



Agenda

**Fountain Inn, South Carolina
FORMAL MEETING OF CITY COUNCIL**
Judicial Building, Council Chambers
300 Wall Street, Fountain Inn, South Carolina

Citizens may access the meeting at the following YouTube address:
<https://www.youtube.com/channel/UC6JiyIrM1NUcM8Ea8BLXCfA>

Thursday, April 13, 2023 - 6:00 PM

1. Call to Order - Mayor McLeer
2. Invocation and Pledge of Allegiance
3. Special Recognition
 - a. Officer Billy Hamby- Life Saving Award
4. Introduce New Employees
 - a. Lisa Mann, Planning and Development Manager
 - b. Phil Challinor- Fire Marshal/Training Officer
5. Appointment for Election Commission
 - a. Stephan Thomas
6. Public Forum - Persons wishing to speak may signup 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.
7. Consent Agenda - There will be no discussion of Consent Agenda items unless a Councilmember so requests in which event the item in question will be considered separately.
 - a. Approval of March 9, 2023 Council Meeting Minutes
8. City Administrator's Report - Shawn M. Bell
 - a. March Department Reports
9. Unfinished Business

- a. Second and Final Reading of Ordinance 2023-4- Providing for (A) the creation and establishment of election districts for the election of a governing body of the City of Fountain Inn, South Carolina, as provided for in the South Carolina Code annotated sections 5-15-20 and 5-15-50, and contemplated by Chapter 8 of the Fountain Inn City Code, 1992, based on the 2020 Decennial Census; and (B) other related matters.
- b. Second and Final Reading of Ordinance 2023-5 Providing for the Grant of a Franchise According to South Carolina Code Annotated Section 58-12-10, ET SEQ.; Providing for limitations related to the same; providing for the payment of compensation related to the same; and providing for other related matters, Knology of Charleston, Inc.
- c. Second and Final Reading of Ordinance AX 2023-1, An Ordinance to provide for the annexation of the property described herein to the City limits of the City of Fountain Inn; to establish a Zoning Classification therefore; to assign the annexed property to a Council Ward; and other related matters (Hunter Road-Club Drive).
- d. First Reading of Ordinance Z 2023-2, An Ordinance to amend the official zoning map of the City, for the purpose of changing the Zoning classification of the property described in this ordinance (Nash Street).

10. New Business

- a. First Reading of Ordinance Z 2023-3 to Amend the Official Zoning Map of the City for the Purpose of Changing the Zoning Classification of the Property Described in this Ordinance (Fountainside Trail located at Speedway Drive).
- b. First Reading of Ordinance 2023-2 Authorizing and Directing the City of Fountain Inn, South Carolina to enter into an intergovernmental agreement relating to South Carolina Local Revenue Services; to participate in one or more Local Revenue Service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.
- c. First Reading of Ordinance 2023-3, Amending Chapter 11, Article II, Section 11-42 of the City Code to provide for a franchise fee for cable service providers; and providing for other related matters.

11. Executive Session

- a. For the receipt of legal advice relating to a pending, threatened, or potential claim related to the Eagle Springs Planned Development.

After coming out of Executive Session, Council may vote on items discussed while in Executive Session.

12. Unfinished Business

- a. Approval of Ordinance Z 2022-010, Planned Development Major Change on First Reading.

13. Adjourn

Hello Distinguished Ladies & Gentlemen

My name is Stephan Thomas. Born and raised in Indiana and have lived several states along life journey of 45 years so far. I worked in the restaurant business for over 25 years from being server, dishwasher and cook up to General Manager, District Manager and Area Catering Manager. Focusing in training and leadership over the years has help me find a calling of helping others and seeing them grow to success. Taking pride in training and adding value to the policies, procedures, culture, and environment helped us lead our teams and district to success at both McAlister's Deli and Wendy's with local and national recognition. After leaving the restaurant business I started as an Independent Insurance agent for Correll Insurance group. I have worked in insurance for almost two years now. Working this job has allowed me to be even more involved in the community I live in. I am part of the Fountain Inn Rotary club, Fountain Inn Citizen Police Academy, Leadership Golden Strip, and an Ambassador for the Fountain Inn Chamber. I recently moved and bought a house here in Fountain Inn. I love being part of this town and helping where ever I can.

In my history of work, I have always had focused on community and service. In the past I have driven my employers to help, donate and volunteer in the community. From working water stations in the local marathon to doing 10% of sales going to the local elementary or sports team. Entered and won the local softball league to raise money for ALS along with teaming up with veterans to feed the homeless. I have also worked in several food pantries helping fill boxes, bags and what ever else is needed.

Last but not lease I am married to my amazing wife Rachel who is the training director for Tropical Grille and has been in the restaurant business for several years as well. I have twin 20-year-old boys that attend Tulsa Community Collage and will determine soon where to attend to complete their Masters Degrees. They live with their mother in Glenpool Oklahoma.

Sincerely

Stephan Thomas

Account Executive

Correll insurance Group

sthomas@correllinsurance.com

Stephan A. Thomas

103 Thermal Ct. Fountain Inn, SC

(864) 293-6948

Sathoma11@Outlook.com

Objective

Opportunity to utilize my strong work ethic, training expertise, motivating and leading a team of hospitality professionals. Create and implement successful corporate marketing and advertising strategies. Networking and developing relationships at all levels of the company. Providing superior customer service through effective listening, need assessment and meticulous follow-through.

Experience

10/21-Present

Correll Insurance Group

Spartanburg South Carolina

Account Executive

Commercial Insurance producer

06/21- 10/21 Tropical Grille

Greenville South Carolina

District Manager

03/18-06/21 Wendy's Meritiage Hospitality Group Oklahoma City & Surrounding Area

District Manager

New Store Opener

10/12-1/18 *McAlister's Deli*

Tulsa, OK

Area Catering Manager

Certified Training General Manager

General Manager

Asst. Manager

6/12-10/12 *Matthews Ford*

Broken Arrow, OK

Special Finance Sales Consultant

4/12-6/12 *Chuck E Cheese*

Tulsa, OK

Senior Asst. Manager

8/10-3/12 *Buffalo Wild Wings*

Broken Arrow, OK

General Manager

Certified Training Leader

Manager (3/09-8/10)

7/07-3/09 *Indigo Joe's*

Bixby, OK

General Manager

9/05-7/07 *Fox & Hound*

Broken Arrow, OK

Asst. Manager

Server/Training Manager

Bar Manager (Oklahoma City)

5/98-9/05 *Jillian's Entertainment*

Indianapolis, IN

Assistant General Manager

(Nashville) Bar Manager/Marketing Promotion

(Memphis) AGM Amusements/ Arcade/Bowling (Indianapolis) Corporate Training Manager

Education

Bishop Chatard High School Indianapolis, IN

Asst. to Campus Ministry

Brunswick GS-X School (Certified Bowling Technician)



MINUTES FORMAL MEETING OF CITY COUNCIL

Thursday, March 9, 2023 at 6:00 p.m.

Judicial Building, Council Chambers
300 Wall Street, Fountain Inn

Citizens may access the meeting at the following YouTube address:
<https://www.youtube.com/channel/UC6JiyIrM1NUcM8Ea8BLXCfA>

1. Call to Order- Mayor McLeer

Mayor McLeer called the meeting to order at 6:00 p.m.

All Councilmembers were present except Councilmember Clemmer.

Staff present: Shawn Bell, Naomi Reed, Rebecca Ward, Eduardo Noriega, Russ Slatton, Russell Alexander, Michael Hamilton, Austin Watters, and Elizabeth Adams.

2. Invocation and Pledge of Allegiance

Invocation by Councilman Sanders.

3. Special Recognition

a. Gloretta Beverly's Retirement after 20 years with the City of Fountain Inn

Mayor and Council presented Ms. Beverly with a gift in appreciation of her 20 years of service with the City of Fountain Inn.

4. Public Hearing

- a. The City of Fountain Inn will conduct a hearing to receive input from the public regarding proposed changes to the City Council wards to reflect the population and demographic information compiled and released as part of the 2020 Census. This process of redrawing the ward boundaries to reflect population shifts occurring since the last Census count is referred to as redistricting and is required by the United States Constitution, the Voting Rights Act of 1965, as amended, and other federal and state laws and regulations.**

Mr. Bell explained the redistricting process. No one spoke during the public hearing and Mayor McLeer closed the public hearing at 6:06 p.m.

5. Public Forum - Persons wishing to speak may signup 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.

Mr. James Barbery- opposed the Nash Street rezoning and would like to know who is purchasing the property to turn into a commercial property.

Mr. Joe Gennety, 1311 S. Main Street- opposed Putman rezoning due to ongoing water issues which the Planning Commission didn't address.

6. Consent Agenda

a. Minutes from February 9, 2023 Regularly Scheduled Council Meeting

Motion by Councilmember Thomason, seconded by Councilmember Garrett to approve Minutes from the February 9, 2023 regularly scheduled Council Meeting.

The motion carried unanimously 6/0.

7. City Administrator's Report- Shawn M. Bell

Mr. Bell updated Council on the following items:

Utility complex foundation will be poured next week, March 15.

Sanctified Hill park update- playground arriving, basketball court is being constructed, scheduled to open in April with a ribbon cutting soon after.

Fairview Street basketball court is under construction.

Woodside Streetscape project- asked for redesign in phases to give the City more flexibility with funding.

ESSC- GCRA executed an agreement on March 1 for an ADA restroom.

Public Works- security cameras installed at City Hall, interstate signage is still waiting on DOT but we have asked for assistance from Mark Willis.

Upcoming events: 17th Annual Blues Festival on April 15 from 12-6pm, Italian Heritage Festival, Sounds of Summer and Farmers Market both starting in May, Juneteenth Committee started meeting on April 15, Fourth of July Festival scheduled for July 1.

HR update- Police department vacancies, FD Marshall starts on April 4, Planning Manager accepted offer.

Parks and Recreation- baseball and softball started practices this week, 662 participants signed up. Senior adults half day trip to Travelers Rest on April 20 and Columbia on June 15

Planning and Development- INNvision Steering Committee is meeting on March 30 and public survey to come.

Fire Department-Fire Marshal trailing officer was accepted and starts April 4th,

new bunker gear and uniform fitting scheduled.

Police Department- April 19 Superhero Run, 24th annual golf tournament, onsite accreditation from SCELA.

Chamber of Commerce- March 16, 2023 the annual Chamber Membership Dinner at the Activities Center.

Younts- Journey Tribute band called Departure and Kingsman on April 14.

History Museum- Remembering the Goldstrip Speedway exhibit.

Mr. King Wilson Make A Wish this Sunday at 3pm.

a. February Reports

8. New Business

- a. First Reading of Ordinance 2023-4- Providing for (A) the creation and establishment of election districts for the election of a governing body of the City of Fountain Inn, South Carolina, as provided for in the South Carolina Code annotated sections 5-15-20 and 5-15-50, and contemplated by Chapter 8 of the Fountain Inn City Code, 1992, based on the 2020 Decennial Census; and (B) other related matters.**

Motion by Councilmember Sanders, second by Councilmember Blackstone to approve First Reading of Ordinance 2023-4- Providing for (A) the creation and establishment of election districts for the election of a governing body of the City of Fountain Inn, South Carolina, as provided for in the South Carolina Code annotated sections 5-15-20 and 5-15-50, and contemplated by Chapter 8 of the Fountain Inn City Code, 1992, based on the 2020 Decennial Census; and (B) other related matters.

The motion carried unanimously 6/0.

- b. First Reading of Ordinance 2023-5 Providing for the Grant of a Franchise According to South Carolina Code Annotated Section 58-12-10, ET SEQ.; Providing for limitations related to the same; providing for the payment of compensation related to the same; and providing for other related matters, Knology of Charleston, Inc.**

Motion by Councilmember Garrett, second by Councilmember Don to approve First Reading of Ordinance 2023-5 Providing for the Grant of a Franchise According to South Carolina Code Annotated Section 58-12-10, ET SEQ.; Providing for limitations related to the same; providing for the payment of compensation related to the same; and providing for other related matters, Knology of Charleston, Inc.

The motion carried unanimously 6/0.

- c. First Reading of Ordinance Z 2023-1, An ordinance to amend the official zoning map of the City, for the purpose of changing the**

zoning classification of the property described in this ordinance (Putman Street).

Motion by Councilmember Thomason, second by Mayor McLeer to approve First Reading of Ordinance Z 2023-1, An ordinance to amend the official zoning map of the City, for the purpose of changing the zoning classification of the property described in this ordinance (Putman Street).

The motion failed 0/6.

- d. **First Reading of Ordinance Z 2023-2, An Ordinance to amend the official zoning map of the City, for the purpose of changing the Zoning classification of the property described in this ordinance (Nash Street).**

Motion by Councilmember Don, second by Councilmember Thomason to table First Reading of Ordinance Z 2023-2, An Ordinance to amend the official zoning map of the City, for the purpose of changing the Zoning classification of the property described in this ordinance (Nash Street)..

The motion carried unanimously 6/0.

- e. **First Reading of Ordinance AX 2023-1, An Ordinance to provide for the annexation of the property described herein to the City limits of the City of Fountain Inn; to establish a Zoning Classification therefore; to assign the annexed property to a Council Ward; and other related matters (Hunter Road-Club Drive).**

Motion by Councilmember Sanders, second by Councilmember Thomason to approve First Reading of Ordinance AX 2023-1, An Ordinance to provide for the annexation of the property described herein to the City limits of the City of Fountain Inn; to establish a Zoning Classification therefore; to assign the annexed property to a Council Ward; and other related matters (Hunter Road-Club Drive)..

The motion carried unanimously 6/0.

- f. **Approval to Authorize the City Administrator to Execute an Engagement Agreement with Mauldin & Jenkins, LLC to provide auditing services for the City of Fountain Inn.**

Motion by Mayor McLeer, second by Councilmember Blackstone for approval to authorize the City Administrator to Execute an Engagement Agreement with Mauldin & Jenkins, LLC to provide auditing services for the City of Fountain Inn.

The motion carried unanimously 6/0.

9. Executive Session

- a. **Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of one or more employees in the Community Relations and Planning & Development departments.**

No action was taken during executive session.

10. Adjourn

Mayor McLeer adjourned the meeting.

CITY ADMINISTRATOR REPORT



Agenda Date: April 13, 2023

To: Mayor and City Council

From: Shawn M. Bell, ICMA-CM
City Administrator

Administration

- New Utilities Complex (FING/Public Works Facility)
 - Pad is poured, roof is on, insulation is being installed, and most of the studs have been assembled
 - Projected completion date is July 10
- Main Street Streetscape (Jones to 418)
 - Still waiting on full design from CoTransCo (have received cost estimates)
 - Public hearing for our construction funding request will take place in either August or September with GLDTC voting on the request in October
- Sanctified Hill Park
 - Final touches are in progress
 - Weather permitting, will have a completion date of April 17
 - Ribbon-cutting ceremony/block party set for May 5 from 4:00 – 6:00 p.m.
- Fairview Street Park Basketball Court
 - New goals, backboards, and rims have been installed; court has been re-leveled
 - Painting of courts to be completed soon
- Georgia Street Park Basketball Court
 - Project scope: Removal of existing goals; Installation of new goals, backboards, & rims; Painting of courts
- Woodside Connector
 - Updated agreement from SCDOT has been executed
 - Next steps: Plans submitted to SCDOT Letting Office; Official Engineer's Estimate is generated; Project is Let; Bid are reviewed; Preconstruction Meeting is held; Construction Begins
- ESSC ADA Restroom
 - Pre-construction meeting held; construction set to begin in a few weeks
 - Weather permitting, should be in operation by Fall 2023; construction contract is for 180 days
- Interstate Signage
 - All permits have been received; next step is to send project out to bid

Community Relations

- Upcoming Events
 - 17th Annual Mac Arnold Cornbread & Collard Greens Blues Festival/Jeep Jam/Spring Market
 - 4/15 from 12:00 – 6:00 p.m.
 - 2nd Annual Italian American Heritage Festival
 - 4/29 from 12:00 – 6:00 p.m.
 - Sounds of Summer
 - 5/19 – 7/28
 - Farmers Market
 - 5/20 – July 29
 - 2nd Annual Juneteenth Soul Food Festival on 6/17
 - First committee meeting to held on 4/15
 - Fireworks Spectacular
 - 7/1 from 6:00 p.m. – Dark

Human Resources

- Administration/Finance:
 - Staff Accountant – One vacancy; interviews scheduled for 4/13
 - Gas Billing Customer Service Representative – One vacancy; currently filled by a temporary employee
- Community Relations:
 - Director – one vacancy; recruitment under review
- Police:
 - Patrol Officer – Six vacancies; three offers accepted; one started on 4/10 (recruiting until filled)
 - Dispatch – two vacancies; advertisements reposted on 4/10
- Fire:
 - Fire Marshal/Training Officer – employee started on 4/4
- Planning & Development
 - Planning & Development Manager – employee started on 3/30
- Public Works:
 - CDL Truck Driver – One vacancy; pending acceptance of offer
 - Streets & Grounds Maintenance Worker – employee started on 4/10
 - Sewer/Stormwater Technician – One vacancy; advertisement reposted on 4/10
- Recreation:
 - Part-time City Activity Support Staff & Officiants – advertised on 4/10

Natural Gas

- Gas Supply
 - Deliveries for March 2023
 - Gas volume of 101,989 Dekatherms
 - Gas consumption for March 2023 was up 6% from March 2022, and up 2% from the March three-year average.
 - Gas Prices/Rates
 - The price of natural gas for April 2023 settled at \$1.991 per Dekatherm, which represents a \$0.46 decrease from March 2023's price of \$2.451 per Dekatherm
- Gas Operations
 - Key Indicators
 - 6,682 feet of new gas main lines installed in March 2023
 - 39,974 feet installed Y-T-D
 - 4,926 feet of new service lines (78) installed in March 2023
 - 11,025 feet (185) installed Y-T-D
 - Annual Phone Survey results:
 - 14,846 calls made; 772 respondents
 - 70% received natural gas safety information with their gas bill
 - 83% would recognize a natural gas leak by smell
 - 94% will call 811 before digging
 - FING is still awaiting a railroad crossing permit for the installation of a one-mile, six-inch high-pressure steel line on Hunts Bridge Road

Parks & Recreation

- Spring Baseball/Softball
 - Participants by year:
 - 2023: 670
 - 2022: 604
 - 2021: 524
 - 2020: 393
 - Opening day on 4/1 was rained out; Picture Day set for 5/6
 - Games started on 4/10

Planning & Development

- March 2023 Building & Codes
 - 66 permits issued with a total valuation of \$12,805,968
 - 714 inspections
 - 76 residential plan reviews; 4 commercial plan reviews

- 17 certificates of occupancy issued
- Comprehensive Plan (INNvision) update
 - Survey is live; over 600 responses thus far
 - Steering Committee Meeting #2 Presentation has been uploaded to project webpage
 - <https://www.fountaininn.org/311/INNvision-Comprehensive-Plan>

Fire

- 214 calls for service
- Received the South Carolina Fire Safe Award for second year in a row
 - <https://firesafe.sc.gov/docs/2022-FSSC-Announcement.pdf>
- New SCBA's expected to arrive in May/June

Police

- 3rd Annual Superhero 5K Run to be held on 4/19 at 8:00 a.m.
- 24th Annual Golf Tournament to be held on 5/24 with a shotgun start at 12:00 p.m. at Carolina Spring Country Club
- South Carolina Law Enforcement Accreditation (SCLEA) will perform their on-site accreditation assessment April 25-26

Chamber of Commerce

- Taste INN on 5/4 on Depot Street
- Download the Explore Fountain Inn app

Younts Center

- The Kingsmen
 - April 14 at 7:30 p.m.
- Finding Nemo Jr.
 - May 12 at 8:00 p.m. and May 13 at 2:00 p.m.

History Museum

- Remembering Golden Strip Speedway Exhibit
 - April 18 – July 29

FIRE – FIRE DEPARTMENT SUMMARY

Summary of Monthly Events

- 214 calls for March 2023
- Multiple trainings completed
- 33% overlapping calls
- Fire Marshal / Training Officer Offer was made. Phil Challinor has been hired and started April 4th.
- Fountain Inn Fire was awarded for the 2nd year in a row the Fire Safe South Carolina Award for 2022. <https://firesafe.sc.gov/docs/2022-FSSC-Announcement.pdf>

DEPARTMENT HIGHLIGHTS

Current Projects

- Multiple plan reviews and building surveys are being completed
- The 6 new firefighter from September are finishing up their probationary books. A Pinning Ceremony is being planned.
- Members are working to better our fire safety program by finding new ways to connect with the community. PFF Moultrie has been attending numerous classes to better our department and program.

Upcoming

- New training props are being ordered and built
- Annual hose testing
- New SCBA's should arrive May/June

March 2023 Council Report

Website by the Numbers



Sessions

15.2K



Top Metrics

11.5K Users

51.0% Bounce Rate

00:01:22 Average
Session Duration

Social Connection Year to Date

Impressions

474,264

Engagements

39,656

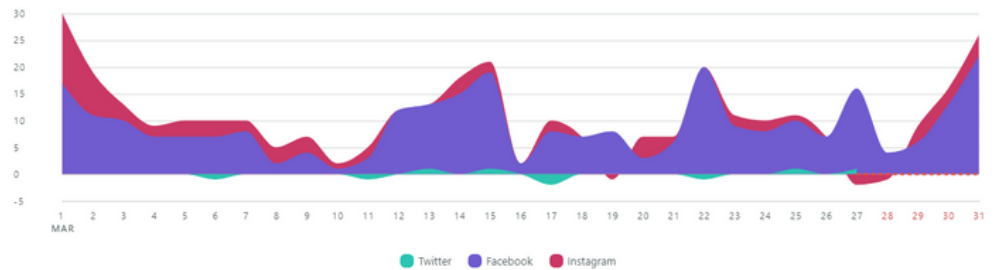


Audience Growth

See how your audience grew during the reporting period.

Net Audience Growth, by Day

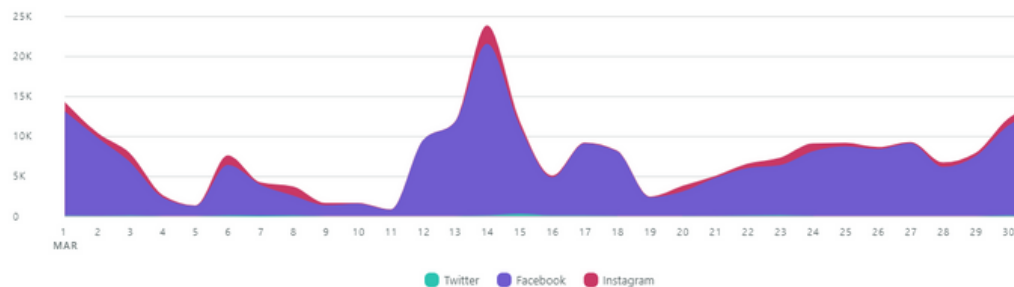
i We are unable to display data for some of this date range. Learn more.



Impressions

Review how your content was seen across networks during the reporting period.

