provided for on any Interest Payment Date will be paid to the person in whose name this bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding the Interest Payment Date (the “*Regular Record Date*”), mailed to the Registered Holder hereof by the City at his address as it appears on the registration books (the “*Books of Registry*”) of the City or at any other address as is furnished in writing by the Registered Holder to the City; provided that payment to any Registered Holder of \$1,000,000 or more of the Series 2025 Bond (as hereinafter defined) may be made by wire transfer to

an account in the continental United States in accordance with written instructions filed thereto no later than the Regular Record Date. The principal of and premium, if any, of this bond, when due, shall be payable without presentation or surrender. Both the principal of and interest on this bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF SECTION 6-1-760 UTILIZING THE PROCEDURES OF TITLE 6, CHAPTER 17 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED (COLLECTIVELY, THE “*ENABLING STATUTE*”), AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN ANY STATE CONSTITUTIONAL PROVISIONS (OTHER THAN ARTICLE X, SECTION 14, PARAGRAPH 10 OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA, 1895, AS AMENDED, AUTHORIZING OBLIGATIONS PAYABLE SOLELY FROM SPECIAL SOURCES PERMITTED THEREIN) OR STATUTORY LIMITATION AND SHALL NEVER CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. THE FULL FAITH, CREDIT, AND TAXING POWERS OF THE CITY ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THIS BOND.

This bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except estate, transfer or certain franchise taxes.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of the State to exist, to happen, and to be performed precedent to or in the issuance of this bond exist, have happened, and have been done and performed in regular and due time, form, and manner, and that the amount of this bond does not exceed any constitutional or statutory limitation thereon.

This bond shall not be entitled to any benefit under the Ordinances or become valid or obligatory for any purpose until it shall have been authenticated by the execution of the Certificate of Authentication which appears hereon by the signature of an authorized officer of the City as Bond Registrar.

This bond is issuable only as a single fully registered bond in the principal amount of _____ Dollars (\$_____) (the “*Series 2025 Bond*”) and is issued pursuant to a General Bond Ordinance enacted by the City Council of the City on October 18, 2010, and a Fourth Supplemental Ordinance enacted by the City Council of the City on December 16, 2024 (collectively, the “*Ordinances*”), and under and in full compliance with the Constitution and statutes of the State, including particularly Article X, Section 14, Paragraph 10 of the Constitution of the State of South Carolina, 1895, as amended, and the Enabling Statute, to obtain funds to (i) defray the Project Costs and (ii) pay Costs of Issuance related thereto (all as defined in the Ordinances).

[This Series 2025 Bond shall be subject to redemption prior to maturity, at the option of the City, _____, at the redemption price of _____, together, in each case, with the interest accrued on the principal amount to the date fixed for redemption.]

In the event any portion or all of the Series 2025 Bond shall be called for redemption, notice of redemption shall be given by first-class mail, not less than thirty (30) days and not more than sixty (60) days prior to the redemption date, to the Registered Holder of the Series 2025 Bond to be redeemed in whole or in part at the address shown on the Books of Registry. Interest on the Series 2025 Bond or portion thereof to be redeemed shall cease to accrue from and after the redemption date specified in the notice, unless the City defaults in making due provisions for the payment of the redemption price thereof.

All principal, interest, or other amounts due hereunder shall be payable only to the Registered Holder hereof. The City will maintain the Books of Registry for the registration or transfer of this bond. This bond may not be transferred except by the Registered Holder hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the City as Bond Registrar duly executed by the Registered Holder of this bond or his duly authorized attorney. Any purported assignment in contravention of the foregoing requirements shall be, as to the City, absolutely null and void. The person in whose name this bond shall be registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of the principal of and interest on this bond shall be made only to or upon the order of the Registered Holder or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the City upon this bond to the extent of the sum or sums paid. No person other than the Registered Holder shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under this bond against the City. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in this bond as against a person (including the Registered Holder) other than the City, as in the case where the Registered Holder is a trustee or nominee for two or more beneficial owners of an interest in this bond.

The City shall not be required (a) to exchange or transfer the Series 2025 Bond (i) from the Regular Record Date to the next succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following any selection of the Series 2025 Bond to be redeemed or thereafter until after the first publication or mailing of any notice of redemption or (b) to transfer the Series 2025 Bond called for redemption.

The principal of, premium, if any, and interest on the Series 2025 Bond are payable solely from the Pledged Fee Revenues (as defined in the Ordinances). The pledge of and lien on the Pledged Fee Revenues made to secure the payment of the Series 2025 Bond have priority over all other pledges of and liens on the Pledged Fee Revenues except the pledge and lien in favor of Bonds (as defined in the Ordinances) issued or to be issued under the Ordinances on a parity with the Series 2025 Bond.

No recourse shall be had for the payment of the principal of, premium, if any, and interest on the Series 2025 Bond against the several funds of the City, except in the manner and to the extent provided in the Ordinances, nor shall the credit or taxing power of the City be deemed to be pledged to the payment of the Series 2025 Bond. The Series 2025 Bond shall not be a charge, lien, or encumbrance, legal or equitable, upon any property of the City or upon any income, receipts, or revenues of the City, other than the Pledged Fee Revenues that have been pledged to the payment thereof, and this bond is payable solely from the Pledged Fee Revenues pledged to the payment thereof, and the City is not obligated to pay the same except from the Pledged Fee Revenues.

Whenever the terms of this bond require any action be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State, the action shall be taken on the first business day occurring thereafter.

The Ordinances contain provisions defining terms; set forth the terms and conditions upon which the covenants, agreements, and other obligations of the City made therein may be discharged at or prior to the maturity of this bond with provisions for the payment thereof in the manner set forth in the Ordinances; and set forth the terms and conditions under which the Ordinances may be amended or modified with or without the consent of the Registered Holder of this bond. Reference is hereby made to the Ordinances, to all the provisions of which any Registered Holder of this bond by the acceptance hereof thereby assents.

IN WITNESS WHEREOF, THE CITY OF MAULDIN, SOUTH CAROLINA, has caused this bond to be signed in its name by the Mayor and the City Administrator of the City and attested by the City Clerk, under the Seal of the City, impressed or reproduced hereon.

CITY OF MAULDIN, SOUTH CAROLINA

(SEAL)

Mayor

City Administrator

ATTEST:

City Clerk

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond designated herein and issued under the provisions of the within-mentioned Ordinances.

