FOUNTAIN INN
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City of Fountain Inn
Regular Council Meeting Minutes
November 12, 2020 ~ 6:00 PM

The council meeting was open to the public, but attendance was limited.
The meeting was also livestreamed on the City's Facebook page.

The following members of City Council were in attendance: Mayor George Patrick (GP) McLeer, Jr., Mack Blackstone, Phil Clemmer, Anthony Cunningham, Anjeanette (AJ) Dearybury, John Mahony and Jay Thomason

Others present: Shawn Bell, Lori Cooper, Greg Gordos, Naomi Reed and Sandra Woods

Visitors: 6

Call to Order – Mayor McLeer

Invocation – Pastor, Jeffery L. Williams, Golden View Baptist Church

Pledge of Allegiance

Public Forum –
No one signed up to speak.

Consent Agenda – There will be no discussion of Consent Agenda items unless a Council member so requests in which event the item in question will be considered separately.

- October 8, 2020 Regular Council Meeting Minutes and October 20, 2020 Special Called Meeting Minutes
- Preliminary September 2020 Financial Report

Motion by Councilmember Thomason, second by Councilmember Clemmer to approve the consent agenda as presented. The motion carried unanimously 7/0

City Administrator's Report – Shawn M. Bell
(Attached)

Unfinished Business

Second Reading, 2020-005 – Economic Development Incentive Ordinance to authorize and establish an incentive program to encourage private investment in the incentive area of the City of Fountain Inn.

The City often receives requests for economic development incentives. Individuals/firms are told to put the request in writing for City Council to consider on a case-by-case basis. Ordinance 2020-005 would establish what economic development incentives the City of Fountain Inn would potentially provide, what types of businesses the City would potentially incentivize, where the private investment must be located, and other benchmark criteria that would make a project eligible.

The established incentives per Ordinance 2020-005 are:
• Up to 100% of City sewer tap fees
• Up to 50% of City building permit fees
• Up to 50% of City business license fees for up to 5 years
• Up to 50% of City hospitality taxes for up to 5 years
• Any other incentives Council deems appropriate
*Any combination of incentives may be used

The intended use of the development must be for one or more of the following business purposes: retail uses; tourism-related businesses or activities; cultural arts activities and associated businesses; corporate headquarters; research and development; high technology growth businesses; and other uses as determined by City Council.

The established incentive area per Ordinance 2020-005 includes all properties located within the C-1 Zoning District; all properties zoned NC-neighborhood commercial district; the Gateway Corridor Overlay District (SC 418); and properties with frontage along the corridor of North and South Main Street (SC 14), Harrison Bridge Road, SC-418, Fairview Street, or I-385 currently zoned C-2 (or commercial use if located in a Planned Development) or slated for C-2 in the future land use map.

The development must have a minimum threshold investment of $1,000,000 which can be comprised of any combination of real property acquisition costs, the costs of physical improvements to real property, or the costs of capital improvements to City infrastructure. A development may be given a credit towards the minimum investment of $50,000 for each full-time equivalent job created by the development

Motion by Councilmember Thomason, second Councilmember Blackstone to approve Ordinance 2020-005 as presented. The motion carried 7/0.

Second Reading, Z 2020-002 – Rezone to FRD, Flexible Review District Tax Map #0562010100302, 10.39 acres Fairview Road Ext. and Old Fairview Road

The Planning Commission voted in favor of the rezoning in a 3-2 vote at the September 14, 2020 meeting. The hearing was conducted via a Zoom video call.

Paul Harrison with Bluewater Civil Design spoke on behalf of the applicant presenting a fifty-four (54) unit subdivision on approximately 12 acres (including power line easements). One housing product would be single- family detached with front-loaded garage, while other homes would have rear-loaded garages with vehicle access via an alley.

Fourteen (14) citizens, primarily neighboring property owners in unincorporated Greenville County, provided written public comment in opposition. Objections included home density, road conditions, and adjacency to industrial use.

The Fountain Inn Police Department checked noise levels during the day and night for several days and did not detect noise level violations.

Motion by Councilmember Cunningham, second by Councilmember Mahony to approve Z 2020-002 as presented. The motion carried unanimously 7/0.

New Business –

First Reading, Ordinance AX 2020-006 to annex sixty acres on North Woods Drive into the city limits of Fountain Inn. TMS# 0334000100406, TNS# 0331000100500 to C-2 Commercial District.

City Administrator, Shawn Bell stated AX 2020-006 would annex approximately sixty acres on North Woods Drive into the City limits of the Fountain Inn; zone TMS# 0334000100406 , TMS# 0334000100408, and TMS # 0331000100500 to C-2, Commercial District and assign parcel to Council Ward 1. The Planning Commission voted unanimously (4-0) in favor of the annexation and zoning to C-2 Commercial at the November 9, 2020 meeting.

One representative from the property owner and one representative of the builder spoke on behalf of the applicant. No one spoke in opposition of the application in-person. Staff received three phone messages inquiring about the public notice signage visible from N. Woods Drive and I-385. One citizen spoke in opposition over the phone.

Motion by Councilmember Thomason, second by Councilmember Blackstone to approve AX 2020-006 as presented on First Reading. The motion carried 7/0.

First Reading Ordinance 2020-007 Amended Hospitality Tax Ordinance

Finance Director, Naomi Reed stated this is an amendment to the current hospitality tax ordinance to allow the department to enforce the ordinance consistently and clearly and explain expectations to new and existing establishments responsible for collecting the tax. The amendment clarifies due dates, payment frequency, adds a 5% late fee instead of a 1.5% late penalty and removes the $500 administrative fee currently charged on late remittances. This amendment is not intended to be retroactive and past fees assessed will not be refunded.