Impressions, by Day



**March
Numbers
Impressions**

237,280

Engagements

20,253

Post Clicks

1,372

Fountain Inn in the News

- 4-year-old Upstate cancer survivor surprised with trip to Disney | FOX Carolina | www.foxcarolina.com
- Fountain Inn Police warn community of individual posing as officer | FOX Carolina | www.foxcarolina.com

Main Street Buildings in Façade Grant Program

23

1. Swanky Steer
2. Voodoo Brewing
3. Bundle of Joy
4. Longevity Pilates
5. Earthwise
6. Burdette's
7. Ms. Patsy's
8. The Sock Ministry
9. 110 N Main
10. 108 S Main
11. 216 S Main
12. 116 N Main
13. 218 S Main
14. 103 S Main
15. Inn the Attic
16. Carol Cooley CPA
17. Treasure Bay
18. The Clock
19. Abercrombie
20. El Patron
21. Tacos Blah Blah Blah
22. Venus Poe Law
23. 300 S Main St

Total Value of
Awarded Grants
\$78,377.03

Facade Grant Update



Facades Rendered with
Main Street Architect

17

Grant Applications
Awarded

7

Renovations

9

Swanky Steer
Voodoo Brewing
Bundle of Joy
Longevity Pilates

Earthwise
103 S Main
Sweet Catherine's
Trade Co
Inn the Attic

Value of Active Main Street
Renovations

\$4,217,166

February 2023 Council Report

Downtown in March



Visits

#79.1K

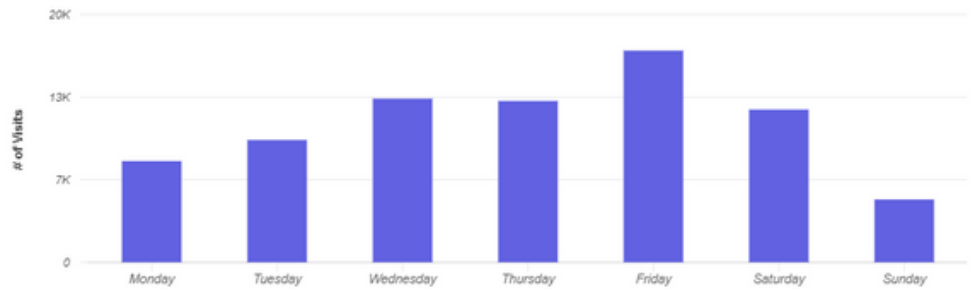
Visitors

#46.2K

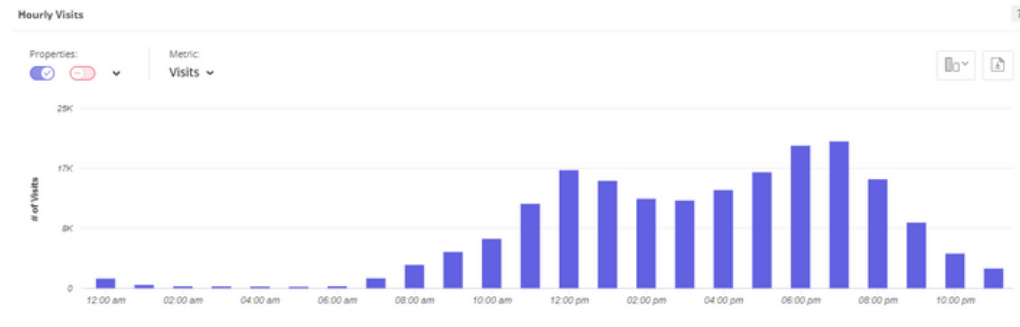
Visit Frequency 1.72

Visitor Information

Daily Visits

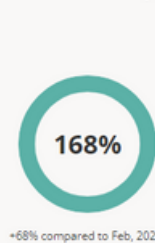


Hourly Visits

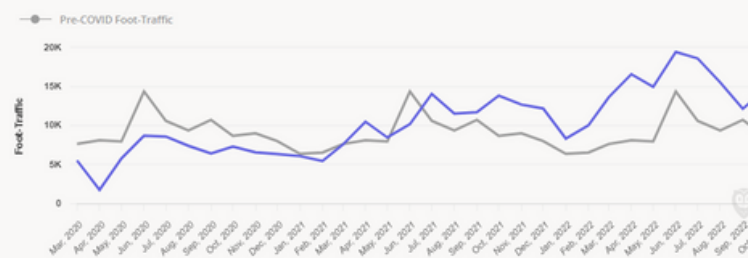


Tourism 2020 VS 2023

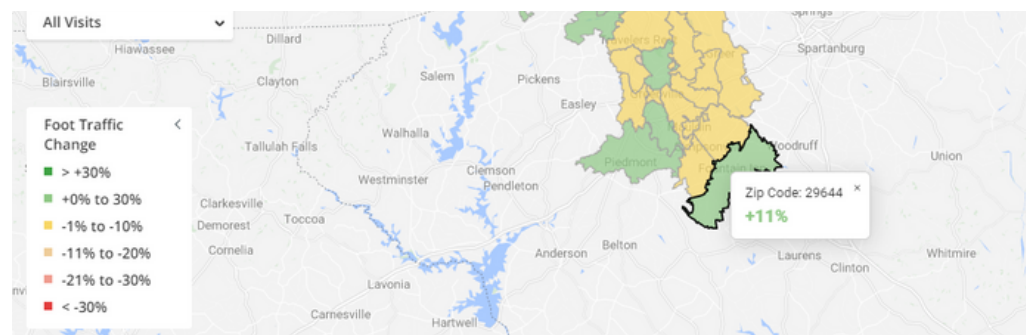
Tourism Recovery



Tourism Visits Recovery Over Time



Foot Traffic Data



In 2023

Visits

#22.4k

Visitors

#88.2k

Average

Dwell Time

87 Min

Overall foot traffic in 29644, South Carolina increased 11% comparing to Jan 2022 to Jan 2023.

Upcoming Events

Mac Arnold Cornbread and Callard Greens Blues Festival/Jeep Jam/Spring Market

- April 15, 12 pm-6 pm
- Mac Arnold and Plate Full of Blues + 3 other bands
- 8 Food Trucks Booked
- Marketing begins March 15
- 35 Vendors at the Spring Market

Italian American Heritage Festival

- April 29th, 12pm-6pm

Sounds Of Summer

- May 19-July 28
- 10 bands contracted 1 pending.

Farmers Market

- May 20 - July 30
- Application open March 13

Juneteenth

- June 17
- First Committee Meeting takes place on April 15

Fireworks Spectacular

- July 1 6pm - Dark
- Cravin Melon Confirmed
- Fireworks Booked

All Kids games are booked for the Spring and Summer

Website Updates

Completed
Planning and Development
Finance
Redistricting
Public Works



Easier to understand. More interactive.

GAS SUPPLY

- Gas volume moved through our system: 101,989 Dths for the month of March. The weather was relatively warmer than normal, impacting the sale of natural gas which was well below the 139,500 Dths we had nominated for the month.
- Gas consumption for March was up over 6% from last March, and up over 2% from the March 3-year average.
- The price of natural gas for the month of April settled at \$1.991 per Dekatherm. This represents a decrease of \$0.46 from March's price of \$2.451 per Dekatherm. Please keep in mind this represents the commodity price only, there are other factors that impact the final "Cost of Gas" which is used in FING's monthly billing calculations.

GAS OPERATIONS

- FING has been approached by the Environmental Impact Assessment (EIA) Office of the US Department of Energy to report gas sales and volumes on a monthly for the next two years. (EIA) is the statistical and analytical agency within the U.S. Department of Energy. EIA collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment. EIA is the nation's premier source of energy information, and, by law, its data, analyses, and forecasts are independent of approval by any other officer or employee of the U.S. government. I have attached a sample of the monthly report we submitted for the month of February.
- FING is still waiting on the railroad crossing permit for the installation of 1 mile of 6" high pressure steel on Hunts Bridge Rd.
- The annual phone safety survey was completed. The purpose of this survey is to measure the effectiveness of FING's Public Awareness campaign as required by the Feds. Below are some of the key results and how they compare to PREVIOUS YEARS:

PUBLIC AWARENESS PHONE SURVEY RESULTS								
	2016	2017	2018	2019	2020	2021	2022	2023
Number of calls	14,000	15,000	15,000	15,000	15,000	14,792	14,824	14,846
Response Rate	8.51%	8.73%	8.61%	5.63%	10.41%	7.14%	5.54%	5.21%
FING Customers Respondents	71.16%	71.86%	81.23%	80.51%	86.41%	89.94%	88.54%	79.53%
Received safety material in bill?	56.97%	43.43%	51.48%	46.13%	64.52%	65.42%	67.87%	70.26%
Recognize the smell of gas	83.76%	79.39%	78.17%	84.13%	84.33%	83.19%	83.66%	83.21%
Familiarity w/ 911	93.78%	92.56%	91.79%	92.65%	94.23%	94.60%	94.15%	93.91%
Leave area & call 911 from safe distance	96.77%	96.92%	92.38%	92.91%	94.77%	94.05%	92.33%	92.59%

- The SC Office of Regulatory Staff will conduct a major operations audit in Summer of 2023; we have started to ensure everything is in place for a smooth audit.
- On March 15th the gas department hosted a lunch for all its employees to celebrate Natural Gas Utility Workers' Day Appreciation Day, the lunch was a success and very well received.

GAS PRICES

- Below are the gas rates for most of the gas companies in NC and SC.

NORTH CAROLINA/SOUTH CAROLINA/VIRGINIA GAS RATE COMPARISONS					
March 2023					
COMPANY	SERVICE CLASS	METER CHARGE PER MONTH	AVEWRAGE RATE PER THERM	AVG. USAGE THERMS	TOTAL COST PER MONTH
PIEDMONT, SC	Residential	\$10.00	\$0.96366	75.00	\$82.27
GREENWOOD CPW, SC	Residential	\$10.00	\$0.98420	75.00	\$83.82
CITY OF ORANGEBURG, SC	Residential	\$10.00	\$1.08036	75.00	\$91.03
CITY OF DANVILLE, VA	Residential	\$12.15	\$1.05747	75.00	\$91.46
CLINTON-NEWBERRY, SC	Residential	\$12.00	\$1.10090	75.00	\$94.57
DOMINION, NC	Residential	\$10.00	\$1.15120	75.00	\$96.34
YORK NATURAL GAS, SC	Residential	\$9.25	\$1.16325	75.00	\$96.49
FORT HILL NATURAL GAS, SC	Residential	\$10.00	\$1.17000	75.00	\$97.75
FOUNTAIN INN, SC	Residential	\$9.00	\$1.18950	75.00	\$98.21
LANCASTER COUNTY, SC	Residential	\$10.00	\$1.18000	75.00	\$98.50
CITY OF SHELBY, NC	Residential	\$8.50	\$1.20803	75.00	\$99.10
CHESTER COUNTY, SC	Residential	\$6.50	\$1.28899	75.00	\$103.17
PIEDMONT, NC	Residential	\$10.00	\$1.33978	75.00	\$110.48
DOMINION, SC	Residential	\$10.90	\$1.38284	75.00	\$114.61
GREENVILLE UTILITIES, NC	Residential	\$14.00	\$1.38605	75.00	\$117.95
CITY OF MONROE, NC	Residential	\$10.00	n/a		
GREER CPW, SC	Residential	\$10.00	n/a		
LAURENCE cpw	Residential	\$10.00	n/a		
CITY OF LEXINGTON, NC	Residential	\$10.00	n/a		
PUBLIC SERVICE OF NC	Residential	\$10.00	n/a		

KEY INDICATORS

PERFORMANCE INDICATORS	CURRENT	Y-T-D
NEW MAIN LINES INSTALLED	6,682 ft.	39,974 ft.
NEW SERVICE LINES INSTALLED	78 SL, 4,926 ft.	185 SL, 11,025 ft.

MONTHLY REPORT OF NATURAL GAS PURCHASES AND DELIVERIES TO CONSUMERS		Burden: 3.5 hours
FORM EIA-857		
This report is mandatory under the Federal Energy Administration Act of 1974 (Public Law 93-275). Failure to comply may result in criminal fines, civil penalties and other sanctions as provided by law. For the sanctions and the provisions concerning the confidentiality of information submitted on this form, see instructions. Title 18 USC 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction.		
PART 1. RESPONDENT IDENTIFICATION DATA		
REPORT PERIOD: Month: 2 Year: 2 0 23		
EIA ID NUMBER: 8 5 7 04460 SC		
If this is a resubmission, enter an "X" in the box: ☐		
Does any information provided in lines 1-13 include prior period adjustments (billing and/or accounting adjustments)? Yes ☐ No ☒		
If so, please detail the amount of the adjustment and applicable line(s) in the comments.		
If any Respondent Identification Data has changed since the last report, enter an "X" in the box: ☐		PART 2. SUBMISSION INFORMATION
Company Name: <u>Fountain Inn Natural Gas</u> Contact Name: <u>Eduardo Noriega</u> Phone No.: <u>(864) 862-0042</u> Ext: <u>8052</u> Fax No.: _____ Address 1: <u>100 S. Weston St</u> Address 2: _____ City: <u>Fountain Inn</u> State: <u>SC</u> Zip: <u>29644</u> - _____ Email address: <u>eduardo.noriega@fountaininn.org</u>		Completed form(s) must be filed no later than 30 calendar days following the end of the report period. Form may be submitted using one of the following methods: Secure File Transfer: https://signon.eia.doe.gov/upload/noticeoog.jsp Questions? Call: (877) 800-5261
PART 3. NATURAL GAS PURCHASES AND DELIVERIES TO CONSUMERS BASED ON CALENDAR MONTH RECORDS		
		Volume (Mcf @ 14.73 psia-60°F)
		Cost (Including taxes)
Purchased gas received in distribution service area (Citygate). Include volumes withdrawn from storage for delivery in report month and exclude volumes purchased and stored for delivery in the future. Report all costs including commodity, transportation, and storage costs. See instructions for full explanation.....	1.0	110,555
Total operational sendout to end-use consumers (including company and distribution use) of gas owned and not owned	2.0	112,391
Gas used in operations, including space heat, pipeline distribution or storage compressor use, and line loss.....	2.1	0
PART 4. NATURAL GAS DELIVERIES TO CONSUMERS BASED ON FINANCIAL RECORDS		
Deliveries of natural gas that you do own to consumers within the report state	Number of Customers	Volume (Mcf @ 14.73 psia-60°F)
Residential	3.0	65,889
Commercial (excluding company use and vehicle fuel)	4.0	10,152
Vehicle Fuel	4.1	0
Industrial	5.0	24,221
Electric Power	6.0	
Other (not included in above categories)	7.0	
(specify type)		
Deliveries of natural gas that you do not own to consumers within the report state	Number of Customers	Volume (Mcf @ 14.73 psia-60°F)
Residential	8.0	0
Commercial (excluding vehicle fuel)	9.0	0
Vehicle Fuel	9.1	
Industrial	10.0	12,129
Electric Power	11.0	0
Other (not included in above categories)	12.0	0
(specify type)		
Total of all deliveries (Lines 3.0 through 12.0)	13.0	112,391
Heat content of gas delivered to consumers (Btu/cubic ft.):	14.0	
Comments: Identify any unusual aspects of your reporting month's activity. (To separate one comment from another, press ALT + ENTER.)		



City of Fountain Inn - Human Resources Monthly Report - March 2023

Home Department**	February Headcount	March Hires / Transfers In	March Terms	March Transfers Out	March Headcount	DIVERSITY				
						Asian	Black or African American	Hispanic or Latino	White	Pacific Islander
000411 / Administration	7	0	0	0	7	0	1	0	6	0
000412 / Judicial	5	0	0	0	5	0	0	0	4	1
000413 / Council	7	0	0	0	7	0	0	1	6	0
000414 / Special Events	5	0	0	0	5	0	0	0	5	0
000417 / Human Resources	2	0	0	0	2	0	0	1	1	0
000421 / Police	35	0	0	0	35	0	2	1	32	0
000422 / Fire	30	0	0	0	30	0	2	0	28	0
000424 / Public Works	6	0	0	0	6	0	2	0	4	0
000425 / Planning & Development	2	1	0	0	3	0	0	0	3	0
000431 / Streets & Grounds	3	0	0	0	3	0	2	0	1	0
000432 / Sanitation	9	0	0	0	9	0	3	0	6	0
000434 / Sewer	5	0	0	0	5	0	0	0	5	0
000451 / Recreation	37	1	0	0	38	0	10	0	28	0
000453 / Facilities Maintenance	2	0	0	0	2	0	0	0	2	0
000510 / Gas Billing	5	0	1	0	4	0	1	0	4	0
000510 / Gas Field	18	0	0	0	18	0	0	1	16	0
Totals:	178	2	1	0	179	0	23	4	151	1

**Based on Home Departments

FULL TIME 138 / PART TIME 41

Recruitment Status

411 Administration/Finance: Staff Accountant (1) Vacancy; interviews schedule for 4/13/2023
411/510 Gas Billing: Customer Service Representative (1) Vacancy; *(currently filled by a temporary employee)*
414 Community Relations: Director of Community Relations (1) Vacancy; **[recruitment under review]**
421 Police: Patrol Officer (6) Vacancies; **3 OFFERS ACCEPTED, 1 START DATE 4/10** (recruiting until filled)
421/422 Dispatch: Dispatcher (2) Vacancies; reposted 4/10/2023
422 Fire: Fire Marshal/Training Officer (1) Vacancy; **EMPLOYEE START DATE 4/4**
425 Planning & Development: Planning & Development Manager (1) Vacancy; **EMPLOYEE START DATE 3/30**
431 Street & Grounds: Maintenance Worker I (1) Vacancy; **EMPLOYEE START DATE 4/10**
432 Sanitation: CDL Driver (1) Vacancy; pending acceptance of offer
434 Sewer: Sewer/Stormwater Technician (1) Vacancy; reposted 4/10/23
451 Recreation: Part-time City Activity Support Staff & Officials; posted 4/10/23

March HIRES:

Name	Department	Title
Mann, Lisa	P&D	Planning & Development Manager
Lowe, Nicholas Scott	RECREATION	Sports Official

UPCOMING EVENTS:

Month	Event
APR	Break With The City Administrator

PLANNING & ZONING DIVISION ACTIVITY

Comprehensive Plan Project Update

The INNvision Community Survey is currently available online to gather information from the community that will guide the development of the Comprehensive Plan.

Annexations and Rezoning Activity Summary – March 2023

Z-2023-2

Public Hearing Date: 3/2/2023

1st Reading Date: 3/9/2023 – Held; 4/13/2023 – Next

Address: 108 & 110 Nash Street

TMS: 0350000100403, 0350000100404

Applicant: Tellus, LLC

Owner: Earle Parsons Hellams and John Thomas Hellams, Jr, et. al.

Current Zoning: R-12, Residential District

Requested Zoning: C-2, Commercial District

Last Action: Approval by Planning Commission, 3/2/2023



AX-2023-1

Public Hearing Date: 3/2/2023

1st Reading Date: 3/9/2023

Address: Hunter Road

TMS: Portion of 0555020101000

Applicant: Johnny Tong

Owner: Ft Inn Simp Country Club Inc

**Current Zoning: R-12, Single-Family Residential District
and Scuffletown Rural Conservation
District (Greenville County)**

Requested Zoning: R-15, Residential District

Last Action: Approval at First Reading, 3/9/2023



BOARDS AND COMMISSION

Planning Commission

The Fountain Inn Planning Commission upcoming meeting: May 4, 2023

Board of Zoning Appeals

The Fountain Inn Board of Zoning Appeals upcoming meetings: **April 17, 2023**

FI-2022-03 BZA PUBLIC HEARING

Request: Sign variance to increase from 2 signs per business with external illumination only to no maximum amount of signage with internal illumination

Tax Map: 0348000100100

Address: 200 South Main Street

BUILDING AND CODES DIVISION

INSPECTIONS	CURRENT	LAST MONTH	LAST YEAR
ALL CONSTRUCTION	714	443	x
REINSPECTIONS	10	5	x
SAFETY INSPECTIONS	0	0	x
COMPLAINT INSPECTIONS	0	0	x
TOTAL INSPECTIONS	714	443	x
PERMITS			
PERMITS ISSUED	66	81	x
NEW SINGLE FAMILY	37	59	x
NEW MULTI-FAMILY (UNITS)	0	0	x
NEW COMMERCIAL	0	1	x
CERTIFICATES OF OCCUPANCY -ISSUED	17	24	x
REMODEL/ADD. RESIDENTIAL	5	4	x
REMODEL/ADD. COMMERCIAL	6	0	x
SIGN/ROOFING/SOLAR/MISC TRADE	18	17	x
PLAN REVIEWS			
COMMERCIAL PLAN REVIEWS	4	6	x
RESIDENTIAL PLAN REVIEWS	76	136	x

CODE COMPLIANCE

BUILDING CODE COMPLAINTS	CURRENT	LAST MONTH	LAST YEAR
OPEN COMPLAINTS	6	5	x
PENDING INSPECTION	0	0	x
RESOLVED COMPLAINTS	9	3	x
PENDING COURT	1	1	x
TOTAL COMPLAINTS	14	9	x
ACTIVE COMPLAINTS BY TYPE			
BUILDING – UNSAFE CONDITIONS	2	2	x
POTHoles AND ROADS	0	1	x
NOISE AND ANIMAL CONTROL	0	2	x
PROPERTY MAINTENANCE	2	1	x
VEHICLES/OTHER	2	2	x

DEPARTMENT HIGHLIGHTS

Financial Summary

FINANCIAL STATISTICS	CURRENT	LAST MONTH	LAST YEAR
TOTAL VALUATION	\$12,805,968	\$15,805,968	X
TOTAL PERMIT FEES	\$38,530	\$28,148	X
TOTAL PLAN REVIEW REVENUE	\$18,995	\$13,585	X
CONTRACTED BUILDING SERVICES	\$22,765	\$22,018	x

**SAFEbuilt – invoice has not been received for this month. Last month's total has been updated to reflect the total amount paid to SafeBuilt for January 2023 services.*

Current Projects

- File Digitization and Reorganization
- Ordinance Updates
- Standardizing Planning Commission and BZA meeting process to mirror City Council process
- Forms Update

POLICE DEPARTMENT

Crimes Against Property

Burglary

	March	YTD	
Total:	1	16	March Clearance Rate 0%
Active	1	4	YTD Clearance Rate 13%
Administratively Closed	0	10	
Cleared By Arrest	0	2	
Exceptionally Cleared	0	0	
Unfounded	0	0	

Includes 2 from February that were Active, now Adm.Closed

Includes 1 from February that was Active, now Arrested(3)

Larceny

	March	YTD	
Total:	8	40	March Clearance Rate 13%
Active	2	15	YTD Clearance Rate 13%
Administratively Closed	5	20	
Cleared By Arrest	1	2	
Exceptionally Cleared	0	0	
Unfounded	0	3	

Includes 1 from January that was active, now Adm.Closed

Includes 3 from February that were Active, now Adm.Closed

Motor Vehicle Theft

	March	YTD	
Total:	0	2	March Clearance Rate N/A
Active	0	0	YTD Clearance Rate 50%
Administratively Closed	0	1	
Cleared By Arrest	0	0	
Exceptionally Cleared	0	0	
Unfounded	0	1	

Property Value

	March	YTD	
	\$	\$323,883.0	
Grand/Petit Larceny/Fraud	24,815.00	0	<i>Includes \$107,369 from February, not reported</i>
	\$	\$	
Cleared/Recovered	100.00	74,135.00	<i>Includes \$3905 from February</i>

	March	YTD	
Total Calls for Service	1487	3928	
Business/Security Checks	14,338	35,925	
Number of Reports Written	266	738	<i>Includes 4 from February, not submitted</i>

Crimes Against Persons

Assault & Battery (Simple)	March	YTD	
Total:	6	22	March Clearance Rate 67%
Active	0	1	YTD Clearance Rate 82%
Administratively Closed	2	3	
Cleared by Arrest	3	11	
Exceptionally Cleared	0	4	
Unfounded	1	3	

Includes 1 from January that was Adm.Closed, now Unfounded

Includes 1 from February that was Adm.Closed, now Arrested(1)

Aggravated Assault	March	YTD	
Total:	0	4	March Clearance Rate N/A
Active	0	1	YTD Clearance Rate 50%
Administratively Closed	0	1	
Cleared by Arrest	0	2	
Exceptionally Cleared	0	0	
Unfounded	0	0	

Includes 1 from February that was Active, now Arrested(3)

Domestic Violence	March	YTD	
Total:	6	16	March Clearance Rate 83%
Active	0	0	YTD Clearance Rate 94%
Administratively Closed	1	1	
Cleared by Arrest	4	13	
Exceptionally Cleared	0	1	
Unfounded	1	1	

Robbery	March	YTD	
Total:	1	2	March Clearance Rate 0%
Active	1	1	YTD Clearance Rate 50%
Administratively Closed	0	0	
Cleared by Arrest	0	1	
Exceptionally Cleared	0	0	
Unfounded	0	0	

Includes 1 from February that was Active, now Arrested(3)

Murder	March	YTD	
Total	0	0	March Clearance Rate N/A
Active	0	0	YTD Clearance Rate N/A
Administratively Closed	0	0	
Cleared by Arrest	0	0	
Exceptionally Cleared	0	0	
Unfounded	0	0	

TRAFFIC

	March	YTD
Citations	170	385
Warnings	220	439
Accidents	25	74
Accidents/Private Property	6	21
Driving Under Influence 1st Offense	0	3
Driving Under Influence 2nd Offense	2	2
Driving Under Influence 3rd Offense+	0	0
Driving Under Suspension 1st Offense	11	26
Driving Under Suspension 2nd Offense	7	11
Driving Under Suspension 3rd Offense+	5	9
Fail to Stop for Blue Light	4	6

Narcotics Violations

	March	YTD
Marijuana		
Simple Possession	15	24
Possession W/Intent to Distribute	0	2
PWID w/i 1/2 mile of School	0	1
Cocaine		
Possession	2	2
Possession W/Intent to Distribute	1	2
PWID w/i 1/2 mile of School	0	1
Methamphetamine		
Possession	1	2
Possession W/Intent to Distribute	1	4
PWID w/i 1/2 mile of School	0	1
Distribution	0	1
Distribution Near School	0	0
Trafficking	1	1
Controlled Substance		
Possession	3	4
Possession W/Intent to Distribute	1	1
Possession of Drug Paraphernalia	9	19
Underage Alcohol Violations	2	8

Public Works – March 2023 Council Report

Work Orders

PERFORMANCE INDICATORS	CURRENT	Y-T-D	PRIOR YEAR
Animal Control	0	2	16
Facilities Maintenance	15	37	88
Sanitation	67	169	336
Streets and Grounds	16	38	53
Utilities	10	24	22

DEPARTMENT HIGHLIGHTS

Current Projects

- **Utilities Complex.** Pad is poured, roof in on, insulation is being installed. The majority of the studs have been assembled. Projected completion date is 10 July 2023.
- **Interstate Signage.** Received approval from SCDOT. Next step is to send project out to bid, have meeting on 11 Apr 23 to discuss.
- **Main Street, Street Scape.** Have received cost estimates from COTRANSCO. Estimated prices was \$6,819,294. Was advised to wait due to a projection of additional funding being received by GLDTC. Will submit for GLDTC grant once additional funding is received.
- **Woodside Street Scape.** Project has been redesigned with additives 1 and 2 to give more options to the project. Last bid came in over bid by \$565,746. New plans currently with SCDOT for project routing.
- **Woodside Connector.** Awaiting let date from SCDOT. According to SCDOT flow charts, the project will start roughly November 2023.
- **Sanctified Hill Park.** Final touches are in progress. Completion of project is tentatively set for 17 April 2023 pending any weather delays.
- **Fairview Basketball Court.** Court has been re-leveled, new goals, backboards, and rims have been installed. Next step will be painting of courts, do not have timeline yet.
- **Georgia Street Court.** Contract has been signed, goals are scheduled to be removed first week of April 2023. Next steps are installation of new goals, backboards, rims and painting of courts, do not have timeline yet.
- **Emmanuel Sullivan ADA Bathroom.** Had pre-construction meeting with Satchel construction and GCRA. Project is scheduled to start in a couple of weeks. Once construction schedule is firmed up, will send out announcement concerning construction and any possible impacts to recreation baseball programs.
- **Emmanuel Sullivan Outfield Net.** The installation of the ball net for Field 2 has been installed by staff and is operational.