**CITY OF MAULDIN, SOUTH CAROLINA
as Bond Registrar**

Authorized Officer

Date of Authentication: _____

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants in entireties
JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT - _____
(Cust)

Custodian _____
(Minor)

under Uniform Gifts to Minors Act _____
(State)

Additional abbreviations may also be used, though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
(Social Security No. or other Identifying Number of Assignee _____) the within Bond of the **CITY OF MAULDIN, SOUTH CAROLINA**, and does hereby irrevocably constitute and appoint _____ to transfer the within Bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____

Signature Guaranteed: _____

NOTICE: Signature must be guaranteed by an institution who is a participant in the Securities Transfer Agent Medallion Program (“**STAMP**”) or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

CERTIFIED COPY OF ORDINANCE

I, the undersigned City Clerk of the City of Mauldin, South Carolina (the “*City*”), do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given two readings on two separate days, with an interval of at least six days between the readings, and received approval, by the City Council of the City (the “*Council*”) at its meetings of November 18, 2024 and December 16, 2024, at which meetings a quorum of members of the Council were present and voted, and an original of which ordinance is filed in the permanent records of the Council.

IN WITNESS WHEREOF, I have hereunto set my Hand this 16th day of December, 2024.

CITY OF MAULDIN, SOUTH CAROLINA

City Clerk

First Reading: November 18, 2024
Second Reading: December 16, 2024

CITY COUNCIL AGENDA ITEM

MEETING DATE: December 16, 2024

AGENDA ITEM: 7b

TO: Mauldin City Council
FROM: Seth Duncan, City Administrator
SUBJECT: Sale of Property E. Butler (Tract 1)

DISCUSSION

Council is being asked to approve the sale of certain property along E. Butler Road to SCDOT for the purpose of road improvements as part of the Butler Road Improvement Project AND to authorize additional temporary construction easement for the project.

HISTORY/BACKGROUND

In October, the City received the appraisal findings from ORC Real Estate Solutions for Infrastructure for the sale of land along E. Butler Road (Tract 1). The property is being purchased by SCDOT as part of the Butler Road Improvement Project which will see the improvement of E. Butler Road from Bridges Road to HWY 276. Improvements will include stormwater changes, inclusion of a 10-foot multi-use path, intersection changes, and other improvements. Additionally, SCDOT is requesting temporary Right-of-Way (ROW) on the parcel and is willing to compensate the City for its use.

ANALYSIS or STAFF FINDINGS

The City owns a number of parcels along the project corridor and due to the nature of this project SCDOT is increasing its right-of-way throughout the project area. The parcel related to these appraisals at the corner of E. Butler Road and HWY 276 (Maverick Station). As described below, SCDOT is seeking to acquire a segment of City property for the project.

The new right-of-way will have a significant impact on the property by reducing the number of parking spots at Maverick Station. As such, SCDOT's offer is for fee simple title to land, temporary Right-of-Way and Cost to Cure activities. Cost to Cure activities include those previously described for Tracts 3-8, but also the relocation of lost parking spaces at Maverick Station. In addition, the water vault for Maverick Station will have to be relocated as well as the sign. All of these improvements are included in the cost to cure. Each of the acquisitions are described below and illustrated in the referenced attached Exhibits. The City will utilize the funding provided to build additional parking spaces for public use and use of Maverick Station.

Tract 1 – Maverick Station
Compensation
\$ 26,856.00 fee simple title to 0.10 acre (4,476 SF)
\$ 34,693.00 Temporary ROW to 0.006 acre (264 SF)

<p>\$128,201.00 Cost to Cure</p> <p>\$189,750.00 <i>Total</i></p>

Staff have found the appraisal fair and cost to cure acceptable.

FISCAL IMPACT

The City will receive \$189,750 for the sale of property to SCDOT and to provide temporary Right-of-Way. Staff suggest dedicating those funds to Cost to Cure activities as described in the appraisal.

RECOMMENDATION

Staff recommends City Council approve the sale of these properties to SCDOT as stated in the offers.

ATTACHMENTS

- Offer Letter Appraisal
- Ordinance Butler Road ROW (Tract 1)
- Title to Real Estate
- Exhibit Tract 1
- Temporary ROW
- Exhibit Tact 1 Temporary Right-of-Way (ROW)
- Appraisal Tracts 1-8 (2 was combined with 1)

MAULDIN ORDINANCE _____-2024

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ANY AND ALL INTEREST IN CERTAIN REAL PROPERTY IN THE CITY OF MAULDIN AND GRANTING A TEMPORARY CONSTRUCTION EASEMENT

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 East Butler Road identified as Tract 1 on the SCDOT Project ID P030553 and,

WHEREAS, the South Carolina Department of Transportation (“the SCDOT”) desires for the City to convey its interest in the area of acquisition from Tract 1 to the SCDOT as part of the SCDOT’s Butler Road Improvements Project (See www.buildingabetterbutler.com); and,

WHEREAS, the SCDOT also desires for the City to convey a temporary Right-Of-Way (“ROW”) from Tract 1 identified as “Tract 1 Temp. R/W” to the SCDOT as part of the planned improvements; 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 the area of acquisition from Tract 1 as shown on Exhibit “B” to the SCDOT by quit-claim deed attached hereto as Exhibit “A” for the consideration stated in said deed and by Temporary Right Of Way Easement an area shown on Exhibit “D” for the consideration stated in said easement on Exhibit “C”.

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 “A” and right-of-way easement attached hereto as Exhibit “C.”

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

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

TITLE TO REAL ESTATE

Approximate Survey Stations

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **001**

101+00 To 104+00 Lt
 S-107 East Butler Road
 To _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) City of Mauldin, South Carolina - Post Office Box 249, Mauldin, South Carolina 29662 in consideration of the sum of **One Hundred Fifty Five Thousand Fifty Seven and No/100 Dollars (\$155,057.00)** and other valuable consideration to me (or us) in hand paid at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, Columbia, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, all that certain real property of the Grantor in fee simple absolute **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by Infrastructure Consulting & Engineering for the South Carolina Department of Transportation and dated **April 6, 2023**.