Amendment Summary:

Clarifying Payment of Local Hospitality Tax

Section 18-5 (c) –Payment of the Local Hospitality Tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies and shall be collected by the establishment. The failure to collect from the customer the tax imposed by this ordinance shall not relieve the establishment from making the required remittance to the city.

Clarifying Remittance and Due Dates

Section 18-5 (d), 1 - The tax provided for in this section must be remitted to the city on a monthly basis when the estimated amount of average tax is more than $50.00 a month, on a quarterly basis when the estimated amount of average tax is $25.00 to $50.00 a month, and on an annual basis when the estimated amount of average tax is less than $25.00 dollars a month. The closing date for March 31, June 30, September 30 and December 31, and the closing date for annual payments is December 31.

Section 18-5 (d), 2 - *Due Dates.* The establishment shall remit to the city the Local Hospitality Tax due not later than the 20th of the month following the month in which the tax was collected, or on the next business day if the 20th is a Saturday, Sunday or postal service holiday. A payment is considered to have been remitted to the city timely if the return is actually received by the city or has a U.S. mail postmark date on or before the date the report form is required to be made. If the 20th day of the month falls on a Saturday, Sunday or postal service holiday, then payments actually received by the city has a U.S. mail postmark date on the day immediately following the Saturday, Sunday or postal service holiday will be deemed to have been timely made.

Establishing Five Percent (5%) Penalty, Clarifying Late Fees and Removing $500 Administrative Fee

Section 18-5 (d), 4 A late fee of five percent of the unpaid amount for each month or portion thereof shall be added to any hospitality tax not timely remitted. For establishments that are delinquent more than two times in a calendar year, the late fee will increase from five percent to ten percent of the unpaid amount due for each month or portion thereof that payment remains delinquent. The ten percent late fee will remain in effect for the remainder of the calendar year on all delinquent payments. The purpose of the late fee is to compensate the city for additional administrative handling and lost earnings on operating balances.

(i) The late fees provided for in this section cannot be waived.

(ii) In the event that the city incurs other costs to collect the taxes due, including, but not limited to, staff time, attorney fees, court costs, audit fees, and any and all other costs of collection, those costs shall also be added to the amount due.

Section 18-5 (g) 5 - If any tax due under this article shall remain unpaid 30 days after its due date, the city may proceed with all available procedures under the law, including, but not limited to, issuance of an ordinance summons or the revocation of the establishment's business license or both. For businesses that are delinquent more than two times in a calendar year, for the remainder of that calendar year, if any tax due under this section shall remain unpaid ten days after its due date, the city may proceed with all available procedures under the law, including, but not limited to, issuance of ordinance summons or the revocation of the establishment's business license or both. Furthermore, punishment for violation shall not relieve the offender of liability for delinquent amounts, penalties, and costs provided for herein. (6) Any establishment or person who violates this section shall be subject to the penalties as set forth in the Code of Ordinances Section 1-10.

Motion by Councilmember Dearybury, second by Councilmember Cunningham to approve AX 2020-007 as presented on First Reading. The motion carried 7/0.

Approval of Clinton Newberry Natural Gas Authority Interconnect

City Administrator, Bell stated thee Natural Gas Department has proposed a two-phase project to provide a second gas feed to the system.

Phase I

The Gas Department solicited bids for the design, construction, and installation of a new gas interconnecting station between FING and CNNGA. The purpose of the station is to provide a back feed to the entire FING system in the event of an emergency shutdown by our current gas supplier or other types of emergency that may compromise the delivery of gas to 9,800 customers.
The low bid of $93,100 was submitted by IGM. Also, there will be an additional $15,000 to $20,000 for miscellaneous incidentals not part of the bid, but necessary to complete the work:

- Security Fencing
- Station protection (steel piles around it)
- Establishing electrical service by Laurens Electric
- Inlet and outlet valve installations
- Computer hardware/software

The cost for the station came well below the $200,000 budgeted.

Phase II
Install 5,200 ft. of 6” high-pressure steel at an estimated cost of $650,000. Phase II if approved is Scheduled for completion in November 2021.

Motion by Councilmember Clemmer, second by Councilmember Mahony. The motion carried 7/0.

Planning Commission Appointments
Ward 1 - Walt Tanner
Ward 2 – Sara Threatt

Motion by Councilmember Cunningham, second by Councilmember Blackstone to approve the Planning Commission appointments. The motion carried 7/0.

Board of Zoning Appeals Appointments
Nelson Deever
Avis Kelley
Reappoint Jackie Johnson

Motion by Councilmember Cunningham, second by Councilmember Dearybury to approve the Board of Zoning Appeals Appointments. The motion carried 7/0.

Executive Session

a. For the receipt of legal advice concerning a pending claim against the city and other matters covered by the attorney client privilege related thereto and the discussion of the city’s position with regard to that claim.

Upon returning to open session, council may act on items discussed during Executive Session.

Motion by Councilmember Mahony second by Councilmember Clemmer to meet in executive session. The motion carried unanimously.

Mayor McLeer stated no votes were taken during executive session.

Motion by Councilmember Mahony, second by Councilmember Blackstone to adjourn the meeting. The motion carried unanimously.

Sandra H. Woods

Sandra H. Woods, CMC
Municipal Clerk