RECREATION – DEPARTMENT SUMMARY

SPORTS / UPCOMING EVENTS:

Youth Basketball – Regular season wrapped up 2/28. Great season!

All-Stars:

8U Western District Runner-up

10U Western District Runner-up

12U eliminated first round

Spring Baseball / Softball Registration: Another record number of Spring Baseball / Softball participants: 662. Does “another record number” ever get old?? Nope 😊 However, it creates challenges every year to get all kids and coaches accommodated with a reasonable practice timeslot. We implemented 5:45, 6:45, and 7:45 timeslots to accommodate the growth.

All practices start the week of 3/6 at ESSC and City Park

8U – 13U Softball Evaluations – 3/1 at 6pm at ESSC

8U - 14U Baseball Evaluations had to be moved indoors to the Activities Center on 3/2 due to inclement weather.

SENIOR ADULT PROGRAM / ACTIVITIES:

Exercise class schedule:

Monday from 8:30 – 9:15am (Group Fit 2 Medium level Aerobics with weights & bands)

Wednesday/Friday from 8:30 – 9:15am (Group Fit 3 High Aerobics with weight & bands/ Group Fit 2)

Tuesday/Thursday from 10:30 – 11:15am (Group Fit 1 Low level seated, Arthritis – no weights or bands)

Senior Bingo – 3/14

Pickle Ball continues to be held at the Activities Center on Wednesday from 1-4pm

Chair Yoga is scheduled on Mondays at 10:45 & Floor Yoga on Wednesdays at 10:45 in Community Room

Tai'Chi Chih with Adabelle on Mondays from 9:30 – 10:30 in Community Room

SCHEDULED RENTALS:

March 4 – Adult Birthday Party – Community Room 2pm – 11pm

March 5 – Rec Basketball Banquet – Community Room 4pm – 7pm

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023

Ordinance/Resolution Caption: Providing for (A) the creation and establishment of election districts for the election of a governing body of the City of Fountain Inn, South Carolina, as provided for in South Carolina Code annotated sections 5-15-20 and 5-15-50, and contemplated by Chapter 8 of the Fountain Inn City Code, 1992, based on the 2020 decennial census; and (B) other related matters.

Summary Background: Redistricting is the process of redrawing the lines of districts from which public officials are elected. It typically takes place after each census (2020) to accommodate population changes over the previous decade. S.C. Code of Laws §4-9-90 requires municipalities to redistrict within a reasonable time prior to the next general election following the federal decennial census.

South Carolina Revenue and Fiscal Affairs (RFA) Office staff presented the City of Fountain Inn with a 2020 Redistricting Benchmark Report dated November 3, 2021 indicating a deviation range of 45.97% (RFA recommends a deviation range of 5%). RFA presented this report at the December 9, 2021 City Council meeting where City Council adopted Resolution 2021-11 adopting the criteria to be used in developing the Redistricting Plan.

In 2022, RFA provided the City with some updated benchmark data indicating the deviation range was 61.71%. Using the updated benchmark data, RFA then provided the City of Fountain Inn with a redrawn ward map (Draft 1) indicating a deviation range of 2.61%. Upon staff and Council review, one slight change was proposed to RFA and the City received an updated ward map (the one being considered for adoption today) indicating a range deviation of 3.78%.

Impact If Denied: Council would need to provide RFA with proposed changes as soon as possible for there to be enough time to adopt a new ward map prior to election filing.

Impact If Approved: The new Council ward map would be in place prior to the City of Fountain Inn's next election filing period (July 17, 2023 – August 15, 2023).

Financial Impact: Not applicable.

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-4**

PROVIDING FOR (A) THE CREATION AND ESTABLISHMENT OF ELECTION DISTRICTS FOR THE ELECTION OF A GOVERNING BODY OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, AS PROVIDED FOR IN SOUTH CAROLINA CODE ANNOTATED SECTIONS 5-15-20 AND 5-15-50, AND CONTEMPLATED BY CHAPTER 8 OF THE FOUNTAIN INN CITY CODE, 1992, BASED ON THE 2020 DECENNIAL CENSUS; AND (B) OTHER RELATED MATTERS.

WHEREAS, pursuant to South Carolina Code Annotated section 5-15-10, *et seq.*, specifically, section 5-15-20 and section 5-15-50, and chapter 8 of the Fountain Inn City Code, 1992, the City of Fountain Inn City Council is required to set all voting wards for the election of its council members;

WHEREAS, the City Council intends to comply with the 1965 United States Voting Rights Act, as amended;

WHEREAS, the City Council has considered the information set forth in the 2020 Decennial Census, which is attached as Exhibit A to this Ordinance (“2020 Census Information”);

WHEREAS, the City Council has held a public hearing, considered all comments and all appropriate criteria for reapportioning districts; and

WHEREAS, the City Council has determined that the redistricting plan, which has been reviewed and recommended by the South Carolina Revenue and Fiscal Affairs Office and which is attached as Exhibit B to this Ordinance (“Redistricting Plan”), most fully complies with the criteria set forth above as considered and reviewed by the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council, duly assembled, based on the information described in the recitals above and in the 2020 Census Information (Exhibit A), that there are hereby created and established a district for each member of City Council, and a single City-wide district for the Mayor, all of which is consistent with the current councilmember district plan for the City Council. The council districts are more fully delineated and depicted on the Redistricting Plan (Exhibit B).

The Mayor, and the City Clerk, for and on behalf of the City, are each authorized and directed to do any and all things reasonably necessary and prudent to affect this Ordinance’s intent.

All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

This Ordinance is effective immediately on enactment by City Council.

[ONE SIGNATURE PAGE AND TWO EXHIBITS FOLLOWS]
[REMAINDER OF PAGE INTENTIONALLY BLANK]

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

Elizabeth Adams, City Clerk

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
King Kozlarek Law LLC

First Reading:	March 9, 2023
Second Reading / Final Approval:	April 13, 2023

EXHIBIT A
2020 CENSUS INFORMATION



2020 REDISTRICTING BENCHMARK REPORT

CITY OF FOUNTAIN INN

REPORT PREPARED BY:

South Carolina Revenue and Fiscal Affairs
Rembert Dennis Building, Room 419
1000 Assembly Street
Columbia, South Carolina 29201
(803)-734-3793

www.rfa.sc.gov

November 3, 2021

REDISTRICTING REPORT 2020

PRESENTED TO: CITY OF FOUNTAIN INN

The South Carolina Revenue and Fiscal Affairs Office (RFA) has prepared the following analysis and accompanying maps regarding the redistricting for the City of Fountain Inn Council.

RFA strives to release data that is complete, accurate, and useful. However, we ask that you notify us, either by email (redistricting@rfa.sc.gov) or phone (803-734-3793), of any discrepancies.

ITEMS TO NOTE PRIOR TO REVIEWING THIS REPORT:

- The 2020 Census presents new challenges regarding redistricting as the data below the state level will be affected by the U.S. Census Bureau's efforts with respect to differential privacy. The Bureau has stated that the total population in each state will be "as enumerated," but that all other levels of geography could have some variance from the raw data. This variance is referred to by the Census Bureau as "injecting noise" into the data and is an attempt to improve privacy. The bureau has indicated that no "noise" will be injected into the state total population, but it is likely that noise will be injected for every other level of geography. More noise is injected as the geography levels get smaller. In other words, population counts at the county, city, or block level may not be "as enumerated."
- Race is defined following the guidance provided in OMB Bulletin No. 00-02 which allocates population counts of a "minority race and white" category to the minority race. In Tables 2 and 3, NH DOJ Black is the sum of Non-Hispanic Black and Non-Hispanic Black and White as recommended by the Department of Justice (DOJ).

CONSIDERATIONS FOR PRELIMINARY PLAN:

In developing a preliminary plan, RFA recommends following constitutional and statutory provisions:

- The requirement of “one person, one vote” under the Equal Protection Clause of the 14th Amendment and accepted variances.
- The Voting Rights Act, primarily Section 2, which protects the interest of the racial minority population.
- Other applicable court decisions and federal and state law.

Further, RFA recommends the following set of traditional redistricting principles be considered:

- Districts or wards will be drawn contiguously, so that all parts of the district or ward are connected to each other.
- Districts or wards will be drawn to minimize the division of voting precincts.
- Districts or wards will be geographically compact to the extent practicable, such that nearby areas of population are not bypassed for a more distant population.
- Districts or wards will be drawn, when feasible, with respect to existing districts and communities of interests, which will require input from Council and the citizens.
- Districts or wards will be drawn to comply with other applicable court decisions and federal and state laws.

2020 CENSUS BENCHMARK REPORT

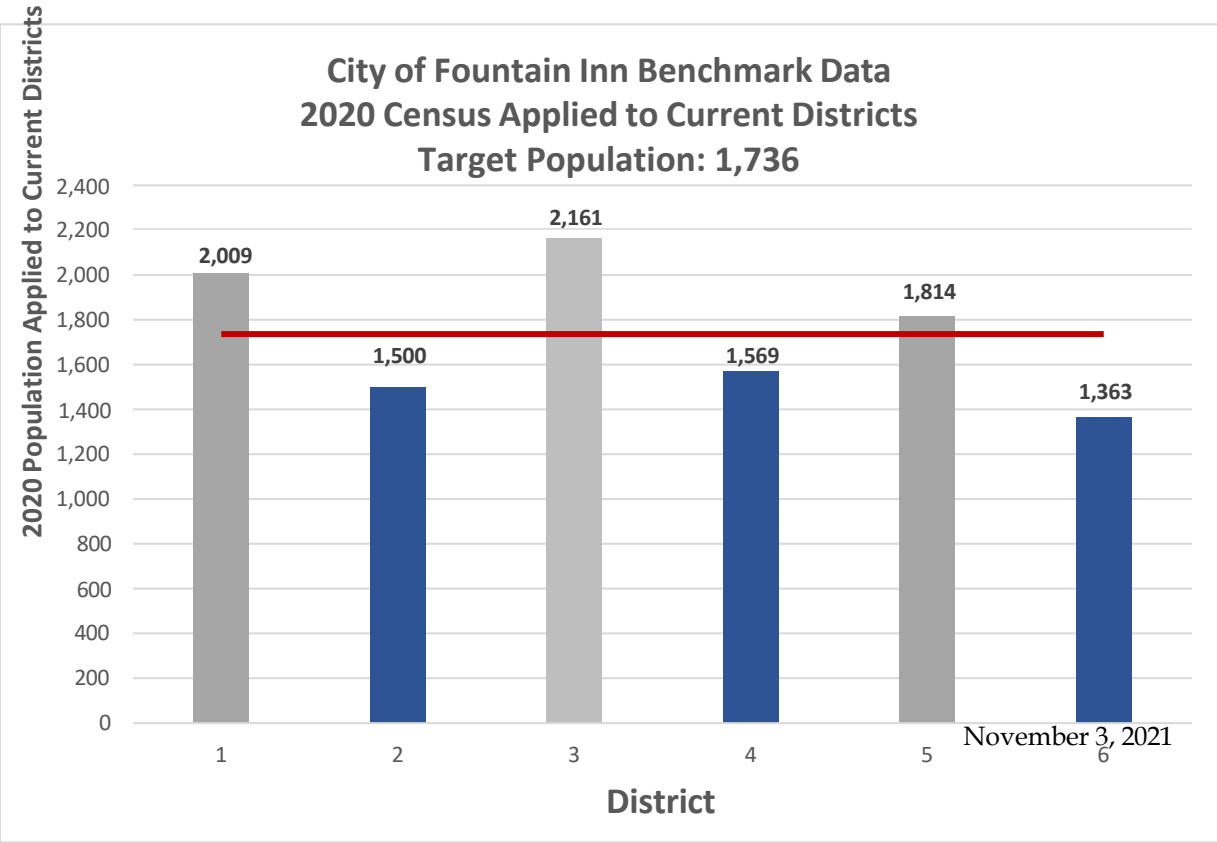
The population of the City of Fountain Inn has increased 33.6% from 7,799 to 10,416. As a result, the ideal district changed from 1,300 to 1,736. The Benchmark Report noted a deviation range of 45.97% (the sum of the highest deviation, 24.48%, and the absolute value of the lowest deviation |-21.49%|) which is above the maximum range of 10%. RFA recommends a deviation range of 5%.

The following table and chart show which districts are (under-) or over-populated indicating potential adjustments needed to be within the allowable deviation range.

TABLE 1: 2020 CENSUS COUNTS APPLIED TO CURRENT DISTRICTS

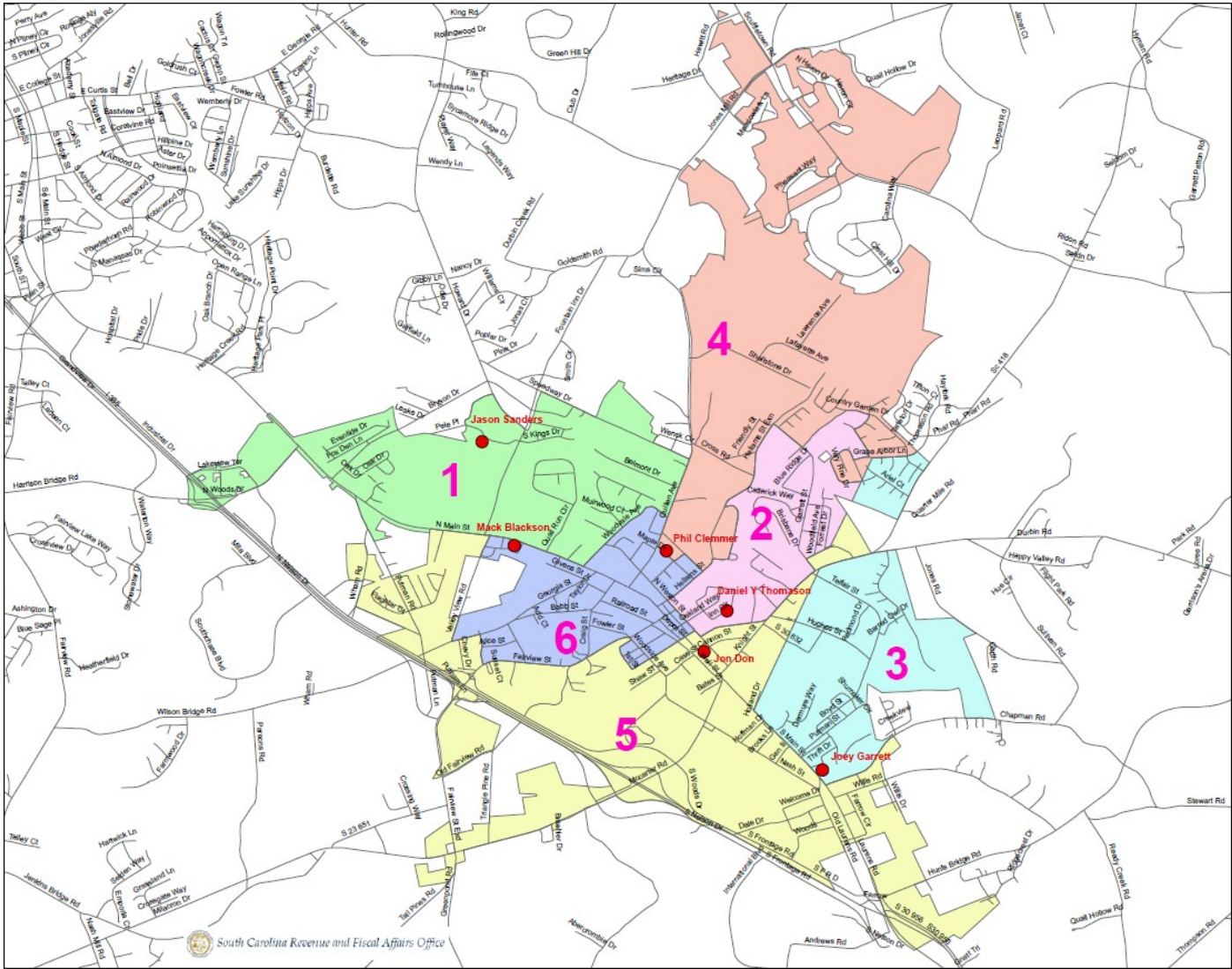
District	2020 Census	Goal	Over/(Under)	% Deviation
1	2,009	1,736	273	15.73%
2	1,500	1,736	(236)	-13.59%
3	2,161	1,736	425	24.48%
4	1,569	1,736	(167)	-9.62%
5	1,814	1,736	78	4.49%
6	1,363	1,736	(373)	-21.49%
Lowest	-21.49%			
Highest	24.48%			
Range	45.97%			

CHART 1:



MAP 1:

Council District Lines and
Addresses of Incumbents



City of Fountain Inn
City Council
Benchmark 2020



- Members
- Streets
- Districts
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

TABLE 2: TOTAL POPULATION BY RACE *RACE DEFINED USING DOJ DEFINITIONS. NOT HISPANIC OR LATINO IS ABBREVIATED AS NH.

District	Total	Hispanic	% Hispanic	NH White	% NH White	NH DOJ Black*	% NH DOJ Black	NH Other Race	% NH Other Race
1	2,009	210	10.45%	1,193	59.38%	543	27.03%	63	3.14%
2	1,500	100	6.67%	900	60.00%	463	30.87%	37	2.47%
3	2,161	283	13.10%	911	42.16%	897	41.51%	70	3.24%
4	1,569	141	8.99%	906	57.74%	457	29.13%	65	4.14%
5	1,814	186	10.25%	1,081	59.59%	452	24.92%	95	5.24%
6	1,363	99	7.26%	892	65.44%	310	22.74%	62	4.55%
Total	10,416	1,019	9.78%	5,883	56.48%	3,122	29.97%	392	3.76%

TABLE 3: VOTING AGE POPULATION BY RACE *RACE DEFINED USING DOJ DEFINITIONS. NOT HISPANIC OR LATINO IS ABBREVIATED AS NH.

District	Total VAP	Hispanic VAP	% Hispanic VAP	NH White VAP	% NH White VAP	NH DOJ Black* VAP	% NH DOJ Black VAP	NH Other Race VAP	% NH Other Race VAP
1	1,573	140	8.90%	977	62.11%	412	26.19%	44	2.80%
2	1,090	71	6.51%	692	63.49%	311	28.53%	16	1.47%
3	1,545	195	12.62%	700	45.31%	597	38.64%	53	3.43%
4	1,147	89	7.76%	679	59.20%	337	29.38%	42	3.66%
5	1,387	113	8.15%	890	64.17%	315	22.71%	69	4.97%
6	1,044	67	6.42%	727	69.64%	205	19.64%	45	4.31%
Total	7,786	675	8.67%	4,665	59.92%	2,177	27.96%	269	3.45%

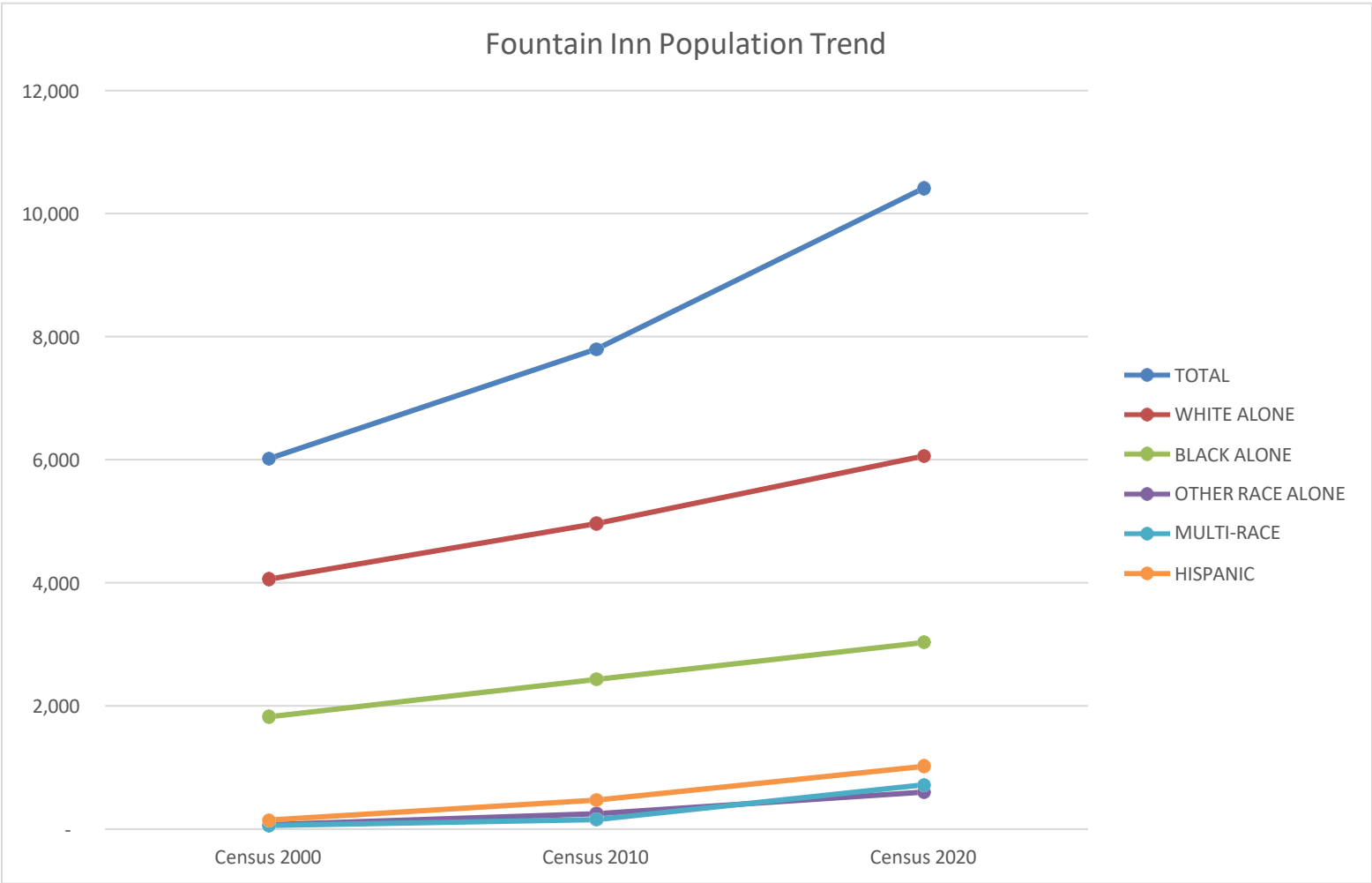
RFA ANALYSIS RESULTS:

Due to data limitations, RFA has not yet completed the voting analysis. If the data becomes available, we will provide the results to Council.