SPECIAL PROVISIONS:

The above consideration is for all that certain parcel of land containing **0.10 acres (4,476 square feet)**, more or less, damages and all improvements thereon, if any, owned by City of Mauldin, South Carolina, shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 99+99.61 and 111+08.83 Reloc. This being a portion of the property conveyed to City of Mauldin by the Deed of **East Butler Investments, LLC, Hans Bolli, and June A. Bolli**, dated and recorded June 9, 2021, in Deed Book 2626, at Page 2413; This being the same property conveyed to East Butler Investments, LLC, Hans Bolli and June A. Bolli, by Deed of Alex Kiriakides, III, Trustee, of Trust FBO Alex Kiriakides, III under Trust B of the Revocable Trust Agreement dated February 2, 2001, and MaryAnn Kiriakides, Trustee, of Trust FBO Mary Ann Kiriakides, under Trust B of the Revocable Trust Agreement dated February 2, 2001, and Michael William Kiriakides, Trustee, of Trust FBO Michael William Kiriakides under Trust B of the Revocable Trust Agreement dated February 2, 2001, and Cathy Cannon, Trustee, of Trust FBO Cathy Cannon under Trust B of the Revocable Trust Agreement dated February 2, 2001; dated and recorded May 13, 2021 in Book 2623 at Page 5877; This being the same property conveyed to Alex Kiriakides, III, Trustee, of Trust FBO Alex Kiriakides, III under Trust B of the Revocable Trust Agreement dated February 2, 2001, and MaryAnn Kiriakides, Trustee, of Trust FBO Mary Ann Kiriakides, under Trust B of the Revocable Trust Agreement dated February 2, 2001, and Michael William Kiriakides, Trustee, of Trust FBO Michael William Kiriakides under Trust B of the Revocable Trust Agreement dated February 2, 2001, and Cathy Cannon, Trustee, of Trust FBO Cathy Cannon under Trust B of the Revocable Trust Agreement dated February 2, 2001; by Quit Claim Deed of Alex Kiriakides, III, Trustee, Mary Ann Kiriakides, Trustee, Michael William Kiriakides, Trustee of Trust B under the Revocable Trust Agreement dated February 2, 2001 established by Alex S. Kiriakides, Jr., as Grantor; dated December 12, 2016 and recorded December 14, 2016 in Book 2502 at Page 2405. LESS AND EXCEPT: Quit Claim Deed recorded June 10, 2021, in Book 2626 at Page 2674. in the Office of the Clerk of Court for Greenville County, South Carolina, and shown as **Tax Map No. M003.01-02-014.00**. Tie Equality STA. 351+75.76 US 276 (Laurens Road) = STA. 101+01.79 S-107 (East Butler Road).

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining.

And I (or we) do hereby bind myself (or ourselves), and my (or our) successors, to warrant and forever defend all and singular said premises unto said South Carolina Department of Transportation, its successors and assigns, against myself (or ourselves) and our successors in interest and anyone claiming under us and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

TO HAVE AND TO HOLD in fee simple, absolute and singular the said property and the rights hereinbefore granted, unto the said South Carolina Department of Transportation, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

City of Mauldin, South Carolina

1st Witness

Grantor (L.S.)

By Its:

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)

ACKNOWLEDGEMENT

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ of City of Mauldin, South Carolina.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC FOR THE STATE OF _____

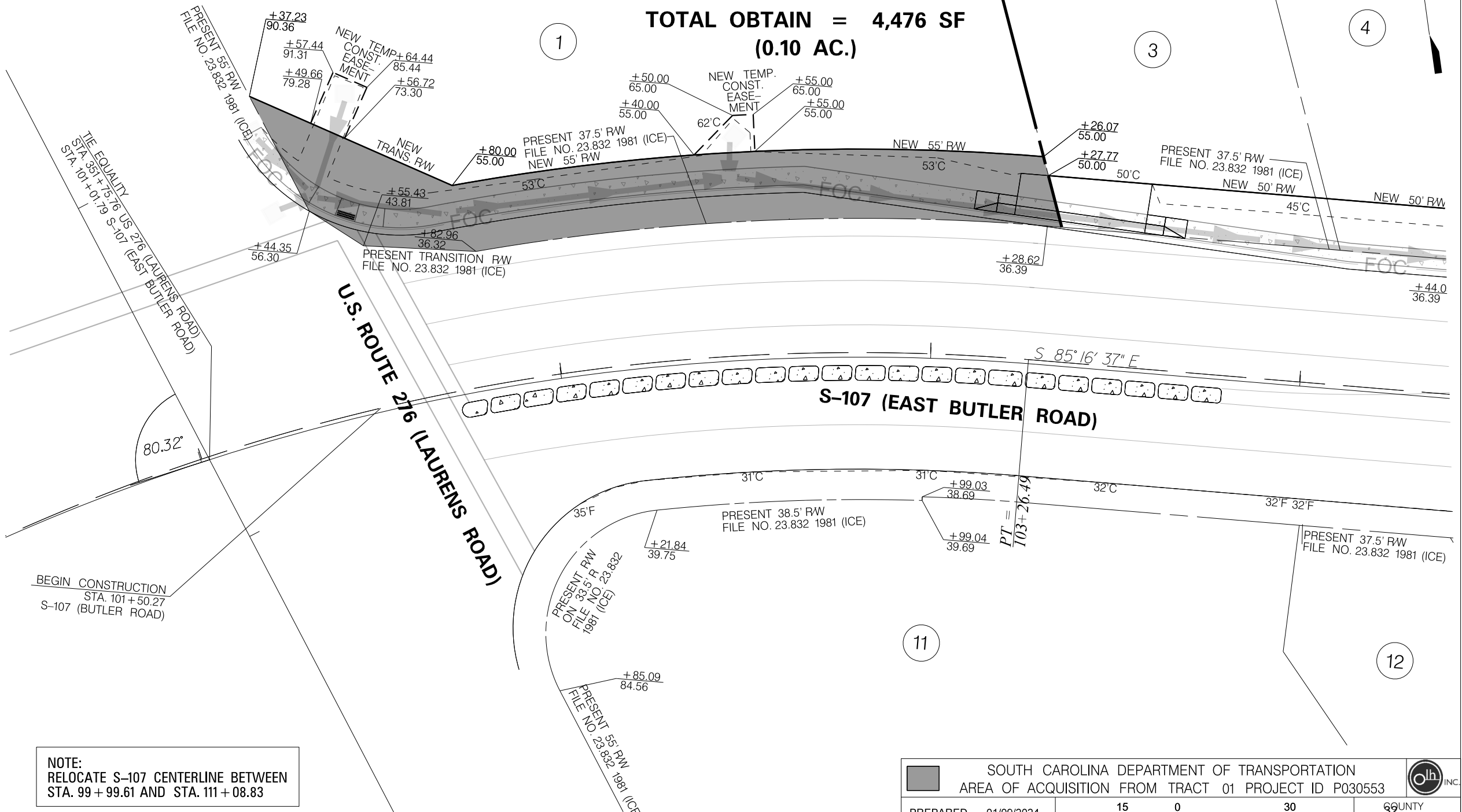
My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

Ordinance ____-2024 Exhibit B

TRACT 1
TOTAL OBTAIN = 4,476 SF
(0.10 AC.)



