FOUNTAIN INN
est 1886

City of Fountain Inn
Regular Council Meeting Minutes
December 10, 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. Jay Thomason attended by phone.

Others present: Shawn Bell, Lori Cooper, Greg Gordos, Ronnie Myers, Rebecca Mejia-Ward and Sandra Woods

Visitors: 5

Call to Order – Mayor McLeer

Invocation – Councilmember John Mahony

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.

November 12, 2020 Regular Council Meeting Minutes and December 1, 2020 Special Called Meeting Minutes

Motion by Councilmember Cunningham, 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, 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 Clemmer, second by Councilmember Cunningham to approve AX 2020-006 as presented on Second Reading. The motion carried 7/0.

Second Reading Ordinance 2020-007 Amended Hospitality Tax Ordinance

City Administrator Shawn Bell 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:

<u>Clarifying Payment of Local Hospitality Tax</u>

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.

<u>Clarifying Remittance and Due Dates</u>

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.

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

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

New Business

R 2020-010 PEBA

Currently the City has engaged the broker services of ECM Solutions for health insurance benefits. Resolution R-2020-010 would allow for the adopting of State Insurance offered by "PEBA" with an effective date of 7/1/2021, ending the term with the broker accordingly.

Motion by Councilmember Clemmer, second by Councilmember Blackstone to adopt R 2020-010 State Insurance offered by PEBA. The motion carried unanimously 7/0.

Z 2020-003 Rezone 41.5 acres TMS# 0328000100400 from R-15 to R-10

Mr. Bell stated Z 2020-003 would rezone 41.5 acres TMS# 0328000100400 from R-15, Residential District to R-10, Residential District. The Planning Commission voted unanimously (5-0) in favor of the rezoning at the December 7, 2020 meeting.

The project engineer, Melanie Giles of Bluewater Civil Design, spoke on the proposed rezoning. She stated that the rezoning and subsequent annexation of adjacent property along Bryson Drive was for a single-family subdivision.

Currently TMS# 0328000100400 does not have road access to Bryson Drive but is already within city limits.

One local citizen provided public comment at the 12/7/2020 hearing, citing traffic concerns and preservation of the local African American history in the Bryson area.

Motion by Councilmember Blackstone, second by Councilmember Dearybury. The motion carried Unanimously 7/0.

AX 2020-007, AX 2020-008, AX 2020-009

Motion by Councilmember Blackstone, second by Mayor McLeer to approve AX 2020-007, AX 2020-008 and AX 2020-009 on first reading. The motion carried unanimously.

Council stated they would like more information concerning the annexations prior to 2nd reading.

Z 2020-004 Rezone .16 acres TMS# 904-06-01-025 P/O from R-12 to NC, Neighborhood Commercial District.

The Planning Commission voted unanimously (5-0) in favor of the rezoning at the December 7, 2020 meeting.

The property owner, Swaranjit Singh, spoke on the proposed rezoning. He stated that the portion of the property has always been used as commercial space. The former use was a liquor store, since relocated on South Main Street, and is now half-occupied by a beautician.

Motion by Councilmember Dearybury, second by Councilmember Clemmer to approve Z 2020-004 as presented on first reading.

REWA Property Acquisition

This is the agreement made between ReWa and The City of Fountain Inn to purchase for $1 (One dollar) 9.28 acres currently owned by ReWa. This land will be used by the City to build a new FING/PW facility.

All ingress/egress easements have been executed and Laurens Electric will be moving the electrical infrastructure at the intersection of Telfair/Boyd Street and the access driveway.

Motion by Councilmember Cunningham, second by Councilmember Blackstone to approve the REWA property acquisition. The motion carried unanimously.

Gas Department Policies

Several Fountain Inn Natural Gas (FING) office policies need revisions to address inconsistencies and loopholes.

Policy #113:

• Removes the “Renter” category for deposits charged by FING o Only two categories: Landlords and Homeowners & Renters

• Deposits for new Homeowners & Renters will be either $0, $100, or $200 based on their credit per the *Online Utility Exchange* credit check.

• Customers refusing to provide a social security number, has no credit history, or has filed bankruptcy within the last five years will be charged an automatic $200 deposit.

• Customers will only be allowed to carry a $1,000 positive balance/credit on their account. Any amount over $1,000 will be refunded to the customer promptly by check

Policy #121:

• Removes the requirement that a payment arrangement must be made in-person

- For those entering a payment arrangement, customers must go on ACH or automatic credit card payment for at least 12 months o If the payment arrangement is not honored, the $85 delinquent fee will be reinstated to the account and service will be scheduled for disconnection

Motion by Councilmember Blackstone, second by Councilmember Mahony to approve Fountain Inn Natural Gas Billing Policies #113 and #121. The motion carried unanimously.

Motion by Councilmember Dearybury, second by Councilmember Cunningham to adjourn the meeting. The motion carried unanimously.

Sandra H. Woods

Sandra H. Woods, CMC
Municipal Clerk