RFA RECOMMENDATIONS:

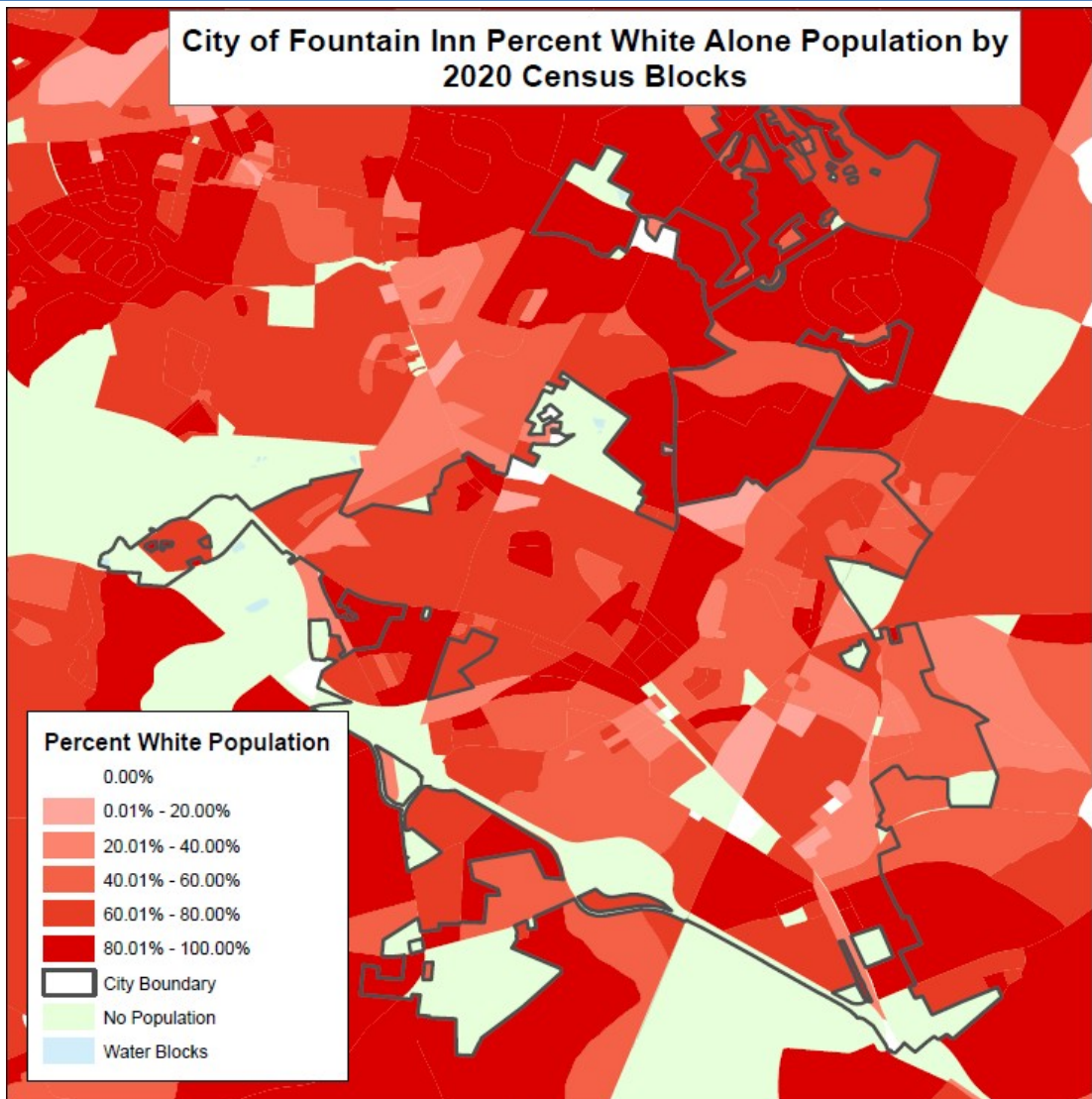
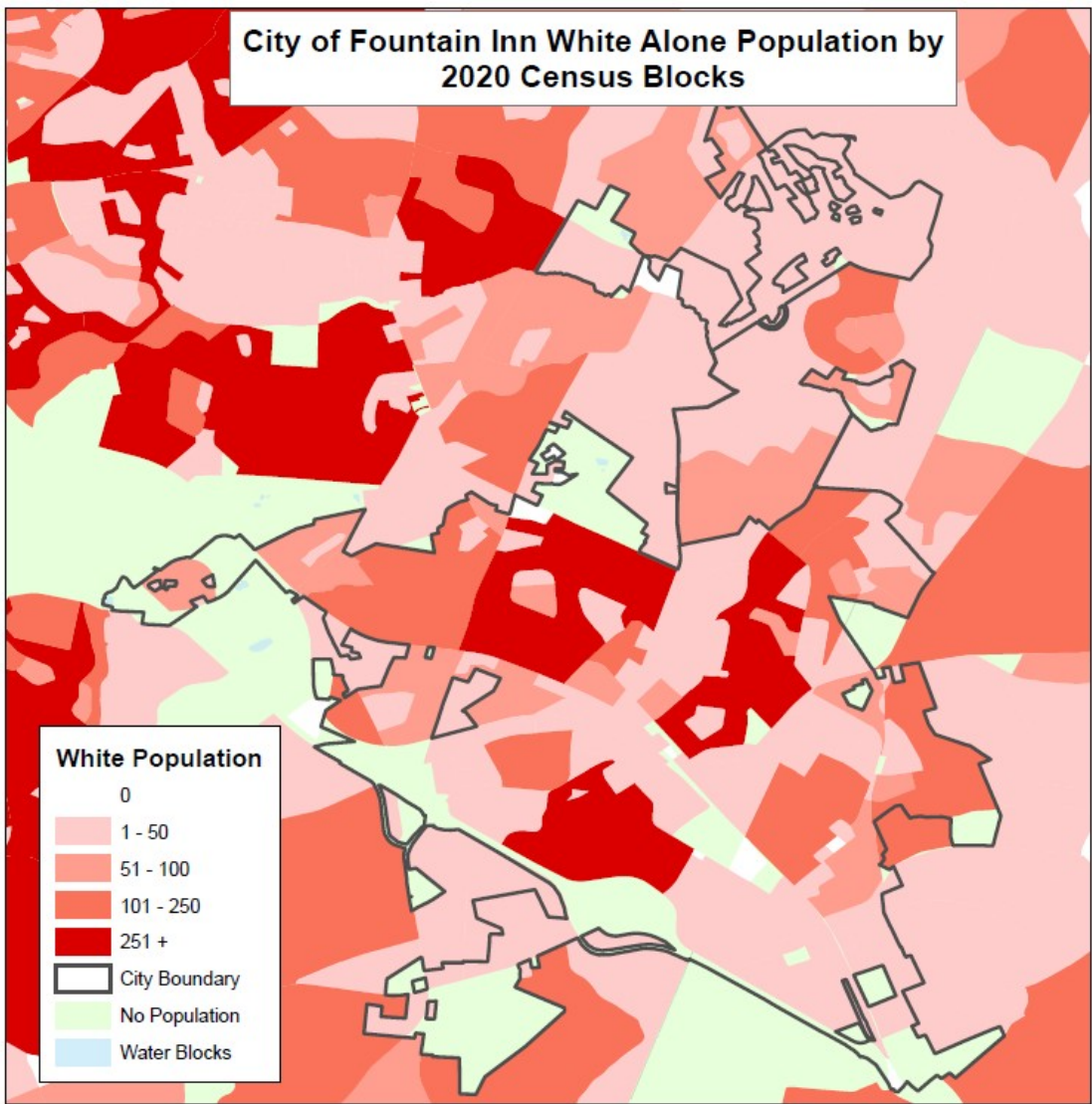
- RFA requests Council conduct a public meeting to discuss this report and solicit feedback from the public.
- RFA recommends Council adopt, through either a resolution or acceptance of this plan, the following traditional redistricting principles:
 - Districts or wards will be drawn contiguously, so that all parts of the district or ward are connected to each other.
 - Districts or wards will be drawn to minimize the division of voting precincts.
 - Districts or wards will be geographically compact to the extent practicable, such that nearby areas of population are not bypassed for a more distant population.
 - Districts or wards will be drawn to comply with other applicable court decisions and federal and state laws.
 - Districts or wards will be drawn, when feasible, with respect to existing districts and communities of interests, which will require input from Council and the citizens.
- RFA recommends Council give careful consideration to minority districts for compliance with Section 2 criteria of the Voting Rights Act.
- Because of the potential effects of differential privacy, RFA recommends Council adopt a deviation range of 5%.

CHART A-1 POPULATION TREND BY SINGLE RACE, 2000 - 2020

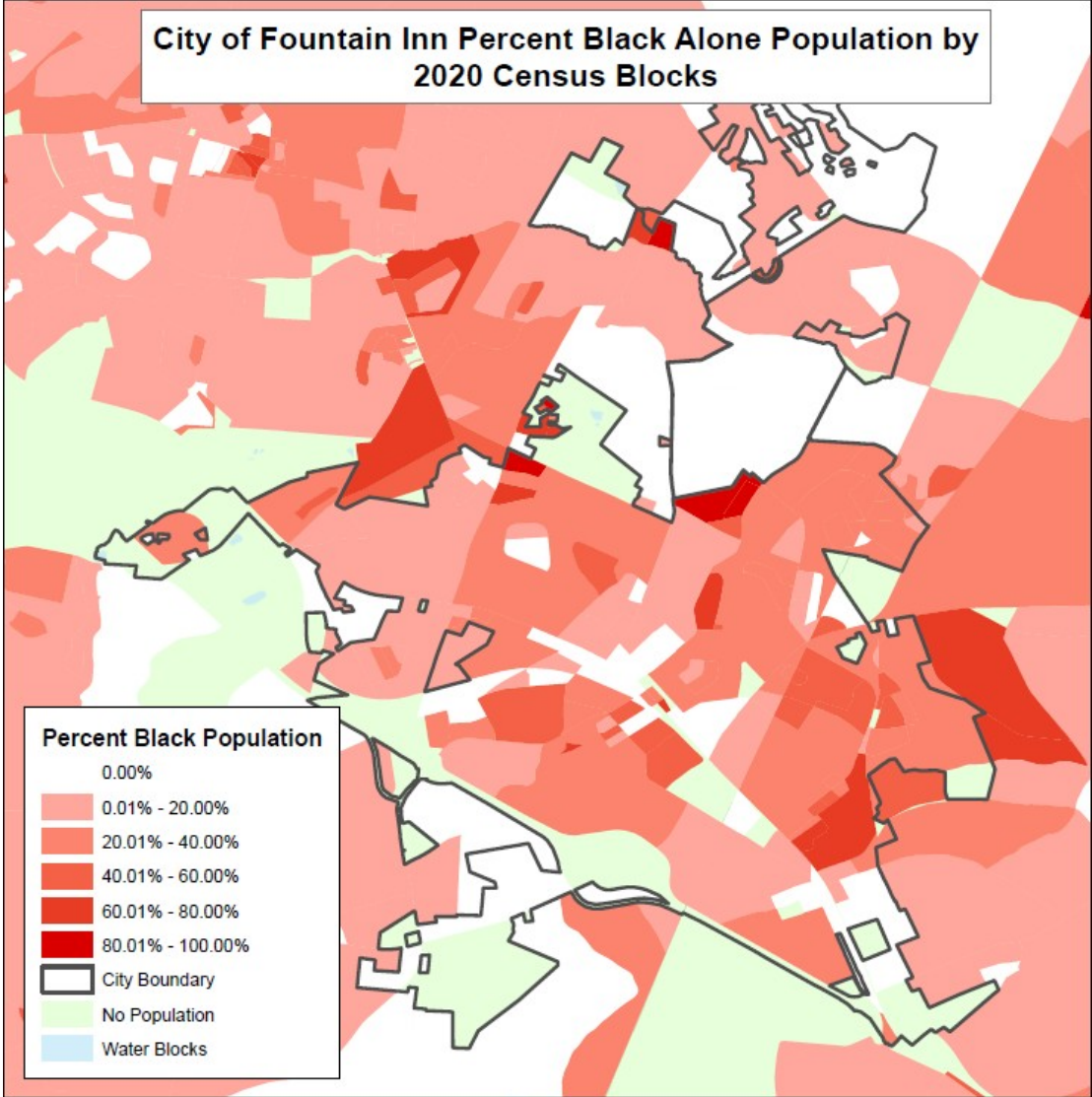
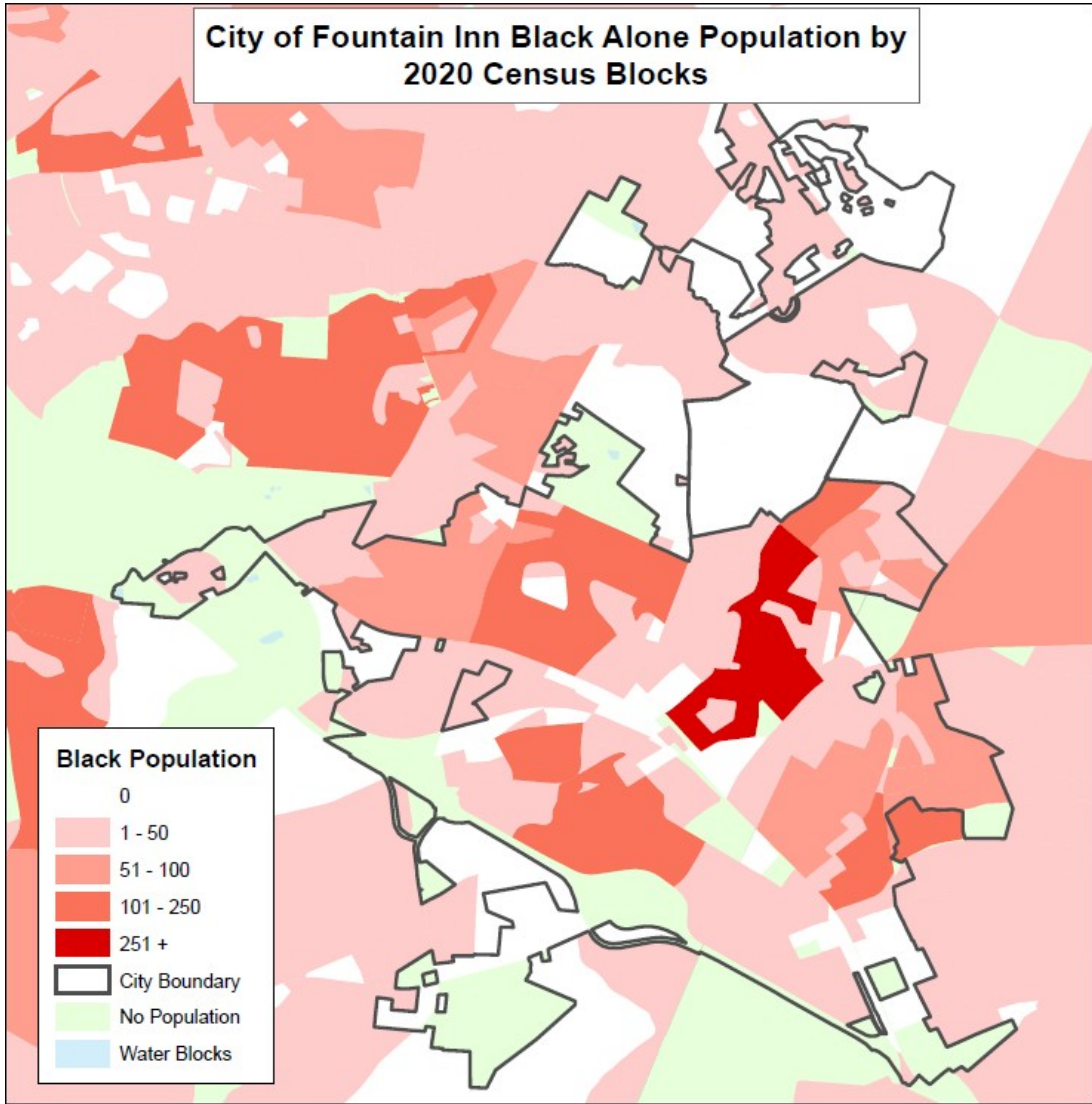


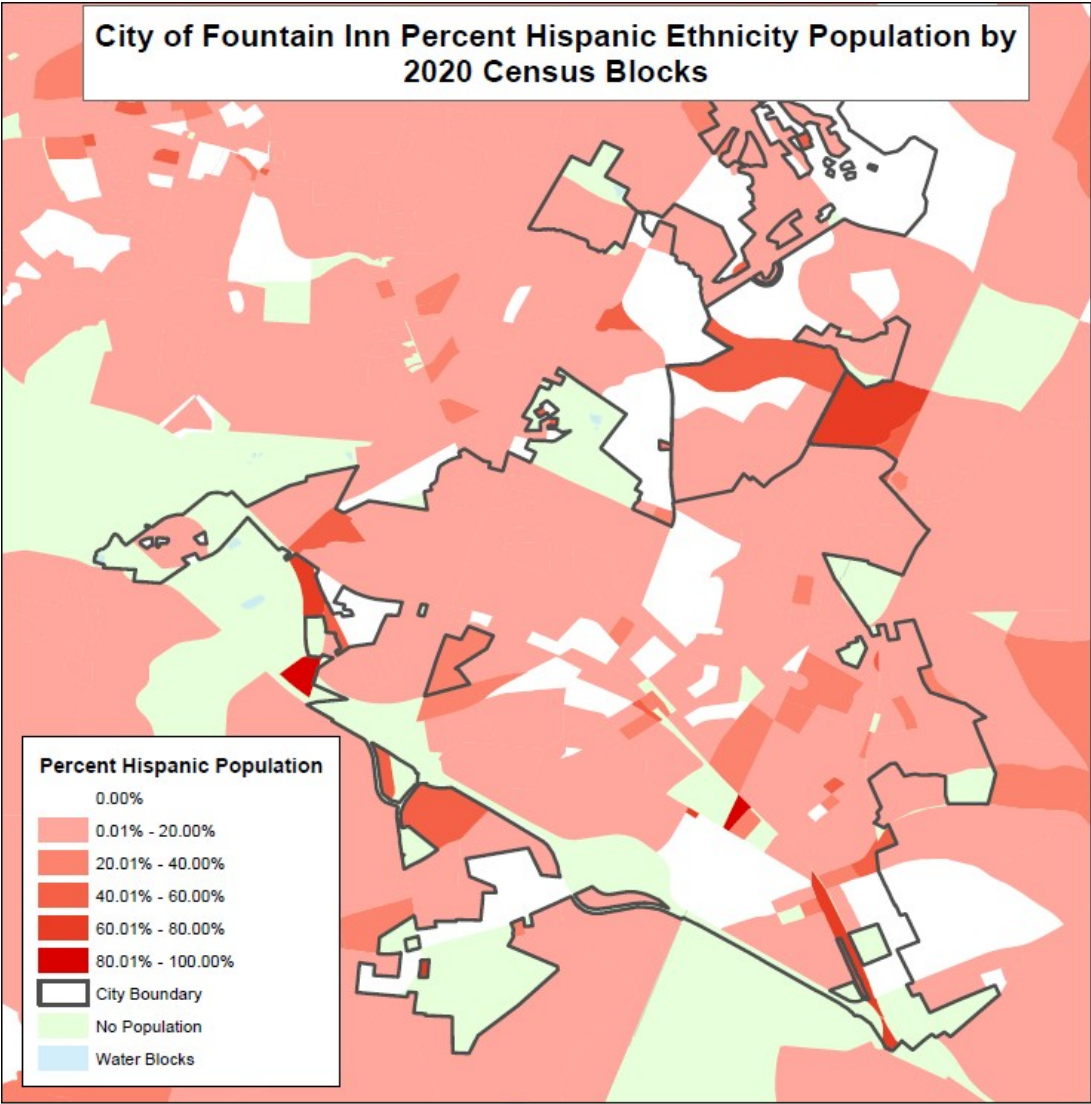
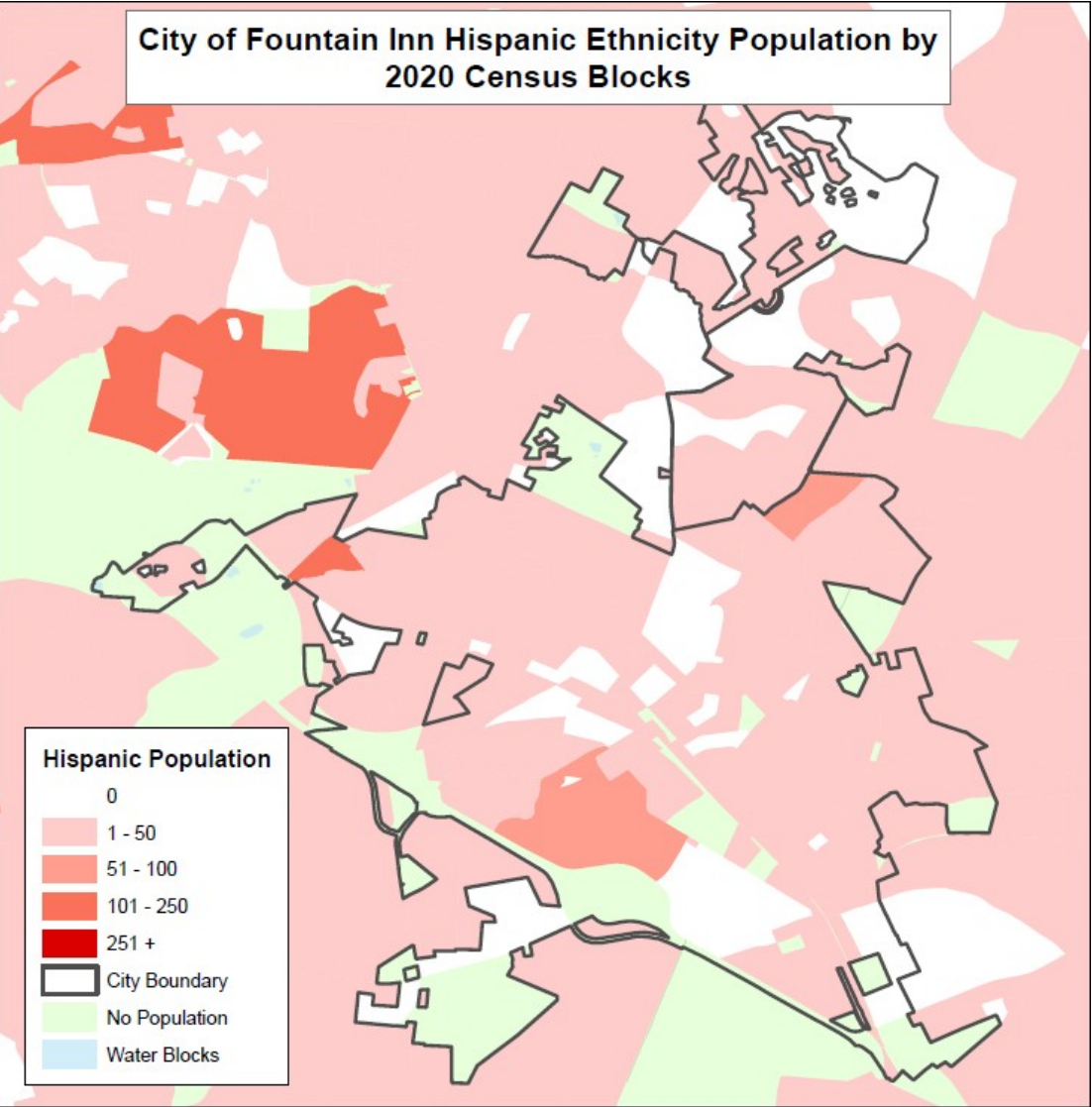
APPENDIX B – MAPS BY SINGLE RACE CATEGORIES (CORRESPONDS WITH TABLE A-2)