NOTE:
 RELOCATE S-107 CENTERLINE BETWEEN
 STA. 99 + 99.61 AND STA. 111 + 08.83

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF ACQUISITION FROM TRACT 01 PROJECT ID P030553		
PREPARED 01/09/2024	SCALE FEET	

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **001**

**TEMPORARY
 RIGHT OF WAY EASEMENT**
 Approximate Survey Stations

<u>101+00</u>	To	<u>102+00 Lt</u>
S-107 East Butler Road		
<u>102+00</u>	To	<u>103+00 Lt</u>
S-107 East Butler Road		
_____	To	_____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) City of Mauldin, South Carolina - Post Office Box 249, Mauldin, South Carolina 29662 in consideration of the sum of Thirty Four Thousand Six Hundred Ninety Three and No/100 Dollars (\$34,693.00), to me (or us) in hand paid, and other valuable consideration at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, give, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, an easement or right of way for the construction, improvement, operation and maintenance of a public road known as a State Highway **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by the South Carolina Department of Transportation, upon and across the land which I (or we) may own, in whole or in part, between the survey stations referenced above and as depicted and described on the above reference plans together with, all and singular, the rights, members, hereditaments, and appurtenances thereunto belonging, or in any way incident or appertaining. The grantor expressly recognizes the possibility that the property herein may be used in the future by public utility or others granted the statutory right to use the right of way.

SPECIAL PROVISIONS:

All that parcel or strip of land, to establish a temporary right of way, containing **264 square feet** more or less, and all improvements, thereon, if any, owned by **City of Mauldin, South Carolina**, shown as the "Area of Temporary Right of Way" on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 99+99.61 and 111+08.83 Reloc. S-107. **Temporary right of way herein condemned shall revert to the condemnee upon completion and acceptance of the project.**

Tax Map No. M003.01-02-014.00. Tie Equality STA. 351+75.76 US 276 (Laurens Road) = STA. 101+01.79 S-107 (East Butler Road).

TO HAVE AND TO HOLD, all and singular, the said easement or right of way and the rights hereinabove granted, unto the said South Carolina Department of Transportation, its successors and assigns forever for a public road, highway, other public transportation purposes or other public uses as are permitted within and in conjunction with highway rights of way and the grantors hereby dedicated their respective interest in said strip of land to public use for such purposes.

It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my (or our) heirs, assigns or administrators within the limits of the right of way herein conveyed.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

City of Mauldin, South Carolina

1st Witness

Grantor (L.S.)

By: Its

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)
_____))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ of City of Mauldin, South Carolina.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC FOR THE STATE OF _____

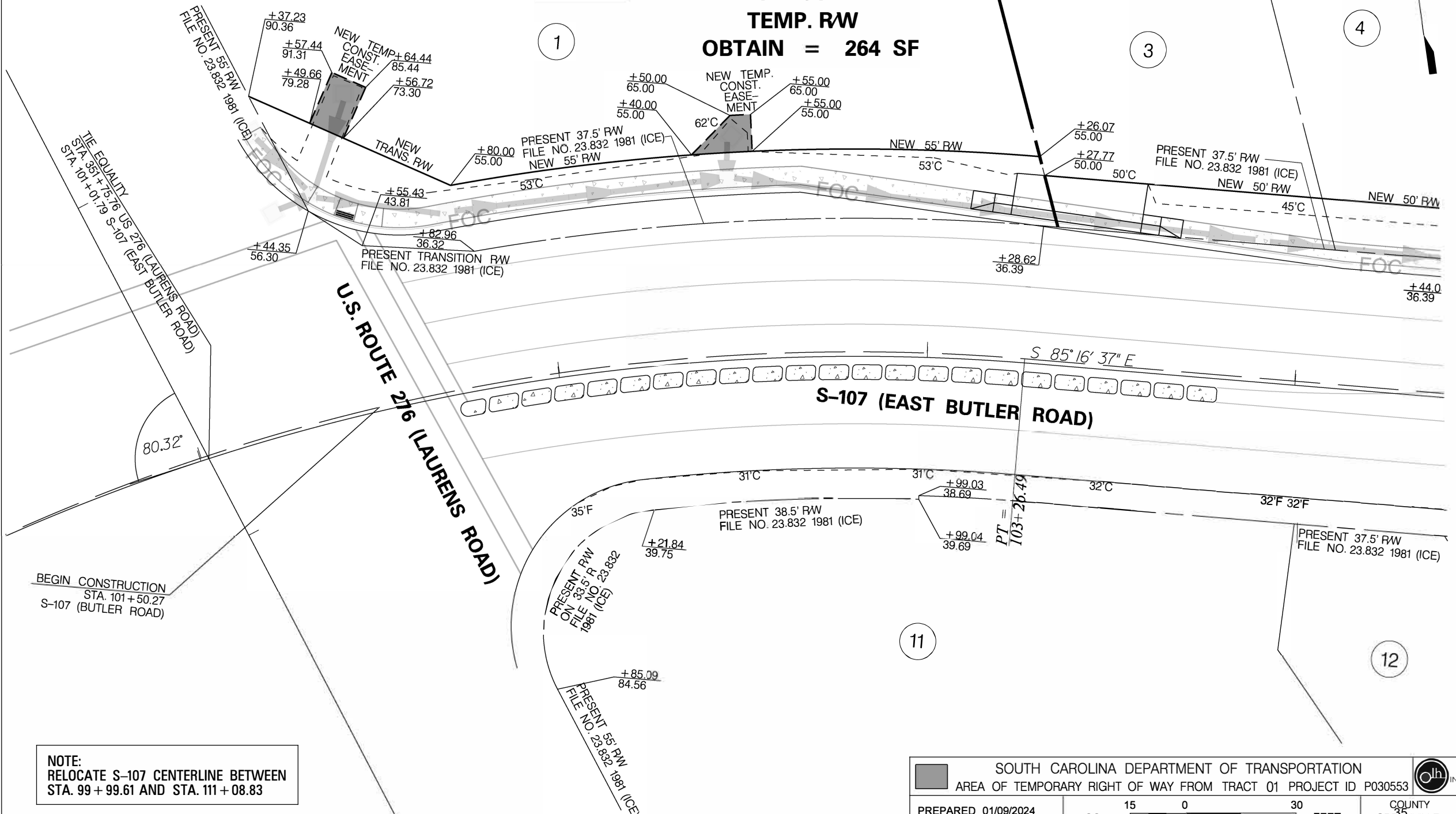
My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