MAPS BY SINGLE RACE CATEGORY - WHITE

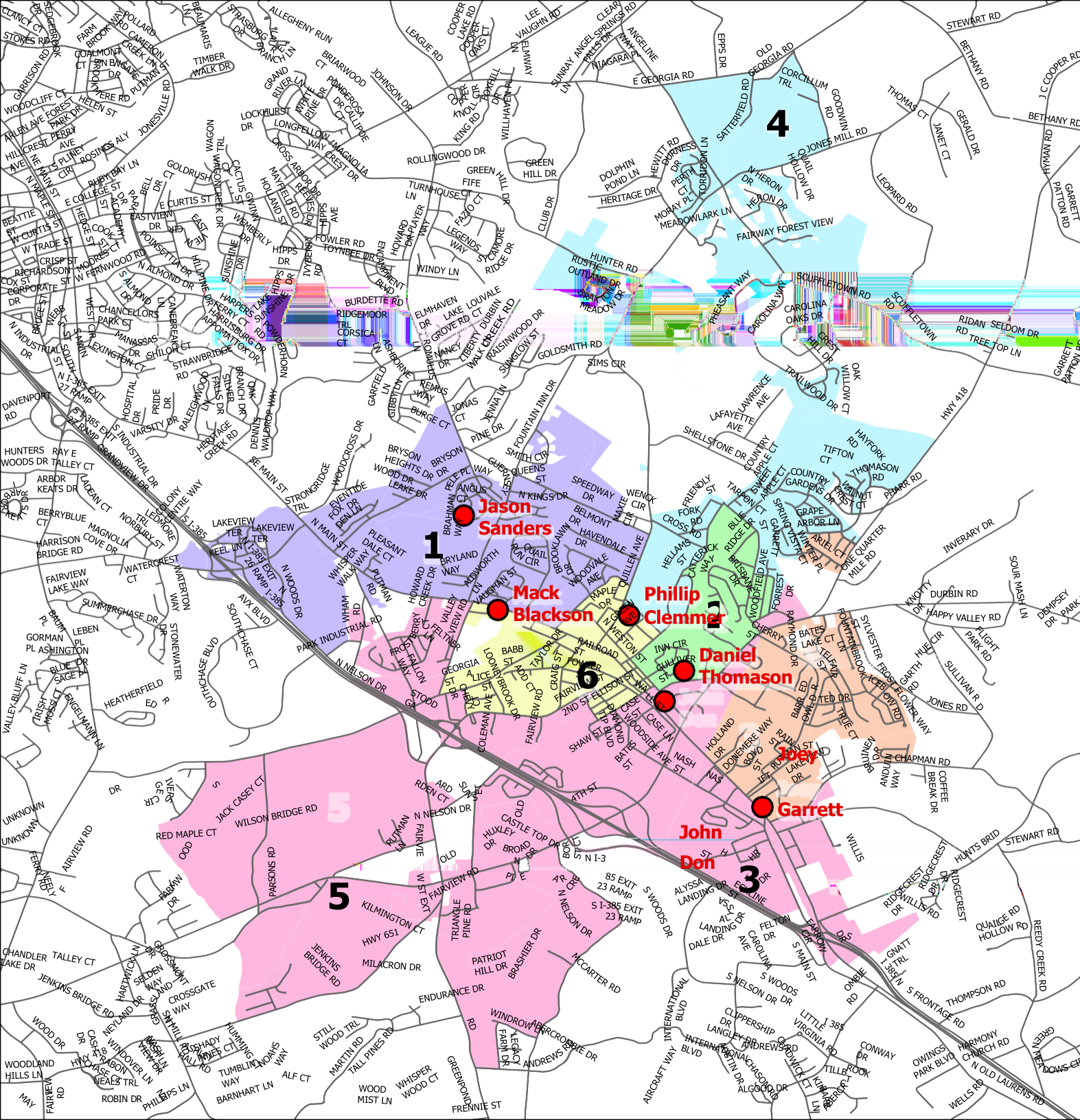


MAPS BY SINGLE RACE CATEGORY - BLACK





City of Fountain Inn City Council Additional Blocks Benchmark



Legend

- Members
- Streets
- Districts
- City_Dist
- 1
- 2
- 3
- 4
- 5
- 6

Table 2: Total Population by Race *Race defined using DOJ definitions. Not Hispanic or Latino is abbreviated as NH-

Municipality	District	Total	Hispanic	% Hispanic	NH White	% NH White	NH DOJ Black*	% NH DOJ Black	NH Other Race	% NH Other Race
Fountain Inn	2	1,215	81		708		396		30	
Fountain Inn	3	2,161	283	13.10%	911	42.16%	897		70	3.24%
Fountain Inn	4	2,052	179	8.72%	1,243	60.58%	550	26.80%	80	3.90%
Fountain Inn	5	2,375	177	9.35%	1,568	66.02%	481	20.25%	104	4.38%
Fountain Inn	6	1,363	99	7.26%	892	65.44%	310	22.74%	62	4.55%
	Total	11,279	1,079	9.57%	6,560	58.16%	3,230	28.64%	410	3.64%

Table 3: Voting Age Population by Race *Race defined using DOJ definitions. Not Hispanic or Latino is abbreviated as NH-

Municipality	District	Total VAP	Hispanic VAP	% Hispanic VAP	NH White VAP	% NH White VAP	NH DOJ Black VAP	% NH DOJ Black VAP	NH Other Race VAP	% NH Other Race VAP
Fountain Inn	3	1,545	195		700	45.31%	597		53	3.43%
Fountain Inn	4	1,478	113	7.65%	921	62.31%	395	26.73%	49	3.32%
Fountain Inn	5	1,818	142	7.81%	1,268	69.75%	332	18.26%	76	4.18%
Fountain Inn	6	1,044	67	6.42%	727	69.64%	205	19.64%	45	4.31%
	Total	8,439	716	8.48%	5,176	61.33%	2,264	26.83%	283	3.35%

Row Labels	Sum of total	Sum of Hispanic	Sum of NH_WHT	Sum of NH_DOJ_BI	Sum of NH_OTHER	Sum of VAP_TOTAL	Sum of VAP_HISPAN	Sum of VAP_NH_WH	Sum of VAP_NH_D	Sum of VAP_NH_OTH
1	2113	215	1238	596	64	1670	145	1017	463	451
2	1215	81	708	396	30	884	54	543	272	157
3	2161	283	911	897	70	1545	195	700	597	53
4	2052	179	1243	550	80	1478	113	921	395	49
5	2375	222	1568	481	104	1818	142	1268	332	76
6	1363	99	892	310	62	1044	67	727	205	457
Grand Total	11279	1079	6560	3230	410	8439	716	5176	2264	283

Table 1: 2020 Census Counts Applied to Current Disbicts

District	2020 Census	Goal	Over/(Under)	% Deviation
1	2,113	1,880	233	12.40%
2	1,215	1,880	(665)	-35.37%
3	2,161	1,880	281	14.96%
4	2,052	1,880	172	9.16%
5	2,375	1,880	495	26.34%
6	1,363	1,880	(517)	-27.49%
Lowest	-35.37%			
Highest	26.34%			
Range	61.71%			

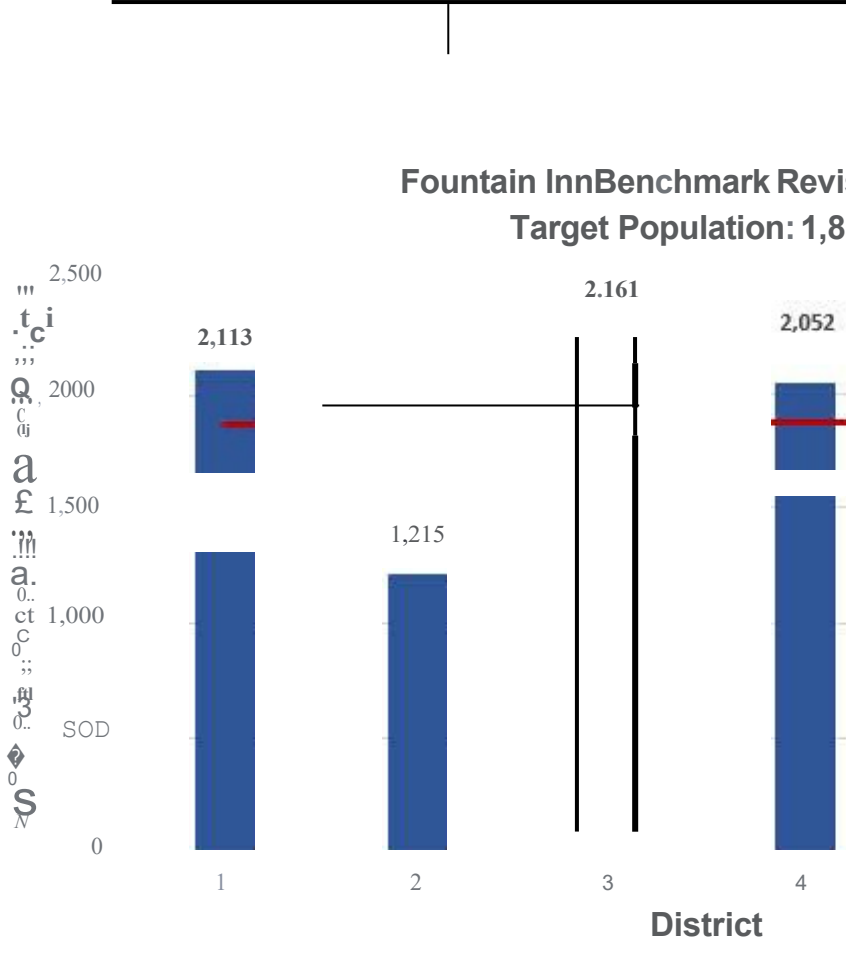
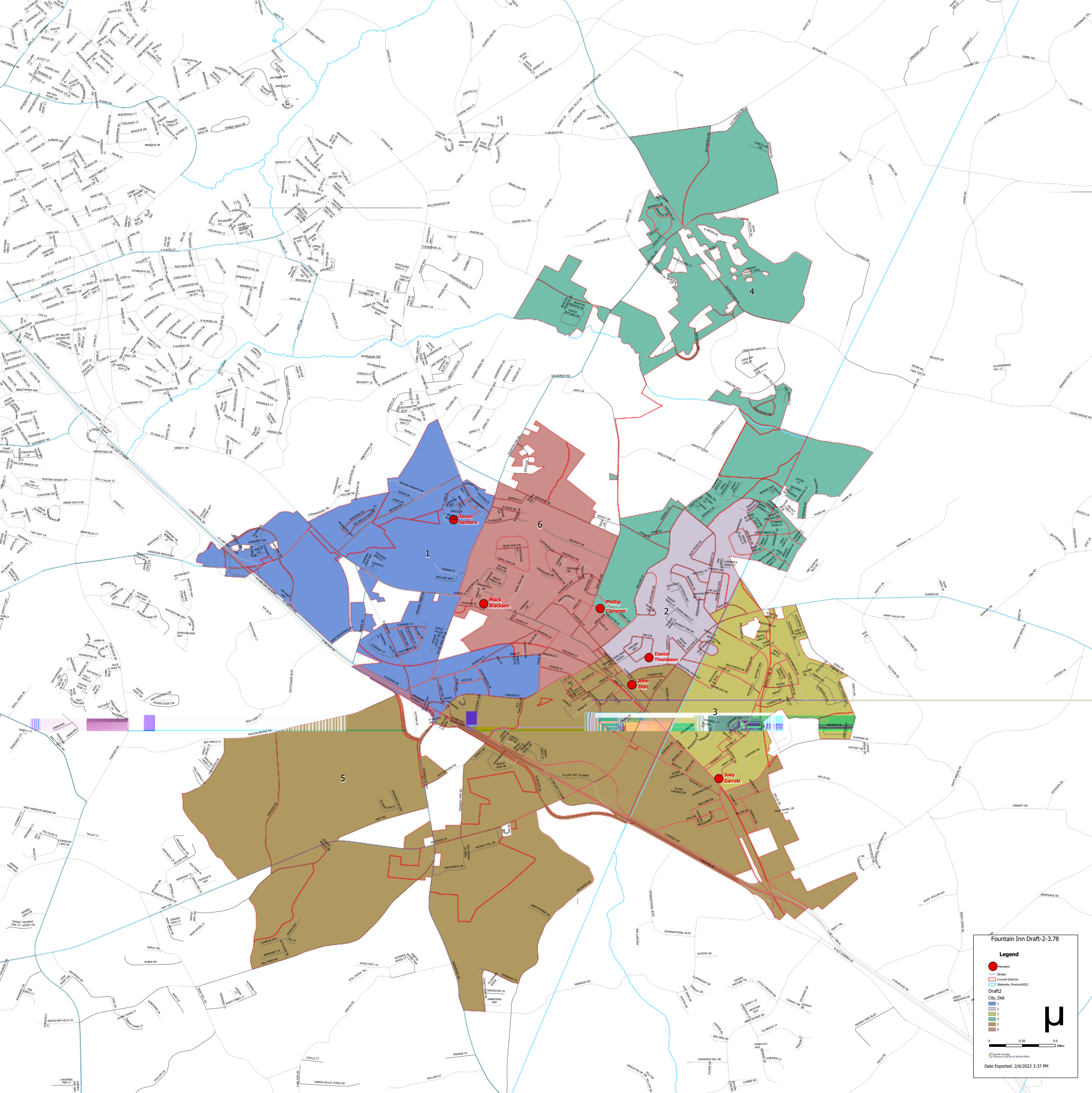


EXHIBIT B
REDISTRICTING PLAN



Fountain Inn Draft-2-3.78

Legend

Members

Streets

Current Districts

Draft2
City_Dist

1

2

3

4

5

6

North Carolina
Revenue and Fiscal Affairs Office

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Miles

Page 52 of 156

Fountain hu, Table 2: Total Population by Race Race defined using DOJ definitions. Not Hispanic or Latino is abbreviated as NH.

Municipality	District	Total	Hispanic	% Hispanic	NH White	% NH White	NH DOJ Black	% NH DOJ Black	NH Other Race	% NH Other Race
Fountain hu,	1	1,870	225	12.03%	1,126	60.21%	477	25.51%	42	2.25%
ountainhu,	2	1,854	131	7.07%	1,073	57.87%	595	32.09%	55	2.97%
ountainhUI	3	1,856	235	12.66%	759	40.89%	791	42.62%	71	3.83%
ountainhu,	4	1,925	194	10.08%	1,147	59.58%	509	26.44%	75	3.90%
ountainhu,	5	1,870	200	10.70%	1,194	63.85%	385	20.59%	91	4.87%
Fountain hu,	6	1,904	94	4.94%	1,261	66.23%	473	24.84%	76	3.99%
Total		11,279	1,079	9.57%	6,560	58.16%	3,230	28.64%	410	3.64%

Table 3: Voting Age Population by Race Race defined using DOJ definitions. Not Hispanic or Latino is abbreviated as NH.

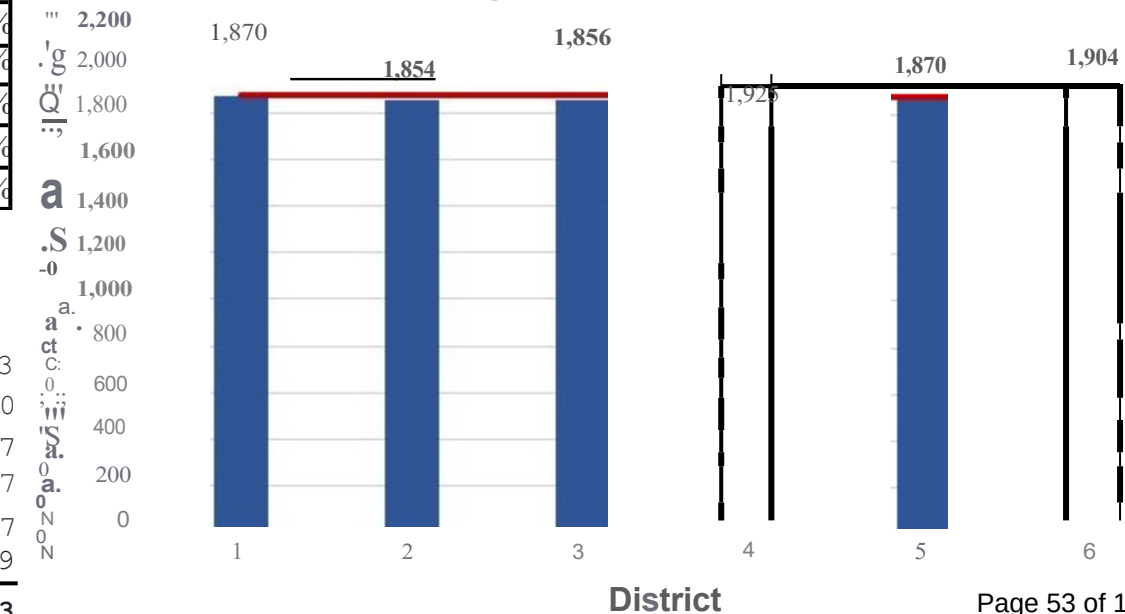
Municipality	District	Total VAP	Hispanic VAP	% Hispanic VAP	NH White VAP	% NH White VAP	NH DOJ Black VAP	% NH DOJ Black VAP	NH Other Race VAP	% NH Other Race VAP
		1,428								
ountainhUI		1,351		6.59%	817		415	30.72%	30	2.22%
ountainhu,	3	1,331	154	11.57%	590	44.33%	530	39.82%	57	4.28%
Fountain hu,	4	1,390	131	9.42%	849	61.08%	363	26.12%	47	3.38%
Fountain hu,	5	1,423	130	9.14%	963	67.67%	263	18.48%	67	4.71%
ountainhUI	6	1,516	65	4.29%	1,054	69.53%	348	22.96%	49	3.23%
Total		8,439	716	8.48%	5,176	61.33%	2,264	26.83%	283	3.35%

Row Labels	Sum of total	Sum of Hispanic	Sum of NH_WHT	Sum of NH_DOJ_BLK	Sum of NH_OTHER	Sum of VAP_TOTAL	Sum of VAP_HISPAN	Sum of VAP_NH_WHT	Sum of VAP_NH_DOJ	Sum of VAP_NH_OTH
1	1870	225	1126	477	42	1428	147	903	345	33
2	1854	131	1073	595	55	1351	89	817	415	30
3	1856	235	759	791	71	1331	154	590	530	57
4	1925	194	1147	509	75	1390	131	849	363	47
5	1870	200	1194	385	91	1423	130	963	263	67
6	1904	94	1261	473	76	1516	65	1054	348	49
Grand Total	11279	1079	6560	3230	410	8439	716	5176	2264	283

Table 1: 2020 Census Counts Applied to Current Districts

District	2020 Census	Goal	Over/(Under)	% Deviation
1	1,870	1,880	(10)	-0.52%
2	1,854	1,880	(26)	-1.37%
3	1,856	1,880	(24)	-1.27%
4	1,925	1,880	45	2.40%
5	1,870	1,880	(10)	-0.52%
6	1,904	1,880	24	1.29%
Lowest -1.37%				
Highest 2.40%				
Range 3.78%				

City of Fountain Inn Draft 2
2020 Census Applied to Current Districts
Target Population: 1,880



A RESOLUTION

TO ADOPT REDISTRICTING CRITERIA TO BE USED IN DEVELOPING THE 2020 REDISTRICTING PLAN.

WHEREAS, Section 4-9-90 of the Code of Laws of South Carolina, as amended, requires that all city council districts be reapportioned as to population by each county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census; and

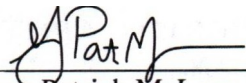
WHEREAS, the City of Fountain Inn Council ("City Council") is responsible for City Council redistricting (the "Redistricting Plan") in conjunction with the 2020 U.S. Census; and

WHEREAS, City Council has determined that certain criteria should be followed in developing the Redistricting Plan and desires to adopt those criteria by this resolution.

NOW, THEREFORE, BE IT RESOLVED by Fountain Inn City Council that the following criteria are hereby established for use in the development of the Redistricting Plan based on 2020 census figures:

1. Districts shall be of equal population, or as nearly as practical, to comply and adhere to the Constitutional requirement of "one person, one vote."
2. The population variance between County Council districts shall not exceed 10% as required by S.C. Code Ann. Section 4-9-90.
3. Comply with the Federal Voting Rights Act and all other applicable court decisions and federal and state laws.
4. Ensure that districts are contiguous.
5. Districts should be drawn to minimize the division of voting precincts and communities of interest to the extent possible.
6. Districts should be geographically compact so that nearby areas of population are not bypassed for a more distant population.
7. Solicit public input.

DONE IN REGULAR MEETING THIS 9th DAY OF December, 2021.



George Patrick McLeer, Jr
Mayor

ATTEST:  d.J

Sandra H. Woods
City Clerk

APPROVED AS TO FORM:


David H. Holmes
City Attorney

RFA REDISTRICTING PROCESS WITH LOCAL GOVERNMENTS

1. PROJECT INITIATION

- Local Government requests either consultation or redistricting services from RFA
- RFA sends confirmation letter
- Council may adopt a resolution engaging RFA

2. PRIOR TO RELEASE OF THE 2020 CENSUS DATA AND BEFORE PROJECT IS STARTED, LOCAL GOVERNMENT WILL PROVIDE RFA WITH:

- A primary contact
- Any foreseen issues that may affect project timeline (filing deadline, next election)
- Names and addresses of incumbents
- Verification of current districts (municipalities verify municipal boundaries as well)
- Council will verify RFA has the GIS data accurately reflecting current districts

3. RFA WILL COORDINATE A TENTATIVE PROJECT TIMELINE

4. AT THE FIRST PUBLIC MEETING

- RFA will provide a briefing for the council and public on redistricting
 - Traditional Redistricting Principles
 - Constitutional and Statutory Requirements
- RFA will provide a report to include:
 - A proposed set of criteria
 - An analysis (Benchmark Plan) of existing districts with 2020 Census data
 - A preliminary draft plan
- RFA will solicit feedback from council and public
- Council has the option to adopt proposed plan or delay and recommend changes for adoption at next meeting

5. AFTER THE FIRST PUBLIC MEETING

- Local Government primary contact will notify RFA in writing of any changes to the draft plan or proposed criteria based on input from council

6. AT THE SECOND OR SUBSEQUENT MEETING(S)

- RFA will prepare a final report incorporating feedback received from council
- Final plan presented for council to adopt (RFA may or may not need to attend)

7. AFTER ADOPTION

- Council will provide a letter notifying RFA of adoption of the plan
- Council will notify local voter registration office and other affected entities



**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023**Ordinance/Resolution Caption:** Providing for the grant of a franchise according to South Carolina Code annotated section 58-12-10, ET SEQ.; providing for limitations related to the same; providing for the payment of compensation related to the same; and providing for other related matters.**Summary Background:** In 2006, the General Assembly passed the South Carolina Competitive Cable Services Act. It provides that cable companies may apply for a statewide franchise agreement. Municipalities may establish a franchise fee payable under the state franchise, but the fee may not exceed 5% of gross revenues. The municipality may not charge any other permit, inspection, or encroachment fee beyond the franchise fee.

For cable providers operating under a statewide franchise, municipalities should adopt an ordinance consenting to such franchise, establishing a local franchise fee rate (not to exceed 5%), and imposing other terms and conditions allowed by law on the provider's activities within the municipality.

Knology of Charleston, Inc. is more commonly known as WOW! Internet, Cable, & Phone (<https://www.wowway.com/>). WOW! and/or Knology of Charleston, Inc. already has an existing statewide cable franchise with the SC Secretary of State. They are simply seeking to gain approval to make their services available to the residents of Fountain Inn.

Impact If Denied: Wow! would not be permitted inside the City limits of Fountain Inn.**Impact If Approved:** Wow! would be permitted into the City of Fountain Inn to provide cable service.**Financial Impact:** The City will receive 5% of gross revenues from Knology of Charleston, Inc. and/or WOW! based on customers inside our corporate limits.

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-5**

**PROVIDING FOR THE GRANT OF A FRANCHISE ACCORDING TO
SOUTH CAROLINA CODE ANNOTATED SECTION 58-12-300, ET SEQ.;
PROVIDING FOR LIMITATIONS RELATED TO THE SAME;
PROVIDING FOR THE PAYMENT OF COMPENSATION RELATED TO
THE SAME; AND PROVIDING FOR OTHER RELATED MATTERS**

– KNOLOGY OF CHARLESTON, INC. –

WHEREAS, South Carolina Constitution Article 8 section 15 provides, among other things, that no law shall be passed by the General Assembly granting the right to a utility to construct and operate lines and facilities in a public street or on public property “without first obtaining the consent of the governing body of the municipality in control of the streets or public places proposed to be occupied for any such or like purpose”;

WHEREAS, the General Assembly by 2006 Act 288 (“South Carolina Competitive Cable Services Act”) has imposed a system of a State-Issued Certificate of Franchise Authority (“COFA”), under which a cable or video service provider may designate by application to the Secretary of State those municipalities in which the provider wishes to operate, and the municipality so designated, within the period of time after notice from the Secretary of State as set out in South Carolina Code Annotated section 58-12-310, is to advise the Secretary of State whether the municipality consents to the COFA or denies consent;

WHEREAS, South Carolina Code Annotated section 5-7-260(4) requires that a city council act by ordinance in granting, renewing, or extending a franchise; and

WHEREAS, the City Council has determined, in the exercise of its lawful discretion and authority, to grant its consent to a franchise and to the application for a COFA for the applicant;

NOW, THEREFORE, BE IT ORDAINED by the City Council, duly assembled, based on the information described in the recitals above and the information contained below:

1. The Council, as the municipal governing body, consents to the application of Knology of Charleston, Inc., a copy of which is attached to this Ordinance as Exhibit A, to operate cable or video service in the City.

2. The maximum franchise fee rate allowed by controlling law, which is 5% as of the enactment of this Ordinance, shall apply to the applicant’s provision of cable or video service in the City. The City reserves all rights to impose on the applicant all *ad valorem* taxes, service fees, sales tax, or other taxes and/or fees lawfully imposed or to be imposed on other businesses in the City.

3. The City reserves to itself all rights under the Constitution of the State of South Carolina, specifically Article 8 section 15, and under State law, specifically the South Carolina Competitive Cable Services Act, and under any superseding Federal law.

4. The Mayor, and the City Clerk, for and on behalf of the City, are each authorized and directed to do any and all things reasonably necessary and prudent to effect this Ordinance’s intent.

5. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

This Ordinance is effective immediately on enactment by City Council.

[ONE SIGNATURE PAGE AND ONE EXHIBIT FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

Elizabeth Adams, City Clerk

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
King Kozlarek Law LLC

First Reading:	March 9, 2023
Second Reading / Final Approval:	April 13, 2023

EXHIBIT A
FRANCHISE REQUEST INFORMATION – SC SECRETARY OF STATE
(FEBRUARY 13, 2023)
[SEE 6 PAGES, ATTACHED]

State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

1205 PENDLETON STREET, SUITE 525
COLUMBIA, SC 29201

803-734-2170
sos.sc.gov



February 13, 2023

Shawn M. Bell, City Admin
City of Fountain Inn
200 N. Main St.,
Fountain Inn, SC 29644

RE: Amend a State-Issued Certificate

Dear Mr. Bell:

Enclosed please find a Notice of Application for a State-Issued Certificate of Franchise Authority and Request for Information. This Notice is in regards to an Application for a State-Issued Certificate of Franchise Authority filed with this office by Knology of Charleston, Inc., a copy of which is attached.

S.C. Code Ann., Section 58-12-310(C) requires that, within five days of receipt of an application or amended application, the Secretary of State must notify each affected municipality and county of its receipt of the application and request certain information. Section 58-12-310(D) provides that the county or municipality must respond to the request issued by the Secretary of State within sixty-five (65) days of the date of such request. Please return the Notice, completed, dated and signed, to the address on the filing instructions.

If you have any questions, please contact me at (803) 734-0367.

With kindest regards,

Allyson Green

/amg

Enclosures

STATE OF SOUTH CAROLINA
SECRETARY OF STATE



NOTICE OF APPLICATION FOR STATE-ISSUED CERTIFICATE
OF FRANCHISE AUTHORITY AND REQUEST FOR INFORMATION

Pursuant to S.C. Code Section 58-12-310(C), the Secretary of State hereby notifies you that:
On February 13, 2023, Knology of Charleston, Inc. filed an application with this Office for a state-issued certificate of franchise authority or an application to amend a certificate of franchise authority to provide cable or video service in your area. Attached is a copy of the application including a description of the area(s) to be served.

You must complete and return this form to the Office of the Secretary of State within sixty-five (65) days from the date of this request. This form must be received by the Secretary of State's Office no later than April 19, 2023.

1. What is the franchise fee rate imposed on the incumbent cable or video service provider, if any, as of the date of the application or amended application?

2. How many public, educational, and governmental (PEG) access channels does your municipality or county have activated under the incumbent cable or video provider's franchise agreement on the date of the application or amended application?

3. Does your municipality or county consent to the state-issued certificate of franchise authority sought in the application or amended application?

☐ Yes.

☐ No.

If your municipality or county does not consent to the authority sought, you must provide an explanation of the reasons for the denial of the requested consent.

Date _____

Signature of Chief Executive of City or County

Type or Print Name

Address

Telephone Number

FILING INSTRUCTIONS

1. This completed form must be returned to the Secretary of State within sixty-five (65) calendar days of the date of the request.
2. If the space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form.
3. Return to: Secretary of State
Attn: Cable Franchise Division
1205 Pendleton Street, Suite 525
Columbia, SC 29201

SPECIAL NOTES

PURSUANT TO STATE LAW, A PERSON OR ENTITY SEEKING TO PROVIDE CABLE OR VIDEO SERVICE MUST HAVE A CERTIFICATE OF FRANCHISE AUTHORITY, EITHER AN EXISTING CERTIFICATE ISSUED BY A LOCAL GOVERNMENT UNDER PRIOR LAW, OR UPON EXPIRATION OF THAT CERTIFICATE ISSUED BY A LOCAL GOVERNMENT, A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY ISSUED BY THE SECRETARY OF STATE UNDER S.C. CODE OF LAWS §58-12-310(B).

PURSUANT TO S.C. CODE §58-12-310(B)(3), A HOLDER OF A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY MUST BEGIN TO DEPLOY SERVICE IN EACH OF THE MUNICIPALITIES AND IN EACH OF THE UNINCORPORATED AREAS OF COUNTIES DESCRIBED IN THE APPLICATION WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OR THE CERTIFICATE BECOMES NULL AND VOID.

PURSUANT TO S.C. CODE §58-12-310(K), THE HOLDER OF A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY MUST GIVE WRITTEN NOTIFICATION TO A MUNICIPALITY OR COUNTY OF THE DATE IT WILL ACTUALLY BEGIN PROVIDING SERVICE IN ANY PART OF SUCH MUNICIPALITY OR COUNTY.

RECEIVED

FEB 13 2023

SC SECRETARY
OF STATE

STATE OF SOUTH CAROLINA
SECRETARY OF STATE



APPLICATION TO AMEND A STATE-ISSUED
CERTIFICATE OF FRANCHISE AUTHORITY

Pursuant to state law, a person or entity seeking to provide cable or video service must have a certificate of franchise authority, either an existing certificate issued by a local government under prior law, or upon expiration of that certificate issued by a local government, a state-issued certificate of franchise authority issued by the Secretary of State under S.C. Code of Laws §58-12-310(B).

TYPE OR PRINT CLEARLY WITH BLACK INK

Pursuant to S.C. Code Section 58-12-310(B), the undersigned hereby applies for authorization to amend its state-issued certificate of franchise authority to provide cable or video service.

1. The name of the applicant is Knology of Charleston, Inc.

2. The applicant is providing ☒ Cable Service OR ☐ Video Service

3. The street address of the applicant is 7887 E. Belleview Ave., Suite 1000
Street Address

<u>Englewood</u>	<u>Arapahoe</u>	<u>CO</u>	<u>80111</u>
City	County	State	Zip Code

The mailing address of the applicant is 7887 E. Belleview Ave., Suite 1000
Englewood, CO 80111

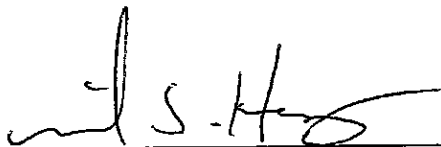
3. Date Certificate of Franchise Authority issued by S.C. Secretary of State February 21, 2011

4. The additional municipalities and unincorporated areas of counties that are proposed to be served by the applicant are to be described in the accompanying Affidavit in Support of State-Issued Certificate of Franchise Authority. For each of the additional municipalities and unincorporated areas of counties so described, provide the name, address and telephone number for the person to whom the Notice of Application to Amend a State-Issued Certificate of Franchise Authority should be provided.

Municipality/Area	Name & Title	Address	Telephone Number
City of Fountain Inn,	Shawn M. Bell, City Admin.,	200 N. Main St, Fountain Inn, SC 29644	8648624421
City of Simpsonville,	Jason Knudsen, Planning Dir.,	118 NE Main St., Simpsonville, SC 29680	8649679526

6. This application is accompanied by an affidavit signed by an officer or general partner of the applicant as required by S.C. Code Section 58-12-310(B).

Date February 7, 2023



Officer/General Partner's Signature

Michael S. Healy

Type or Print Name

c/o WOW! 412 E. Maple

Address
La Grange IL 60525

224-339-2512

Telephone Number

AFFIDAVIT IN SUPPORT OF APPLICATION TO AMEND
STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY

PERSONALLY appeared before me the undersigned who being duly sworn according to law,
deposes and says on oath:

My name is Michael Healy and my title/position is
Director of Market Relations. This affidavit is
based upon my personal knowledge of the facts contained in the Application to Amend the State-Issued
Certificate of Franchise Authority and this affidavit. I certify and affirm that all such facts are true and
correct. I affirm that the applicant agrees to comply with all applicable federal and state laws and
regulations.

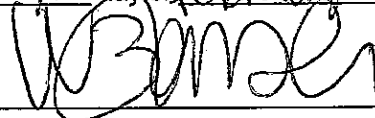
In this application the applicant seeks to provide cable or video services in the following additional
areas:

City of Simpsonville

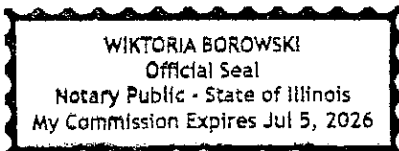
City of Fountain Inn

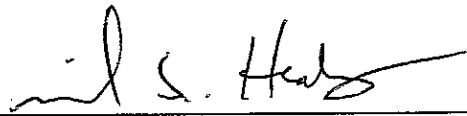
(Written description of the additional municipalities and unincorporated areas of the counties to be served in whole or in part.
A map or other graphic representation may supplement, but not substitute for, the written description.)

Dated this 7th day of February, 2023.

SWORN to and subscribed before me, this
7th day of February, 2023


Notary Public for COOK COUNTY IL Chase
My Commission Expires: July 5, 2026





Officer/General Partner's Signature

Michael S. Healy

Type or Print Name

c/o Wow 412 E. Maple Ave.

Address

La Grange IL 60525

724/339-2512

Telephone Number

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023

Ordinance/Resolution Caption: An Ordinance to Provide for the Annexation of the Property Described Herein to the City Limits of the City of Fountain Inn; To Establish a Zoning Classification Therefor; To Assign the Annexed Property to a Council Ward; and Other Related Matters (Hunter Road-Club Drive).

Summary Background: AX-2023-01 would annex and rezone approximately 6.78 acres on Hunter Road (portion of TMS: 0555020101000). Upon annexation, the subject property would be placed into Council Ward 4. Zoning would be changed from R-12, Residential District (Greenville County) to R-15, Residential District in Fountain Inn, which would reduce the permitted density of development.

It is surrounded by Braxton Ridge subdivision to the east, the golf course to the north and west, and undeveloped/vacant residential land to the south across Durbin Creek.

The adopted Future Land Use Map calls for medium-low density residential use adjacent to the subject parcel, which is consistent with R-15 zoning. However, the subject parcel is indicated for recreation use in the Future Land Use Map, as this parcel is currently a part of the 179-acre Fox Run Country Club property. The rest of the Fox Run Country Club property is zoned R-S, Residential Suburban as it is “split zoned” in Greenville County currently. In addition, the property is within the Scuffletown Rural Conservation District (Greenville County).

The Planning Commission voted unanimously to approve the rezoning request at March 2 meeting.

The applicant has indicated that he plans 5 to 6 residential lots for the property.

Impact If Denied: The subject property would remain zoned R-12 and would remain in unincorporated Greenville County.

Impact If Approved: Up to 18 lots could be created under the proposed R-15 zoning. However, the applicant has indicated only 5 to 6 lots will be created. Preliminary discussions with the applicant indicate that access to the 5 to 6 lots would be provided via a private drive.

Financial Impact: Minimal impact.

ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE PROPERTY DESCRIBED HEREIN TO THE CITY LIMITS OF THE CITY OF FOUNTAIN INN; TO ESTABLISH A ZONING CLASSIFICATION THEREFOR; TO ASSIGN THE ANNEXED PROPERTY TO A COUNCIL WARD; AND OTHER RELATED MATTERS (HUNTER ROAD-CLUB DRIVE).

WHEREAS, Johnny Tong and Ft Inn Simp Country Club Inc. have filed a proper petition with the City using the 100 percent petition method concerning those parcels or tracts of land, which property is contiguous to the City limits petitioning for annexation of said property to the City of Fountain Inn under the provisions of South Carolina Code Annotated section 5-3-150(3) and described as follows:

ALL those certain pieces, parcels or tracts of land containing approximately 6.780 acres more or less, situate, lying and being on Hunter Road near the intersection of Club Drive in Greenville County, South Carolina, and described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

GREENVILLE COUNTY TMS # 0555020101000 (~6.780-acre Portion)

WHEREAS, it appears to the City Council that annexation would be in the best interest of the property owners and the City; and

WHEREAS, the notice and public hearing requirements of South Carolina Code Annotated section 5-3-150(1) have been complied with:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina, as follows:

Section 1. **ANNEXATION:** That the property herein described is hereby annexed to and becomes a part of the City effective on the date of the passage of this Ordinance.

Section 2. **ZONING CLASSIFICATION:** The property herein described is hereby assigned the zoning classification of R-15: Single Family Residential.

Section 3. **DISTRICT ASSIGNMENT:** The within described property shall be assigned to City Council Ward 4.

Section 4. **FLOOD RATE INSURANCE MAPS:** In accordance with the provisions of 44 CFR §64.4, in the event that the newly annexed area was previously located in a community participating in the NFIP Program, pending formal adoption of the amendment to its flood plain management regulations, the City hereby certifies that within the newly annexed area the flood plain management requirements previously applicable in the area remain in force. In the event that the newly annexed area was previously located in a community not participating in the NFIP Program, upon annexation, and pending formal adoption of the amendments to its flood plain management regulations, the City certifies that it shall enforce within the newly annexed area, existing flood insurance policies which shall remain in effect until their date of expiration may be renewed, and new policies may be issued.

Section 5. **AUTHORIZATION.** The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the actions authorized by this Ordinance in accordance with the conditions herein set forth.

Section 6. **EFFECTIVE DATE.** This Ordinance shall be effective upon second and final reading by the City Council.

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

Elizabeth Adams, City Clerk

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
King Kozlarek Law LLC

First Reading:	March 9, 2023
Second Reading / Final Approval:	April 6, 2023

EXHIBIT A
DEPICTION OF PROPERTY

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT DEPARTMENT STAFF
March 2, 2023**

DOCKET NUMBER: FI-2023-004 (rezoning)

APPLICANT/OWNERS: Johnny Tong;
Ft Inn Simp Country Club Inc

PROPERTY LOCATION: Hunter Road

TAX MAP NUMBER: Portion of 0555020101000

ACREAGE: 6.78

EXISTING ZONING: R-12 Residential District (Greenville County)

REQUESTED ZONING: R-15, Single-Family Residential District

Existing Land Use: Vacant

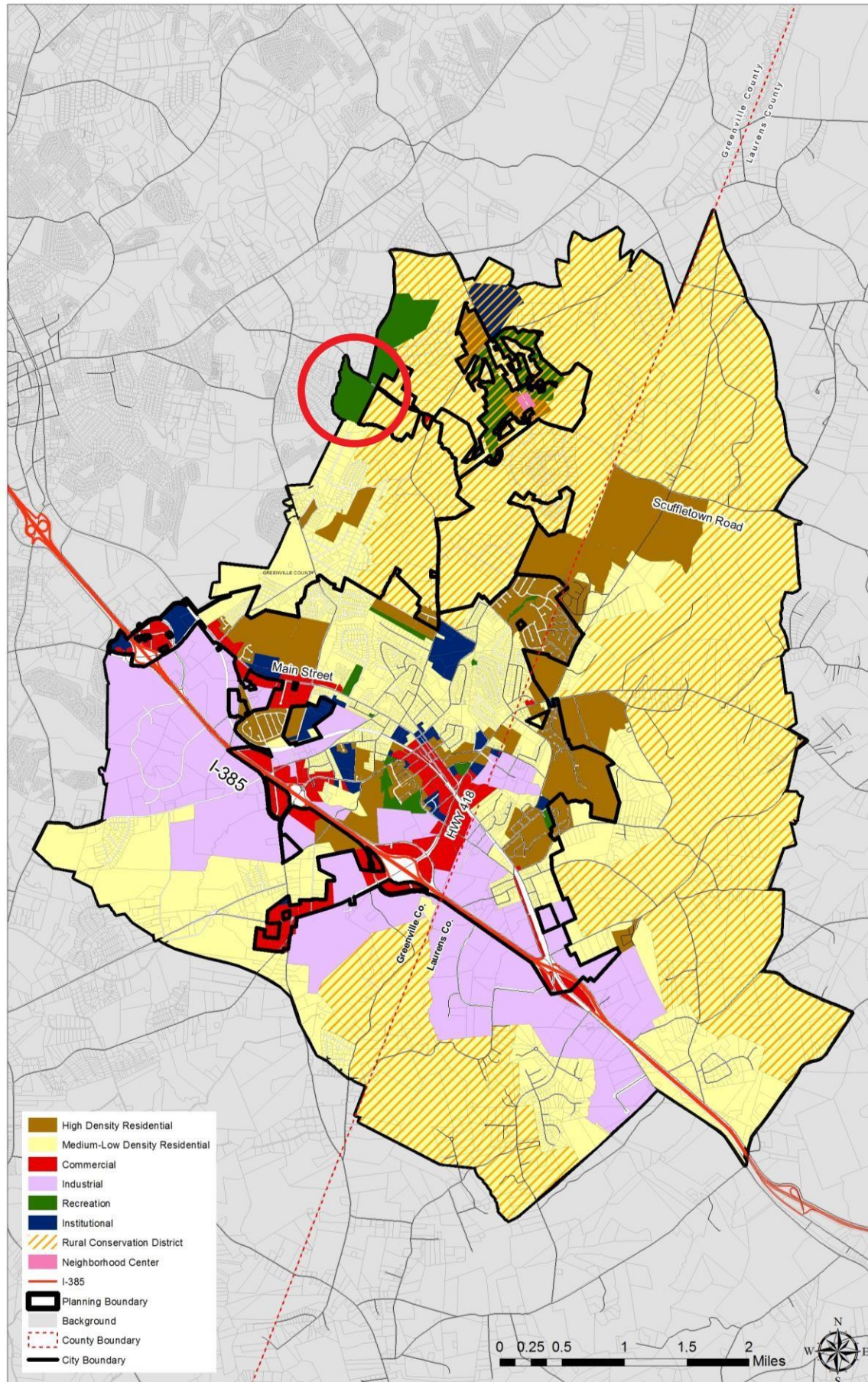
Adjacent Land Use: North: Residential, Recreational
East: Residential
South: Vacant
West: Recreational

Adjacent Zoning:
North: R-S, Residential Suburban (Greenville County)
East: FRD, Flexible Review District (City of Fountain Inn)
South: R-S, Residential Suburban District (Greenville County)
West: R-S, Residential Suburban District (Greenville County)

Aerial Map (source: Greenville County GIS):



Future Land Use Map:



The map displays the City of Fountain Inn with various land use zones. A yellow highlighted area is labeled 'R-12'. Other zones shown include 'R-S' and 'FRD'. The map also shows 'HUNTER RD' and 'CLUB DR'. The 'SCUFFLETOWN RURAL CONSERVATION DISTRICT' is labeled in three locations. The 'CITY OF FOUNTAIN INN' is labeled in four locations. The map includes several parcel numbers: 0555020101000, 0555030100100, 0555020101000, 0555030100100, 0555020101000, 0555030100100, 0555020101000, 0555030100100, 0560040100467, 0560040100923, 0560040100923, 0560040100907, 0560040100908, 0560040100100, and 0555080101800.

Hunter Road, north of site



Hunter Road, southwest of site



ANALYSIS:

The subject property is located west of the existing city limits and is near the northernmost portion of the city. The proposed rezoning would consist of 6.78 acres of land out of approximately 179 acres of the Fox Run County Club. It is surrounded by Braxton Ridge subdivision to the east, the golf course to the north and west, and undeveloped/vacant residential land to the south across Durbin Creek. The 6.78 acres is currently wooded property.

The 6.78-acre subject property is currently zoned R-12 (Greenville County); the rest of the Fox Run Country Club property is zoned R-S, Residential Suburban. It is “split zoned” in the county today. In addition, the property is within the Scuffletown Rural Conservation District. This zoning overlay *is intended to provide for residential development that supports the development goals of the Scuffletown Plan Area, protects open space and natural resources, and retains the predominantly rural character of the area.* This overlay applies to County zoning only; it does not apply to property within the City.

The applicant is requesting R-15, Single Family Residential zoning for this site upon annexation.

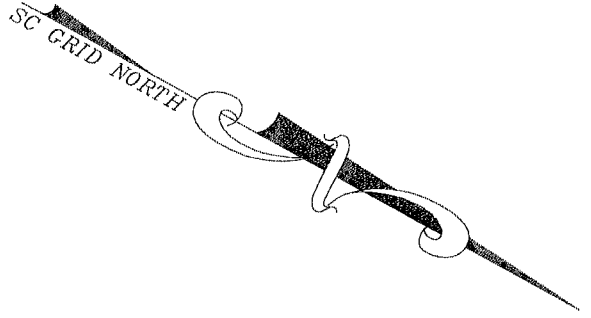
Braxton Ridge is directly east of the site, which is zoned FRD. The other adjacent parcels are all zoned R-S in unincorporated Greenville County.

The immediate property is outside of the City of Fountain Inn, but future land uses call for Recreation on the 2017 Future Land Use Map. However, the subject 6.78 acres would be subdivided from the larger 178-acre parcel, R-15 zoning is considered Low-Medium Density, and Medium-Low Density Residential is recommended for all adjacent areas surrounding the subject property. Medium-Low Density Residential is shown as any single-family residentially zoned district that is 3.6 units per acre or less in density. The proposed zoning is consistent with existing residential development along this portion of Hunter Road, and lower density than the existing Greenville County zoning.

The proposed annexation and concurrent rezoning of the subject parcel would join property directly adjacent to the City limits and permit a similar land use to those properties adjacent and within the city. The parcel is adjacent to City limits on the east side and would extend City limits to create a relatively contiguous City boundary.

The request to annex and zone this subject 6.78 acres as R-15 Residential District would be consistent with future land use designations in the vicinity.

STAFF RECOMMENDATION: Approval of annexation and R-15, Residential Single-Family zoning district.



LEGEND KEY

Know what you see. Call before you dig.