Ordinance ____-2024 Exhibit D

**TRACT 1
TEMP. RW
OBTAIN = 264 SF**



NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 99 + 99.61 AND STA. 111 + 08.83

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF TEMPORARY RIGHT OF WAY FROM TRACT 01 PROJECT ID P030553		
PREPARED 01/09/2024	SCALE FEET	
		COUNTY GREENVILLE

10/11/2024

Town Of Mauldin
Attn: Seth Duncan
Post Office Box 249
Mauldin, SC 29662

RE: Project ID No. P030553 - Road S-107 (East Butler Road) - Greenville County - Tract 1

Dear Mr. Duncan:

Reference is made to the above captioned project, under which the South Carolina Department of Transportation (SCDOT) proposes to acquire a portion of your property for this improvement as has been discussed with you previously. The Department must pay just compensation for the property which is based on an appraisal made by a qualified real estate appraiser using comparable sales in the area.

The appraisal, a copy of which is attached hereto, has been prepared, reviewed and approved, and I am now authorized to make you the following offer:

\$ 26,856.00	for fee simple title to 0.10 acre (4,476 SF) of land and all improvements thereon, if any, in fee simple.
\$ 34,693.00	Temporary Right of Way 0.006 acre (264 SF)
<u>\$128,201.00</u>	Cost to Cure
\$189,750.00	Total

Please give this offer your prompt attention and let me know your decision as soon as possible. Retain this information to report your payment according to IRS rules in Publication 544.

If I can be of any further assistance, do not hesitate to contact me.

Sincerely,



Jennifer Jones Campbell
O. R. Colan Associates, LLC
Right of Way Agent

10/11/24
Date Offer Made

CITY COUNCIL AGENDA ITEM

MEETING DATE: December 16, 2024
DOCKET NUMBER: 8a
ITEM TYPE: Zoning Map Amendment, First Reading

TO: City Council
FROM: Business & Development Services Director, David C. Dyrhaug
SUBJECT: Rezoning of 2-acre Property along Fowler Circle

OWNER(S):	Dennis Godley • Lan-Sky-River Properties, LLC
DEVELOPER(S):	Red Oak Developers
TAX MAP NUMBER(S):	Part of M007.03-01-013.00
LOCATION:	Along Fowler Circle near W. Butler Road
CURRENT ZONING:	C-1, Light Commercial
REQUESTED ZONING:	RM, Multi-family Residential
SIZE OF PROPERTY:	Approx. 2 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 rezoning a 2-acre portion of a tract along Fowler Circle from the C-1 district to the RM district. The intent of the applicant is to develop this property for attached single-family homes.

HISTORY/BACKGROUND

This tract is a partially wooded undeveloped lot with a Goodwill donation trailer parked on part of the lot. The 2-acre portion of the lot subject to this petition is the rear portion of the lot that backs up to the Sunview Townhomes community along Fowler Circle.

PROPOSED DEVELOPMENT

During the process of this application, the prospective developer of this site was reassigned to Red Oak Developers (it was formerly assigned to the Parker Group at the time the rezoning petition was submitted to the City). Red Oak Developers plans to develop this 2-acre portion of the tract for high quality townhomes. Red Oak Developers are planning for up to 38 townhomes. They plan to provide a minimum 30-foot-wide buffer along the south side of the property adjacent to the Sunview Townhomes community. For context, the City’s codes do not require any buffer along this property line but merely require a 25-foot

building setback. The conceptual layout for the development is included as an attachment to this report. It is the intent of the developer that connectivity and walkability will be provided between the townhomes and the future commercial development on the front portion of this tract.

NEIGHBORHOOD MEETING

In accordance with Section 4:3.3 of the Mauldin Zoning Ordinance, the applicant held a neighborhood meeting on September 23, 2024, at Mauldin Methodist Church. The meeting was advertised in accordance with City requirements. The only attendees at this meeting were the development team, the property owner, the real estate team, a City elected official, and a member of City staff. No other members of the public attended the meeting.

PUBLIC HEARING

The Planning Commission held a public hearing on October 22, 2024. There was one public comment at offered at this hearing:

- Cindy Jordan, 204 Fowler Circle (County resident), expressed her opposition to the development of this property. She shared concerns about traffic safety and speeding along Fowler Circle.

No other public comments were offered and no other members of the public attended the public hearing.

ZONING ANALYSIS

Existing Zoning Classifications

The **C-1 district** is a light commercial district intended to promote small-scale retail, service, and professional offices that provide goods and services at a neighborhood scale. This district is generally located in areas adjacent to residential districts.

The **R-M district** is established to provide for a full range of medium- to high-density multi-family housing types along with single-family detached and attached residences. Other uses include recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. This district is intended to function as a transition between single-family residential districts and commercial districts where certain land uses may not be compatible.

Surrounding Development/Zoning

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

Direction	Zoning District(s)	Existing Use(s)
North	C-2 (City)	Undeveloped/Goodwill donation trailer
South	R-M (City)	Sunview Townhomes
East	C-1 (City)	Undeveloped commercial property
West	R-20 (County)	Single-family home across the street

Comprehensive Plan Analysis

In the Comprehensive Plan, the front of this property is located along a “Regional Corridor.” The remainder of this property, including the portion that is the subject of this petition, is designated as “Residential

Multifamily” in the future land use map of the comprehensive plan. This designation is intended to include apartment buildings, condominiums, and duplexes.

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

Based on the above criteria, staff provides the following findings for consideration of the proposed request.