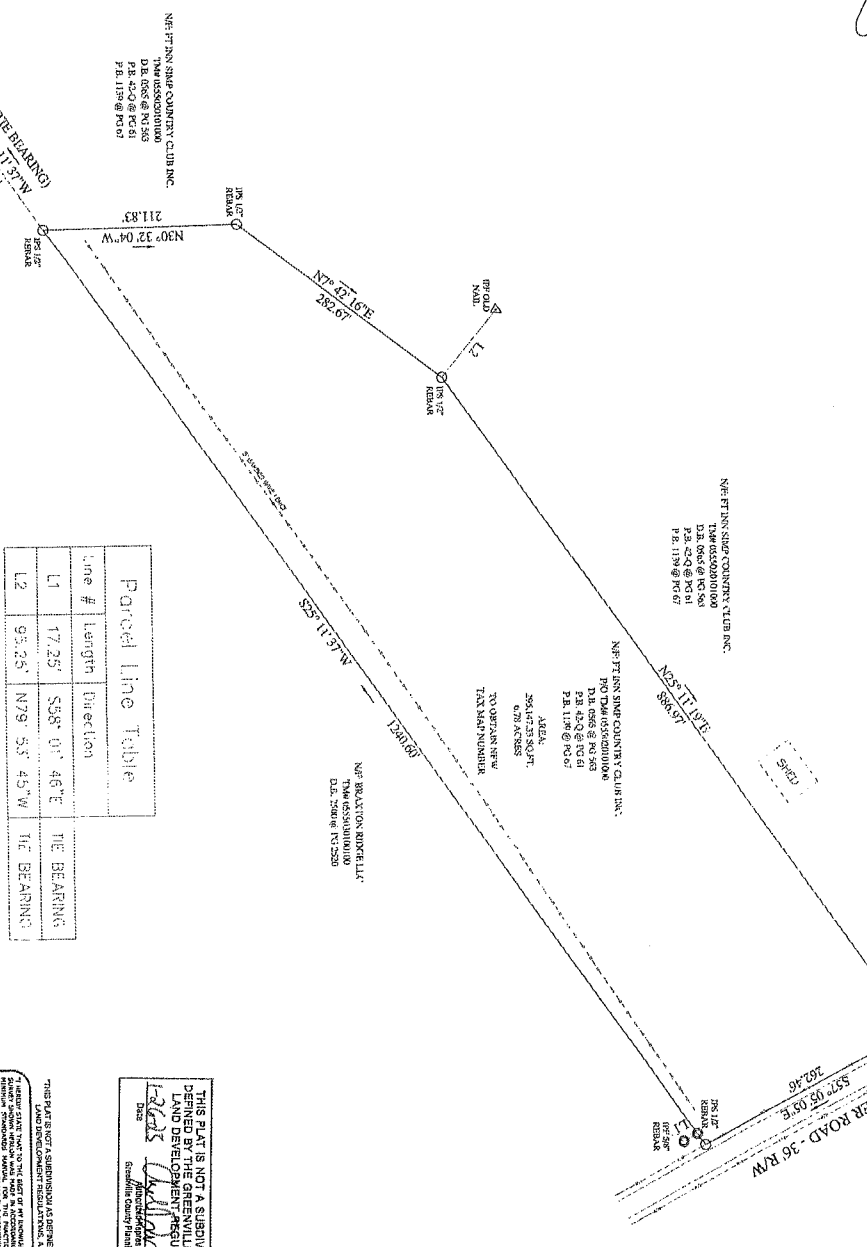
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LINE TYPE KEY

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Parcel Line Table

Line #	Length	Direction	THE BEARING
L1	17.25	S58° 01' 46\"	
L2	93.25	N79° 53' 45\"	

0 200 400 Feet

SCALE 1" = 100'

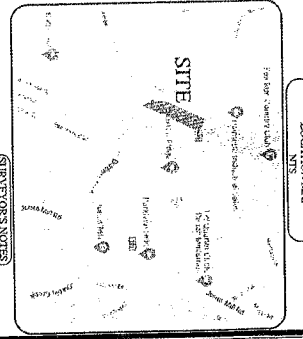
Richard B. Cook
 RICHARD B. COOK
 DATE: JANUARY 24, 2023
 S.C. RLS# 17219

THIS PLAT IS NOT A SUBDIVISION AS DEFINED BY THE GEORGIA LAND DEVELOPMENT REGULATIONS. IT IS A SURVEY OF AN EXISTING PARCEL. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS.

PRECISION
 LAND SURVEYING, INC.
 439 BEDLAH CHURCH ROAD
 ABBEVILLE COUNTY, SC 29620
 (864) 627-8067
 EMAIL: bruce@precisionland.com

CONTROL NOTES:
 1. ALL DISTANCES MEASURED IN FEET.
 2. ALL BEARINGS MEASURED IN DEGREES, MINUTES, AND SECONDS.
 3. ALL CORNERS MARKED WITH IRON PIPES OR IRON NAILS.
 4. ALL CORNERS MARKED WITH IRON PIPES OR IRON NAILS.
 5. ALL CORNERS MARKED WITH IRON PIPES OR IRON NAILS.

ADDITIONAL NOTES:
 1. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE ADJACENT PROPERTIES AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR OTHER INTERESTS.



FOUNTAIN INN SIMPSONVILLE COUNTRY CLUB INC.

Project Address: HUNTER RD., FOUNTAIN INN, SC

Project Location: GREENVILLE COUNTY, SC

TMS #: P.O. 055020101000

Job Number: 2023-004

Field By: J. GRAY, J. & D.

Dwn By: E. MEJIA

Area: 6.78 ACRES

Apnd By: B. COOK

Field Dates: 01-23-2023

Revision: 1 of 1

Sheet: 1 of 1

Boundary Survey at the Request of:

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☒ Ordinance/First Reading ☐ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023**Ordinance/Resolution Caption:** An Ordinance to Amend the Official Zoning Map of the City, for the Purpose of Changing the Zoning Classification of the Property Described in this Ordinance (Nash Street).**Summary Background:** Z-2023-02 would rezone approximately 2.69 acres at 108 & 110 Nash Street from R-12 Residential to C-2 Commercial. The adopted Future Land Use Map calls for commercial use on the subject parcels, which is consistent with C-2 zoning.

The subject parcels consist of a vacant house at 108 Nash Street and a vacant lot at 110 Nash Street. Surrounding land uses and zoning are industrial to the north, commercial to the south and west, and residential to the east.

The Planning Commission voted unanimously to approve the rezoning request at the March 2 meeting.

Impact If Denied: The subject property would remain zoned R-12.**Impact If Approved:** The applicant, Tellus, LLC, is a large and reputable commercial developer in the area. No specific plans for the site have been submitted.**Financial Impact:** Not applicable.

ORDINANCE

AN ORDINANCE TO AMEND THE OFFICAL ZONING MAP OF THE CITY, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN THIS ORDINANCE (NASH STREET).

WHEREAS, the City received a petition for re-zoning of the real property described herein;

WHEREAS, the Fountain Inn Planning Commission conducted a public hearing on the re-zoning petition and after having duly considered same and the receiving a staff report, voted to recommend approval of the re- zoning request from R-12: Residential District to C-2: Commercial District;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina:

SECTION 1. That the real property referred to in this Ordinance is more fully described in Docket Number FI-2023-003, located at 108 Nash Street and 110 Nash Street, containing approximately 2.69 acres in aggregate, with Greenville County Tax Map Numbers 0350000100404 and 0350000100403 (collectively, "Property"), and more fully described on Exhibit A, which is attached hereto and made a part hereof by reference.

SECTION 2. The Property is rezoned from R-12: Residential District to C-2: Commercial District.

SECTION 3. This Ordinance shall be effective upon second and final reading by the City Council.

SECTION 4. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the actions authorized by this Ordinance in accordance with the conditions herein set forth.

SECTION 5. This Ordinance shall be effective upon second and final reading by the City Council.

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

Elizabeth Adams, City Clerk

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
King Kozlarek Law LLC

First Reading: April 13, 2023
Second Reading / Final Approval: May 11, 2023

EXHIBIT A
DEPICTION OF PROPERTY



**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT STAFF
MARCH 2, 2023**

DOCKET NUMBER: FI-2023-003

REQUEST: Rezone parcels located on Nash Street

APPLICANT: Tellus, LLC

PROPERTY LOCATION: 108 Nash Street, 110 Nash Street

TAX MAP NUMBER: 0350000100403, 0350000100404

ACREAGE: ~ 2.69 ac

EXISTING ZONING: R-12, Residential

REQUESTED ZONING: C-2, Commercial District

Existing Land Use: Vacant

Adjacent Land Use: North: Industrial
East: Residential
South: Commercial
West: Commercial

Adjacent Zoning: North: I-1, Industrial
East: R-12, Residential
South: C-2, Commercial
West: C-2, Commercial

Analysis:

The subject parcels consist of a vacant house located at 108 Nash Street and a vacant lot at 110 Nash Street. The subject property is recommended for Commercial land uses on the Future Land Use Map, as included in this report.

Definition: The commercial designation identifies areas of big box retail stores, restaurants, chain retail centers, and local retailers. This district is established to provide goods and services for the convenience of local residents. Section 5:6.1 Uses permitted allow for the following types of uses: Accountant

Air conditioning equipment, sales, and service

Airline or transportation ticket office

Ambulance service

Bakery

Bank or savings and loan

Café

Dental clinic

Department store

Toy store

Used car lot

Utility easement or right-of-way

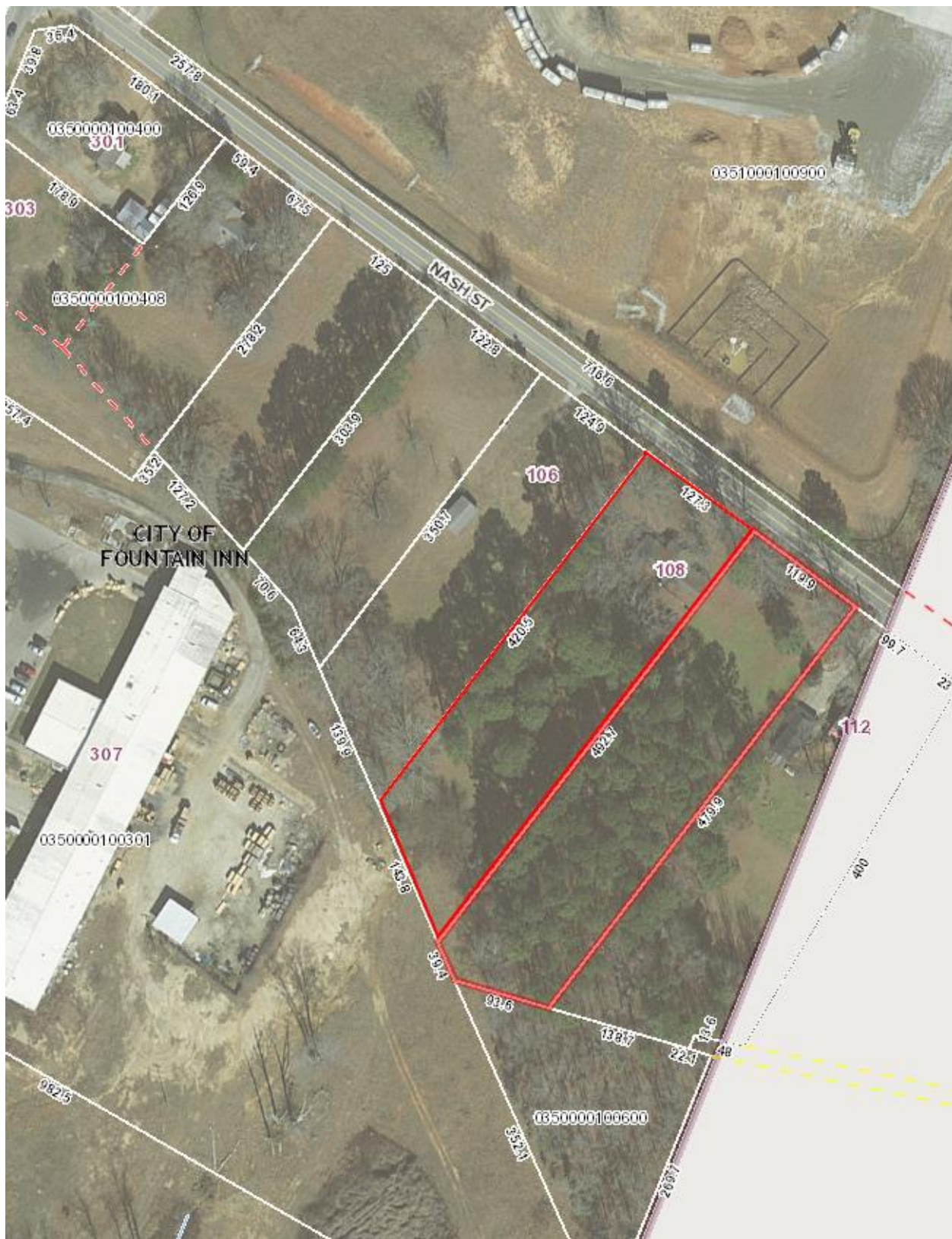
Veterinary clinic

Veterinary office

Accessory buildings and uses customarily incidental to the above uses

Refer to Fountain inn Zoning Ordinance for other uses which are compatible with the
aforementioned uses.

Aerial Map, parcel view (source: Greenville County GIS):



The map displays several land parcels with the following details:

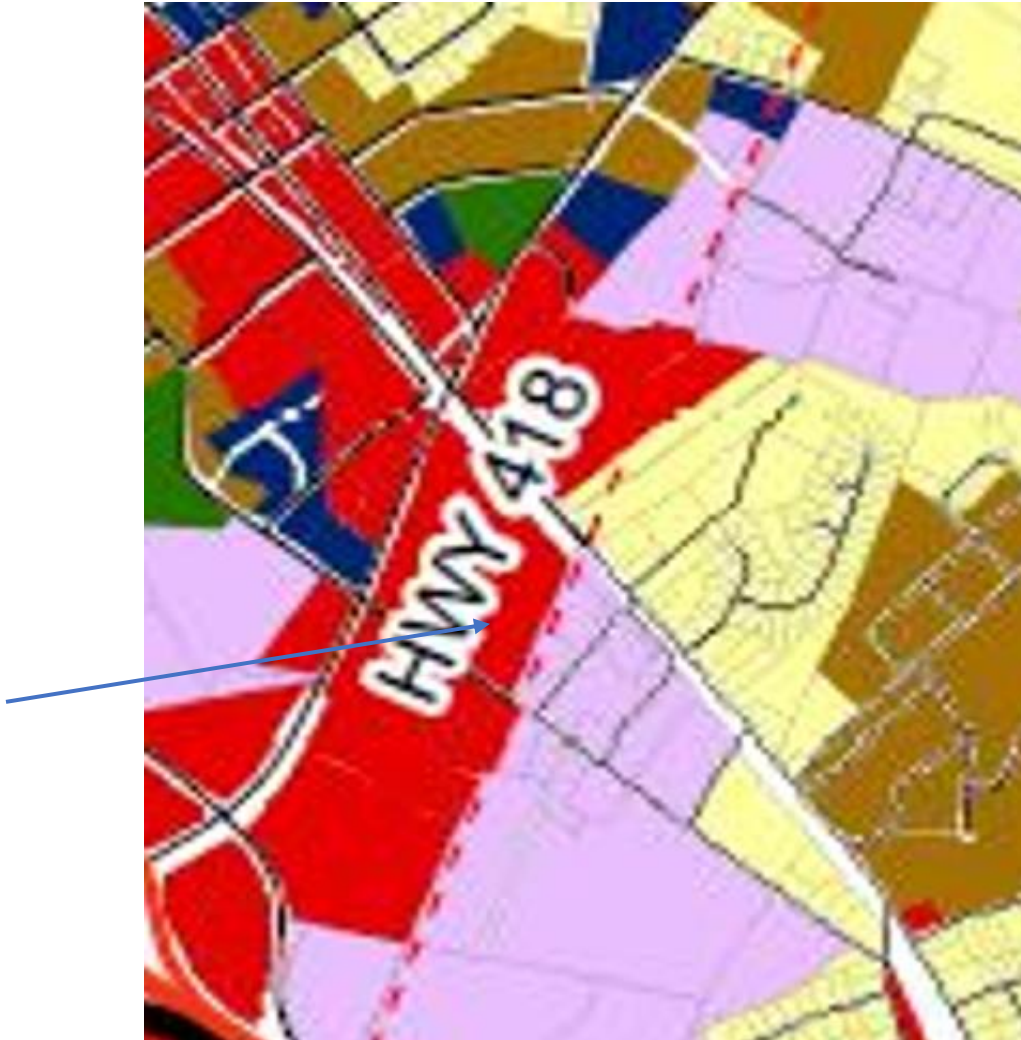
- Parcel 0350000100408:** A large pink parcel on the left side of the map.
- Parcel 0350000100301:** A large pink parcel at the bottom left.
- Parcel 0351000100900:** A large purple parcel at the top right.
- Parcel 0350000100301:** A yellow parcel at the top left.
- Parcel 0350000100301:** A yellow parcel at the bottom right, outlined in red.

Zoning designations are indicated by text labels:

- R-12:** Located in the yellow parcels at the top left and bottom right.
- C-2:** Located in the large pink parcel on the left.
- I-1:** Located in the purple parcels at the top right and bottom left.

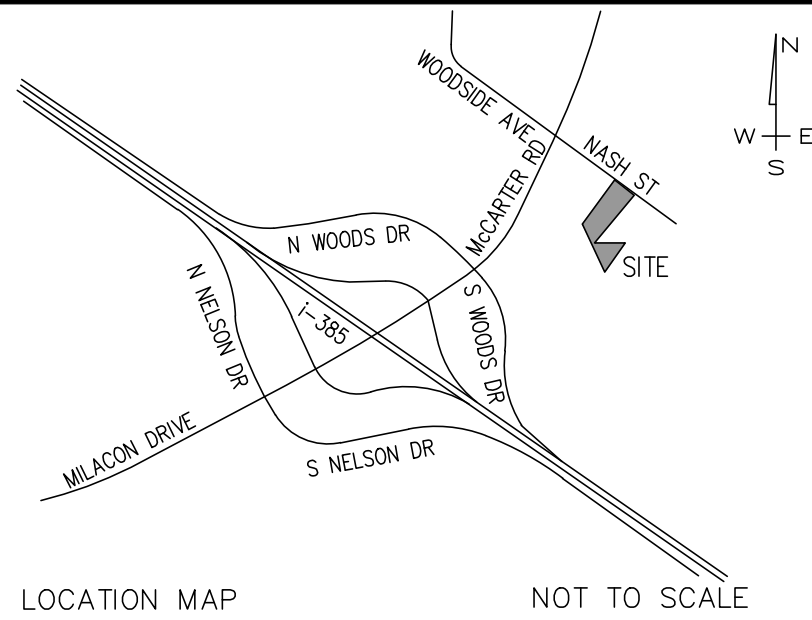
Other labels include "CITY OF FOUNTAIN INN" in the center and "NASH ST" along a diagonal road.

Future Land Use Map (Subject Area):



STAFF RECOMMENDATION: Approval for Rezoning from R-12 to C2.

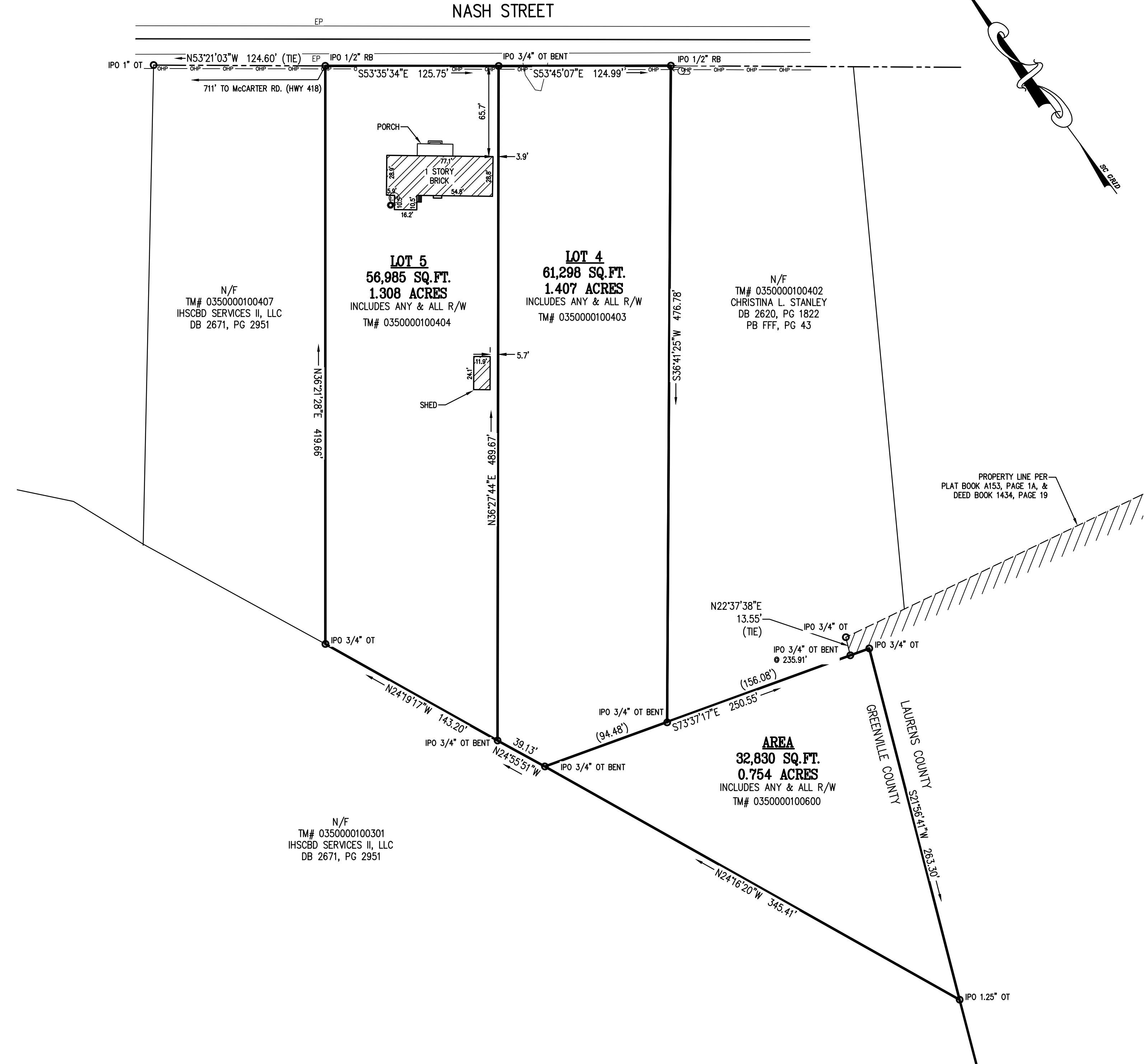
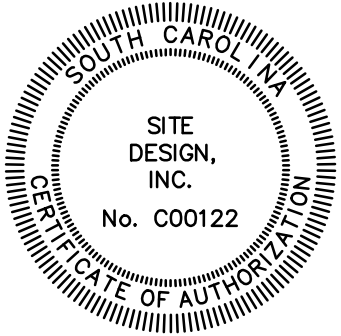
NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES;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



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

REFERENCES:
PB 48-F, PG 52
PB 1414, PG 15
PB 17-Z, PG 18

A. CLAY JONES, P.L.S.
S.C. REG. NO. 26210



LEGEND		
BL BUILDING LINE	CATV CABLE TV PEDESTAL	TC/BC TOP/BOTTOM CURB
CL CENTERLINE	TEL TELEPHONE PEDESTAL	TW/BW TOP/BOTTOM WALL
CMP CORRUGATED METAL PIPE	EM ELECTRIC METER	VCP VITRIFIED CLAY PIPE
CT CRIMP TOP	CB CATCH BASIN	WM WATER METER
DE DRAINAGE EASEMENT	DI DROP INLET	WV WATER VALVE
EP EDGE OF PAVEMENT	ELEC TRANS	WV CABLE TV
IPO IRON PIN OLD	ELEVATION	X FENCE LINE
IPS IRON PIN SET	FIRE HYDRANT	FOC FIBER OPTIC CABLE
N&C NAIL & CAP	GP GAS METER	GAS GAS LINE
OT OPEN TOP	GV GAS VALVE	OHP OVERHEAD POWER
RB REBAR	LP LIGHT POLE	OHT OVERHEAD TELEPHONE
R/W RIGHT OF WAY	PP POWER POLE	SD STORM DRAIN
SD STORM DRAIN	GP GUY ANCHOR	SS SANITARY SEWER
SS SANITARY SEWER	SDMH SD MANHOLE	UGP UNDERGROUND POWER
SSE SS EASEMENT	SSMH SS MANHOLE	UGT UNDERGROUND TEL
	TMH TELEPHONE MANHOLE	W WATER LINE
	CO CLEAN OUT	

SURVEY FOR
TELLUS, LLC
GREENVILLE COUNTY, SOUTH CAROLINA

SCALE 1"=50'	PROPERTY ADDRESS 108, 110 NASH STREET	TAX PIN AS NOTED
DATE 12/09/22	50 0 50 100	FIELD CREW ADM/WT
		DRAWN BY DKR

SITE DESIGN, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS
225 ROCKY CREEK ROAD, GREENVILLE, SC 29615
PH: (864)271-0496
www.sitedesign-inc.com

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☒ Ordinance/First Reading ☐ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023**Ordinance/Resolution Caption:** An Ordinance to Amend the Official Zoning Map of the City for the Purpose of Changing the Zoning Classification of the Property Described in this Ordinance (Fountainside Trail located at Speedway Drive).**Summary Background:** Z-2023-03 would rezone approximately 25.15 acres on Speedway Drive near Quillen Avenue from PD and R-15 to FRD, Flexible Review District. The adopted Future Land Use Map calls for high density residential and recreation use for this area, which is consistent with the proposed FRD.