- A. **Comprehensive plan consistency.** The portion of this tract that is being petitioned to be rezoned is designated for apartment buildings, condominiums, and duplexes in the Comprehensive Plan. This rezoning is entirely consistent with the Comprehensive Plan.
- B. **Suitability of the site.** There are not any apparent floodplains, wetlands, or steep topography on this site. The site appears suitable for development.
- C. **Compatibility of the development.** The intent to develop this property for townhomes is directly compatible with the adjacent Sunview Townhomes and the adjoining Parkside Villas community. This proposed development will provide a positive transition between these existing townhome communities and the allowed commercial development on the remainder of this property.
- D. **Infrastructure capacity.** All utilities, including water and sewer, are available for the site.
- E. **Public need.** As forecasted in the Comprehensive Plan, the City continues to see demand for low-maintenance and “missing middle” housing including townhomes. Missing middle housing includes a diverse range of housing options that are compatible in scale and form with detached single-family homes and are designed to create a walkable community. Typical middle housing types include multi-unit structures such as townhomes, duplexes, triplexes, fourplexes, and cottage courts.

Traffic discussion. During the Planning Commission meeting, the discussion centered around traffic. Below are some of staff’s findings regarding traffic as it relates to the rezoning and development of this site.

- Using traffic generation rates published by the Institute of Transportation Engineers (ITE), a rental townhome community consisting of 38 units would generate about 27 peak hour trips. A “for-sale” townhome community consisting of 38 units would generate about 17-20 peak hour trips. For townhome development projects, a traffic impact study is only required if the project is projected to generate at least 100 peak hour trips. This project is far below that threshold.
- For comparison, below is the peak hour trip generation of some common commercial development types that are allowed by the current zoning of this property.

Business Type	Typical Size	AM Peak Hour Trips	PM Peak Hour Trips
Bank	2,500 sq. ft.	30 vehicle trips	60 vehicle trips
Pharmacy	10,000 sq. ft.	34 vehicle trips	99 vehicle trips
Coffee Shop	2,000 sq. ft.	201 vehicle trips	85 vehicle trips
Fast Food Restaurant	3,000 sq. ft.	136 vehicle trips	97 vehicle trips
Office Park	N/A (based on acreage of site)	115 vehicle trips	127 vehicle trips
Daycare	12,000 sq. ft.	146 vehicle trips	148 vehicle trips
Grocery Store	40,000 sq. ft.	136 vehicle trips	379 vehicle trips

The development of a 38-unit townhome community will generate much less traffic than a typical commercial development project allowed by the current zoning of this property.

- Fowler Circle is not a project identified in the 2030 long-range transportation plan or the transportation improvement program for the Greenville-Pickens Area Transportation Study (GPATS). Note: GPATS is the Metropolitan Planning Organization (MPO) for the Greenville Urbanized Area. They are charged with allocating federal funding for transportation projects in our area.
- The applicant is currently undertaking a traffic study for the prospective development of the commercial portion of this tract and what improvements will be needed at the intersection of W. Butler Road and Fowler Circle.

TIMELINE

On September 24, 2024, the applicant made application to the City of Mauldin for this rezoning.

On October 22, 2024, the Planning Commission conducted a public hearing. At this meeting, the Planning Commission voted 4-1 to recommend approval of this rezoning, with Mr. Dan Chism dissenting.

On November 4, 2024, the Building Codes (BDS) Committee voted 3-0 to hold this matter in committee while awaiting further information about the prospective development of this tract.

On December 2, 2024, the BDS Committee voted 3-0 to forward this matter to the City Council for first reading.

STAFF RECOMMENDATION

This project is entirely consistent with the Comprehensive Plan. Additionally, the proposed development of these two acres will provide a positive transition between the existing Sunview Townhomes and the allowed commercial development on the remnant of this tract. Finally, the intent of the applicant to develop an interconnected, pedestrian-oriented design in concert with the commercial development expected along

the front of this tract supports the City's vision for development. Based on these findings, staff supports the approval of this rezoning.

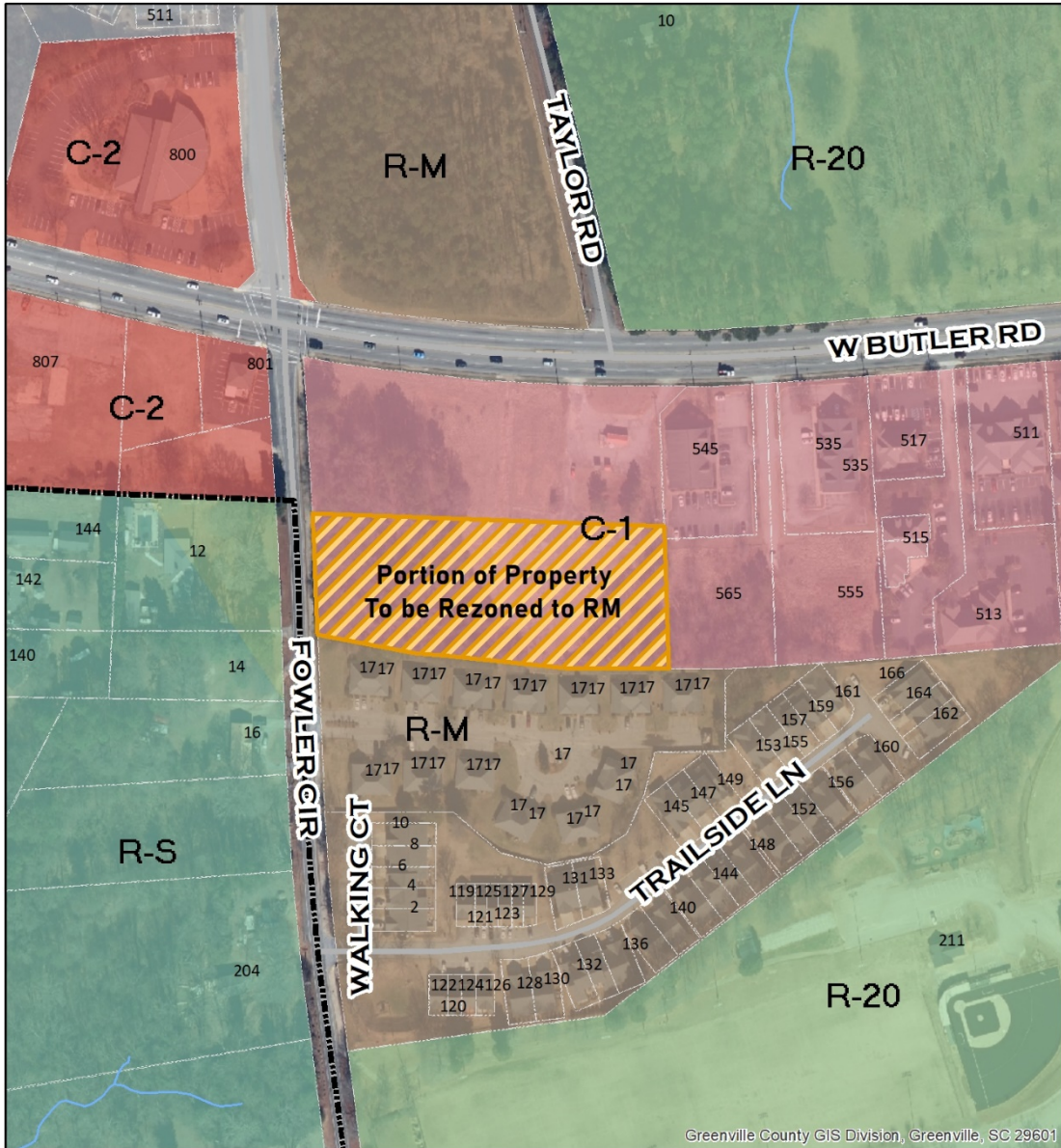
PLANNING COMMISSION RECOMMENDATION

On October 22, 2024, the Planning Commission voted 4-1 to recommend approval of the rezoning, with Mr. Dan Chism dissenting. As part of their recommendation, the members of the Planning Commission commented that they are interested in seeing improvements made to the intersection of W. Butler Road and Fowler Circle, specifically to include a dedicated left turn lane on Fowler Circle.

ATTACHMENTS

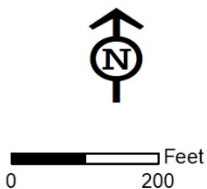
Property Map
Conceptual Layout
Proposed Ordinance (map and boundary survey included therein)

Red Oak Developers Property on Fowler Circle REZONING MAP



Legend

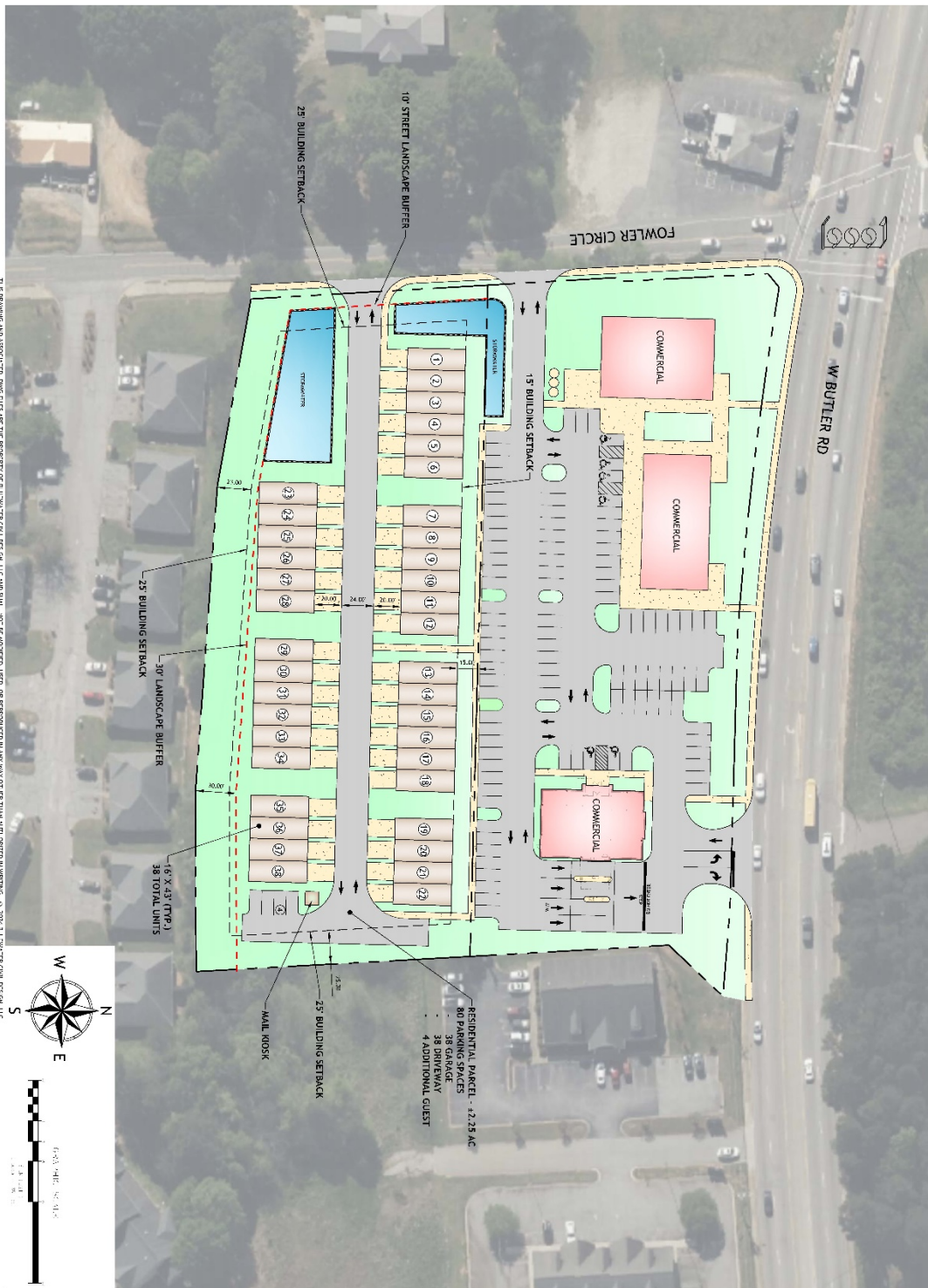
- Subject Property
- Mauldin City Limits



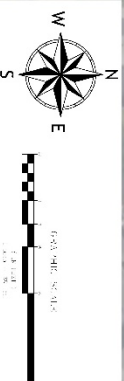
Created on October 10, 2024

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11. E. SHAWNEE AND ASSOCIATES, INC. IS THE REGISTERED PROFESSIONAL ENGINEER FOR THIS PROJECT. THE PROJECT IS SUBJECT TO THE CITY OF MAULDIN, SOUTH CAROLINA. THE CITY OF MAULDIN, SOUTH CAROLINA, IS THE AUTHORITY FOR THIS PROJECT. THE CITY OF MAULDIN, SOUTH CAROLINA, IS THE AUTHORITY FOR THIS PROJECT. THE CITY OF MAULDIN, SOUTH CAROLINA, IS THE AUTHORITY FOR THIS PROJECT.



PRELIMINARY SITE
 PLAN
 SP-12

NO.	DESCRIPTION
1	RESIDENTIAL BUILDING
2	COMMERCIAL BUILDING
3	COMMERCIAL BUILDING
4	COMMERCIAL BUILDING
5	MAIL KIOSK
6	DRIVEWAY
7	PARKING SPACES
8	GARAGE
9	BRICKWAY
10	LANDSCAPE BUFFER
11	STREET LANDSCAPE BUFFER
12	BUILDING SETBACK
13	STREET LANDSCAPE BUFFER
14	BUILDING SETBACK
15	STREET LANDSCAPE BUFFER
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48	BUILDING SETBACK
49	STREET LANDSCAPE BUFFER
50	BUILDING SETBACK

CITY OF MAULDIN, SC
 FOWLER CIRCLE
 MIXED-USE

blueWATER
 civil design
 bluewater.civil.design, llc
 718 Lowndes Hill Road • Greenville, SC 29607
 www.bluewatercivil.com • info@bluewatercivil.com

ORDINANCE # _____

AN ORDINANCE TO REZONE A 2-ACRE PORTION OF A PROPERTY LOCATED AT FOWLER CIRCLE (P/O TAX MAP PARCEL #M007.03-01-013.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Lan-Sky-River Properties, LLC, has petitioned the City of Mauldin to rezone +/- 2 acres of their property from the C-1 District to the RM 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-2024-11-RZ and part of Greenville County Tax Map Parcel M007.03-01-013.00 be rezoned from C-1 to RM, Multi-family Residential. The portion of the property to be rezoned is further identified on the attached exhibit, Exhibit 1, that is hereby incorporated into this ordinance.

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:

Daniel Hughes, City Attorney

CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: December 16, 2024

AGENDA ITEM: [8b]

TO: City Council

FROM: Seth Duncan, City Administrator and Matthew Fleahman, Public Works Director

SUBJECT: Final Debris Removal

REQUEST

Staff is requesting \$750,000 for final debris removal from Hurricane Helene storm damage. The funding requested will be in addition to funds already spent and would be appropriated from Unassigned Fund Balance from the General Fund.

HISTORY/BACKGROUND

The City's Public Works crews continue to collect storm debris throughout the City. The team has collected approximately 6 million pounds of storm debris since late October and have nearly completed an initial pass through all zones within the City. Crews are currently continuing clean-up activities in Zone 3 which includes Pine Forest neighborhood. Once complete, crews will be completing another pass through the City to remove the remaining debris.

In the last few weeks, staff have had productive talks with the Federal Emergency Management Agency (FEMA) regarding our Public Assistance application. Though we are still in the application process, we have a better understanding of the requirements, process, and timeline for reimbursement of storm related expenses. As discussed with FEMA and SC Emergency Management Division (EMD) representatives this week, we have 6 months from the date of disaster declaration to complete work activities described as Emergency Work which includes Debris Removal (Category A) and Emergency Protective Measures (Category B).

The City has completed Emergency Protective Measures, as those were the activities undertaken by the City in the first few days after the storm. Those expenses are being organized and prepared for submission to FEMA/SCEMD for reimbursement. Debris removal continues and must be complete no later than May 2025. Once complete the City will be able to submit expenses related to debris removal for reimbursement. It is expected that reimbursement will take approximately 6-9 months after submission.

ANALYSIS or STAFF FINDINGS

Based upon the limited window for reimbursement for debris removal and the volume of debris remaining, staff believe it is necessary to engage a contractor to assist in the final removal of storm related debris in the City. Recently, Public Works staff geolocated all remaining debris piles including root balls that have been placed alongside the public right of way. Based upon information received from FEMA/SCEMD and their recommendation, the City posted a Request for Proposals to identify contractors able to assist in our final push. A new procurement process was needed as the emergency procurement conducted in the days after the storm was only sufficient during the immediate emergency. The RFP is set to close on Friday,

December 13th. Staff will review the proposals received and negotiate a clean-up plan with the bidder that is most advantageous to the City and if funding is authorized by Council.

Staff’s goal is to utilize the requested funds to hire a contractor to aid in the final push to remove known debris piles and root balls. Public Works estimates that approximately 60% of the City is cleared of debris; however, what remains is not only a significant volume, but also is difficult or impossible to clear with City equipment. If this request is granted, staff believe that clean-up activities may conclude on or around January 31st. Once complete, staff will submit all reimbursement information to FEMA/SCMD by March 31st which would mean that the City would receive its reimbursement by the end of the calendar year (Dec. 2025).

FINANCIAL IMPACT

The City of Mauldin maintains a health fund balance across all funds in order to ensure sound fiscal discipline, a superior bond rating and for unexpected emergencies. Hurricane Helene was a natural disaster on a scale not experienced in our community for more than 40 years. As such, many of the expenses related to Helene emergency response and clean-up activities were not anticipated expenditures in this fiscal year’s budget.

Council previously voted to redirect American Rescue Plan Act Revenue Recovery funds to cover initial disaster response expenses. Those funds were used to cover clean-up expenses during the first month plus of clean-up activities. With those funds exhausted, staff is requesting the appropriation of Unassigned Fund Balance from the General Fund to assist in completing debris clean-up activities.

According to the City’s latest audit report, the City has approximately \$12,417,043 in total General Fund Fund Balance. Of this amount, \$9,088,680 is unassigned and available for commitment or assignment by Council. The City’s most recently adopted Financial Policy stipulates that at a minimum, the Unassigned Fund Balance in the General Fund must be between 25% to 35% of regular general fund annual operating revenues. For Fiscal Year 2025, the chart below illustrates the reserve requirements.

Unassigned	\$ 9,088,680	Assignable	Assignable After \$750k
Reserved - Unassigned FB (25%)	\$ 5,388,625	\$ 3,700,055	\$ 2,950,055
Reserved - Unassigned FB (30%)	\$ 6,466,350	\$ 2,622,330	\$ 1,872,330
Reserved - Unassigned FB (35%)	\$ 7,544,075	\$ 1,544,605	\$ 794,605

RECOMMENDATION

Staff recommends approval of the request to complete the City’s storm debris collection activities and will seek reimbursement from FEMA for eligible and related expenses.