The existing land use is vacant (wooded, wetlands, and floodplain). Surrounding land uses include single-family residential to the south and west, the National Guard Armory to the north, and a senior living facility to the east.

The Planning Commission voted unanimously to approve the rezoning request at the April 6 meeting, with the condition that an emergency access location be provided.

Impact If Denied: The subject property would remain zoned R-15, Residential District and PD, Planned Development.**Impact If Approved:** Up to 180 attached single-family residential units could be constructed on the subject site if rezoned as recommended.**Financial Impact:** Not applicable.

AN ORDINANCE

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF FOUNTAIN INN, SAID AMENDMENT FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN THIS ORDINANCE (FOUNTAINSIDE TRAIL LOCATED AT SPEEDWAY DRIVE).

WHEREAS, the City of Fountain Inn received a petition for re-zoning of the real property described herein; and

WHEREAS, The Fountain Inn Planning Commission conducted a public hearing on the re-zoning petition and after duly considered same and the receiving a staff report voted to approve the re-zoning request from R-15, Residential District and PD Planned Development to FRD, Flexible Review District;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina:

SECTION 1: That the real property referred to herein is described fully in Docket Number FI-2023-006 and is located on Speedway Drive (east of 155 Speedway Drive), containing approximately 25.15 acres Greenville County Tax Map 0354000100309 and a portion of 0354000100300, located in the City of Fountain Inn, South Carolina and more fully described on Exhibit A attached hereto and made a part hereof by reference.

SECTION 2. The Properties are hereby rezone R-15, Residential District and PD Planned Development to FRD, Flexible Review District.

SECTION 3. This Ordinance shall be effective upon second and final reading by the City Council.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2023.

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

APPROVED AS TO FORM:

Elizabeth Adams, City Clerk

Michael E. Kozlarek, Esq.
City Attorney

First Reading: _____, 2023

Second Reading / Final Approval: _____, 2023

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT DEPARTMENT STAFF
April 6, 2023**

DOCKET NUMBER: FI-2023-006 (rezoning)

APPLICANT/OWNERS: SkeMcC, LLC
For La Castalia Farm, Inc.

PROPERTY LOCATION: Speedway Drive (east of 155 Speedway Drive)

TAX MAP NUMBER: 0354000100309 and 0354000100300

ACREAGE: 25.15

EXISTING ZONING: R-15 Residential District and PD Planned Development

REQUESTED ZONING: FRD, Flexible Review District

Existing Land Use: Vacant

Adjacent Land Use: North: Institutional (National Guard Armory)
Residential (Senior housing and assisted living)
East: Residential single family
South: Residential single family
West: Residential
Institutional (Fountain Inn High School)

Adjacent Zoning: North: S-1 Services
PD Planned Development
East: PD Planned Development
R-15 Residential
South: R-15 Residential
West: R-12 Residential

Aerial Map 1 (source: Greenville County GIS):



Note: Current zoning for this parcel is R-15

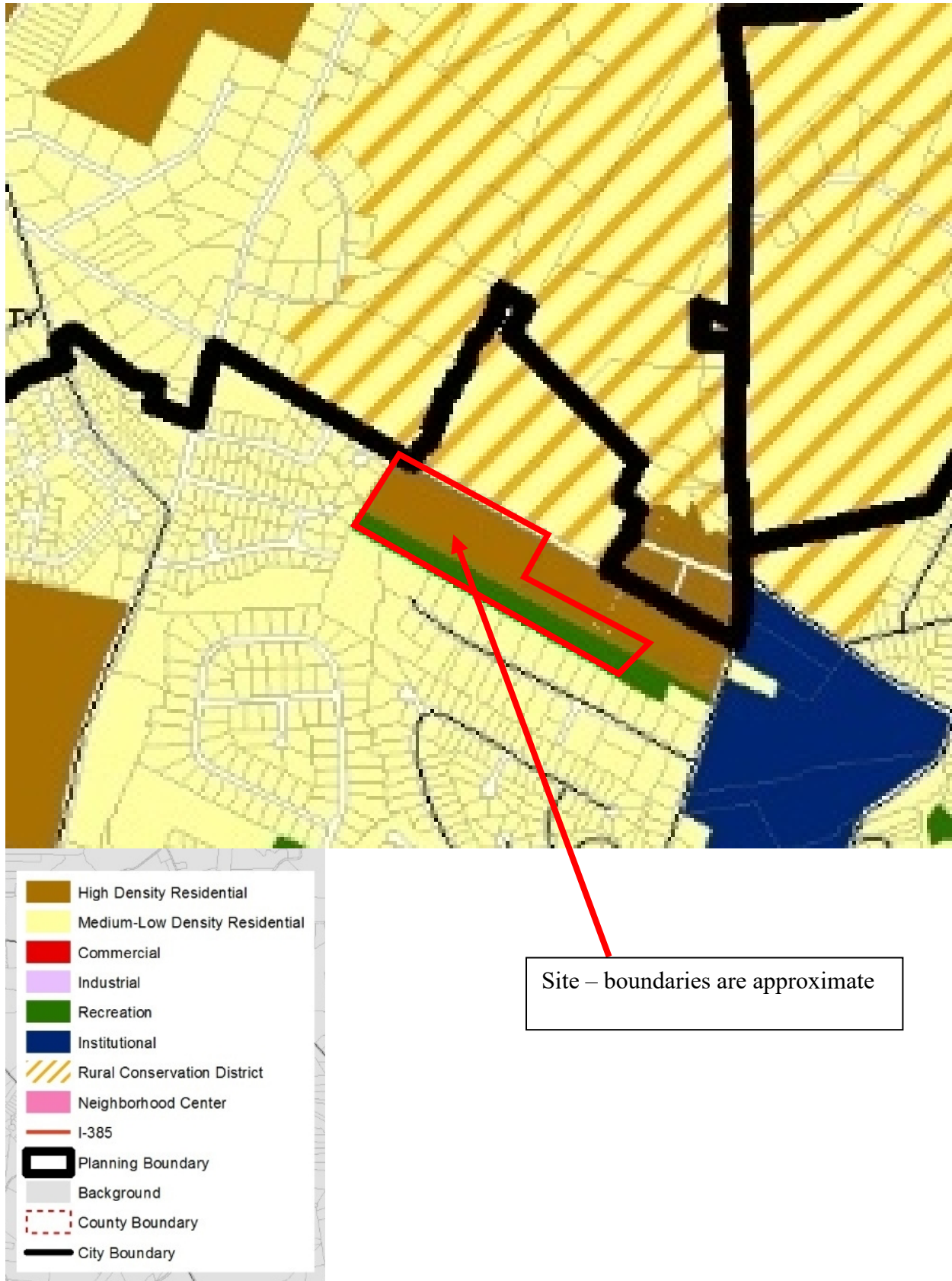
Aerial Map 2 (source: Greenville County GIS):



Note: Current zoning for this parcel is PD (Fountainside PD) and the western portion of the parcel would be removed from the PD district.

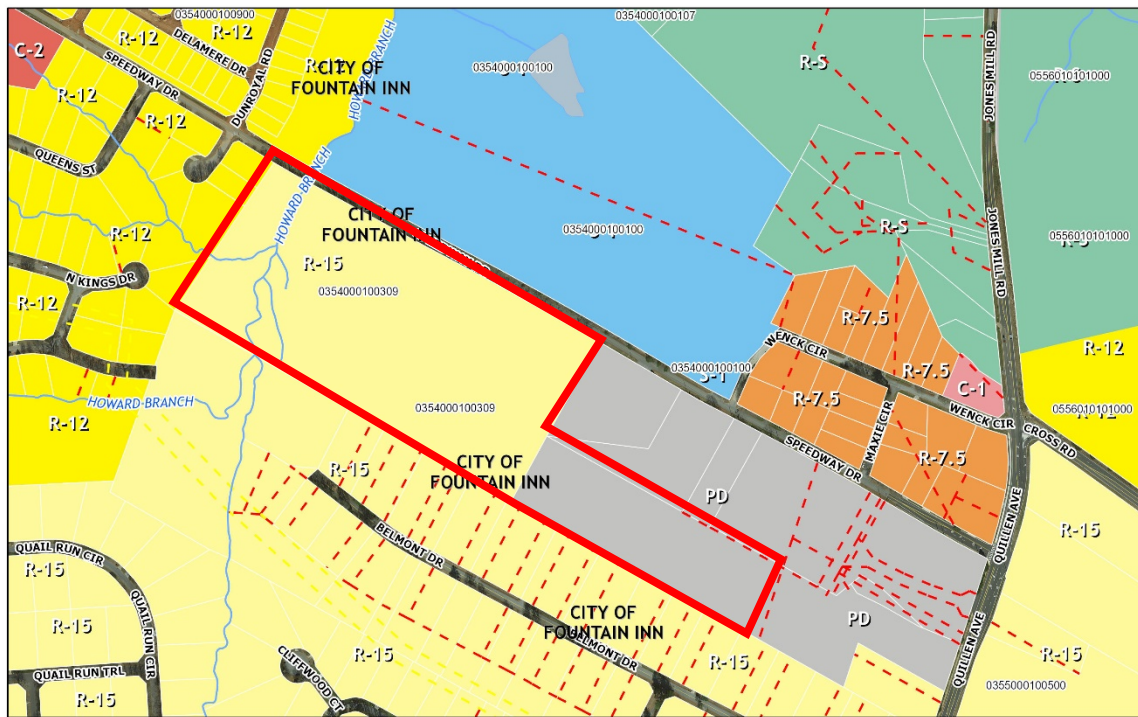
Approximate location of proposed
zoning boundary

Future Land Use Map:

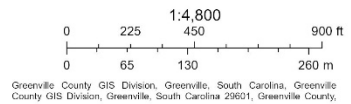


Zoning Map (Subject Area):

Greenville County, SC



March 28, 2023



Disclaimer: This Map is not a LAND SURVEY and is for reference purposes only. Data contained in this map are prepared for the inventory of Real Property found within this jurisdiction, and are compiled from recorded deeds, plats, and other public records.

Conceptual Rendering of Proposed Dwelling Units



View from the North of the site, facing South

ANALYSIS:

The subject property is located on Speedway Drive south of the National Guard Armory. Kings Court subdivision is to the east, Belmont Estates subdivision is to the south, Quillen Manor assisted and independent senior living and Sunset Village are to the north and west.

The existing conditions of the subject site are depicted in the Natural Resources Inventory in Appendix A of this report. The site is wooded and sloped, and is bisected by a network of creeks (Howard Branch and unnamed tributaries) and wetlands, which are identified by the label “Waters of the U.S” on the Natural Resources Inventory. The wetlands have been delineated and appropriate buffers are shown around the wetlands. The far western portion of the site is largely covered by 100-year floodplain.

This area has been identified for High Density Residential use and Recreation Use in the City’s Future Land Use Map in the 2017 Master Plan. The proposed development is consistent with the Future Land Use Map.

Current zoning of the property is R-15 and PD. If approved, a portion of the existing Fountainside Planned Development will be rezoned to FRD, Flexible Review District as indicated in Aerial Map 2 on page 3.

Adjacent zoning is R-15 Residential to the south, R-12 Residential to the east, S-1 Services to the north, and PD Planned Development to the north and west.

FRD zones are considered a design review district and the development layout must be approved by Planning Commission and City Council for the rezoning to be approved.

5:9.4.1. Intent. The intent of the FRD district is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

The applicant is proposing an attached single-family residential (townhouse) development of up to 180 units; however, the submitted Preliminary Development Plan (PDP) shows only 173 units. Overall density would be 7.2 units per acre if 180 units are built. The Statement of Intent (SOI) indicates that some units may be detached single family units, but no detached units are shown in the PDP. The SOI would allow the applicant to revise the plan to include detached units prior to approval of a Final Development Plan (FDP). Townhouses would be 2 or more bedrooms, at least 800 square feet, with 1 or more car garage. If detached single family units are included in the FDP, they would be at least 1,200 square feet, with 3 or more bedrooms, and 1 or more car garage. A conceptual rendering for the attached (townhouse) units is included in this report.

Approximately 11.1 acres of the site would remain as open space and natural area; much of the proposed open space is wetlands and bottomland hardwood forest. The developer has had discussions with Greenville County Parks and Recreation Department about a potential segment of recreational trail connecting through the development, as shown in the PDP. This trail segment

is only a proposed potential trail, and may or may not be built ultimately. The developer does not propose to build the trail as part of the development, it would be a future improvement by others.

Two points of access are proposed on Speedway Drive, subject to SCDOT approval. The proposed access plan provides two points of access for approximately 50 of the proposed units. The remaining units essentially have only one point of vehicular access. A “potential emergency accessway” is identified that would provide access to a potential parking lot in the Fountainside PD development to the north. Staff’s review suggests that an alternative location for the emergency accessway would be at the far eastern end of the development, between lots 69 and 70, as this connects to property that is currently under the same ownership as the proposed development. Without an emergency access point, up to 150 lots could be cut off from emergency services by natural disaster, house fire, vehicle crash, or utility failures/repairs on the single access road for these dwellings.

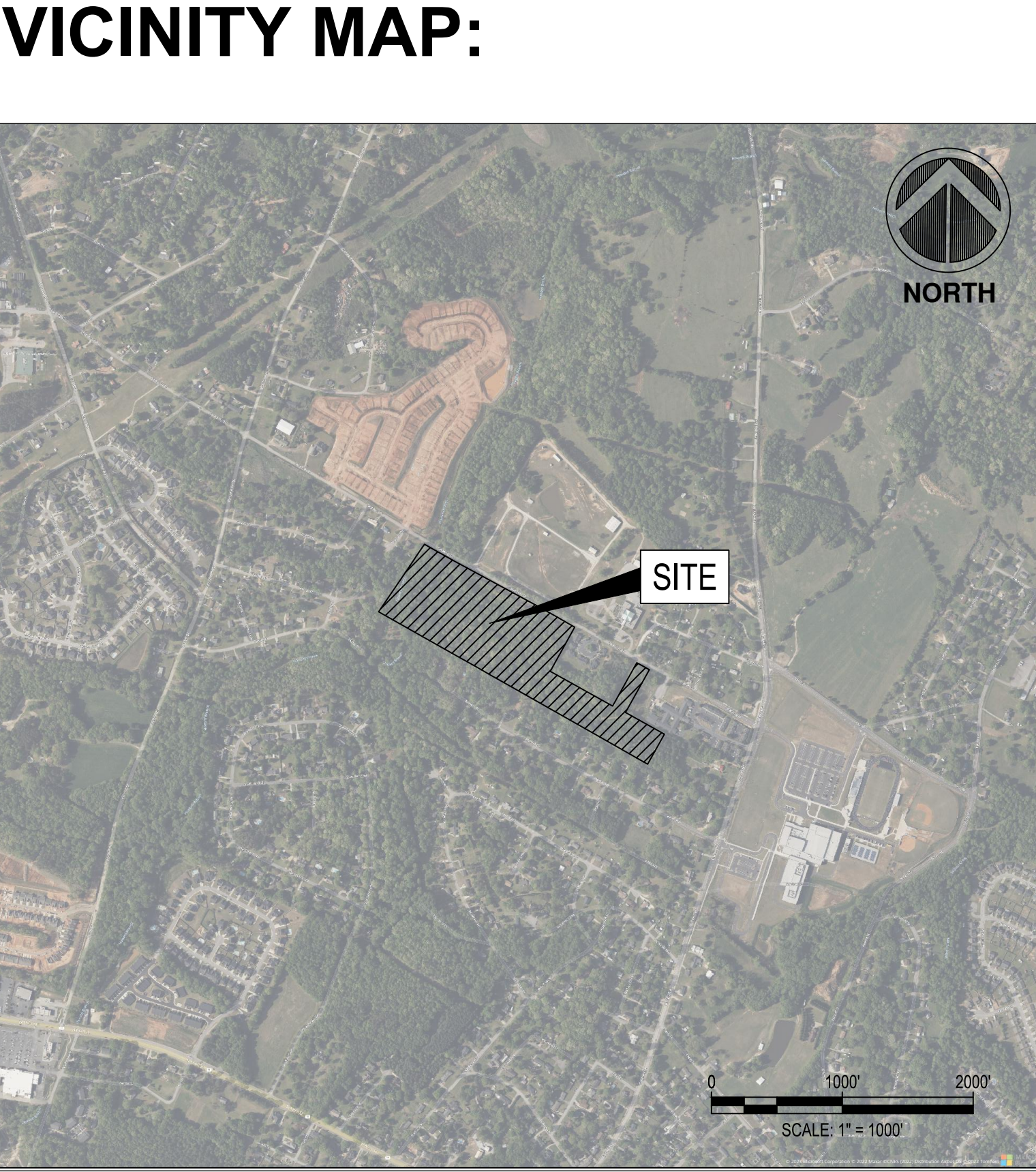
Sidewalks are proposed throughout the development and connect to Speedway Drive. No sidewalk is proposed on Speedway Drive. Fountain Inn High School is approximately 1,700 feet (about 1/3 of a mile) east along Speedway Drive, about an 8 minute walk. There are no existing sidewalks on Speedway Drive between the proposed development and the high school.

A Property Owner’s Association (POA) would be established and would be responsible for maintenance of common areas.

The Preliminary Development Plan identifies appropriate buffer yards as required by Section 5:11 of the City’s zoning ordinance.

STAFF RECOMMENDATION: Approval of the requested FRD, Flexible Review District zoning, as described by the Preliminary Development Plan and the Statement of Intent, with the condition that an emergency accessway must be provided in the eastern portion of the site, either as shown on the PDP between lots 54 and 55, or between lots 69 and 70 and connecting to and through the remainder of one of the subject parcels (that portion which is not part of this rezoning request but would remain in the Fountainside PD) located to the east on Quillen Avenue.

Appendix A – Statement of Intent, Preliminary Development Plan, and Natural Resources Inventory



USE TYPE AND ACREAGE			
ZONE 1	SINGLE-FAMILY RESIDENTIAL (ATTACHED OR DETACHED) ±180 UNITS, 800-1,400-SF		±14.08-ACRES
ZONE 2	RECREATION / OPEN SPACE		±11.07-ACRES
TOTAL	DEVELOPMENT		±25.15-ACRES

DENSITY OF AREAS			
AREA	MAX. UNITS	ACREAGE	DENSITY
ZONE 1	180	±14.08-ACRES	12.78
ZONE 2	0	±11.07-ACRES	0
TOTAL	180	±25.15-ACRES	7.16

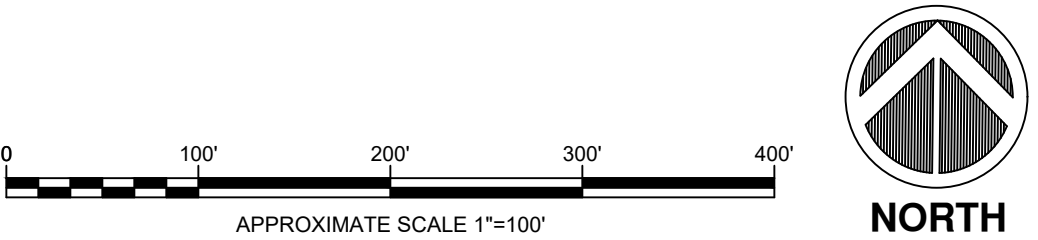
PARKING REQUIREMENTS		
ZONE 1	2 PER UNIT	RESIDENTIAL
ZONE 2	N/A	RECREATION

NOTES:

- 1. SITE BOUNDARY, TOPOGRAPHY, WETLAND BOUNDARY AND FLOODPLAIN INFORMATION WAS OBTAINED FROM SURVEY BY 3D LAND SURVEYING DATED 07/28/18 AND GREENVILLE COUNTY GIS.
- 2. ELEVATION DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- 3. HORIZONTAL DATUM: SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM OF 1983 BASED ON INTERNATIONAL FEET (SC83IF).

****CAUTION****

ALL INFORMATION SHOWN HAS BEEN LOCATED BY OTHERS. CIVIL INSIGHTS HAS NOT PHYSICALLY LOCATED THE PROPERTY BOUNDARIES OR FLOODPLAINS AND MAKES NO GUARANTEE THAT THE INFORMATION SHOWN COMPRISE ALL SUCH ITEMS IN THE AREA. CIVIL INSIGHTS FURTHER DOES NOT WARRANT THAT THE BOUNDARIES OR FLOODPLAINS ARE IN THE LOCATION INDICATED, ALTHOUGH CIVIL INSIGHTS DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.



No.	Revision	By	Date
C	ISSUED FOR INFORMATION	SMP	27/MAR/23
B	ISSUED FOR INFORMATION	SMP	22/MAR/23
A	ISSUED FOR INFORMATION	SMP	13/MAR/23

PRELIMINARY



CIVILINSIGHTS
CONSULTING ENGINEERS

CIVIL INSIGHTS, INC.
PO BOX 441202
Kennesaw, Georgia 30160
Phone: (404) 554-5285 • fax: (855) 444-6899
website: www.civilinsights.com

Consulting Engineering • Land Planning • Infrastructure

FOUNTAINSIDE TRAIL
SPEEDWAY DRIVE
FOUNTAIN INN, SOUTH CAROLINA

Job No.:	SPD2301
Date:	06MAR23
Drawn:	SMP
Designed:	SMP
Reviewed:	TSMP
Approved:	TSMP
Scale:	AS NOTED

CV-EXH-0001

Development Plan

(Please use this document as the format for the pre-application conference and for the final submittal of the rezoning application)

FOUNTAINSIDE TRAIL FRD - REVISED

1. Property Owner: La Castalia Farm, Inc,
Address: PO Box 561, Fountain Inn SC, 29644
Telephone Number: 864-561-2348

2. Applicant: SkeMcC, LLC
Name: Jamie McCutchen
Address: PO Box 8346, Greenville, SC 29604
Telephone Number: 864-313-4619
Email: jamie@redoakdevelopers.com

3. Date: March 25, 2023

4. Signature: _____

A handwritten signature in black ink, appearing to read 'J D McCutchen', is written over a horizontal line.

1) Preliminary Development Plan - The applicant shall submit a digital version and also reproducible vellum of the proposed FRD which shall include the following:

- ___ a) A boundary survey with vicinity map, title block, scale, and north arrow.
- ___ b) Total number of acres of the overall site.
- ___ c) Location and orientation of existing and proposed buildings, number of residential use by type, square footage of non-residential uses.
- ___ d) Primary traffic circulation pattern, including external and internal points of ingress and egress.
- ___ e) Location of parking areas and approximate number of parking spaces for use.
- ___ f) Any such information or descriptions as may be deemed reasonably appropriate for review.

2) Statement of Intent — The applicant shall submit three copies of a report setting forth the characteristics of the proposed FRD including the following: .

- ___ a) A description of the procedures of any proposed homeowners association or other group maintenance agreement.

A Property Owners Association, POA, will be established for Zones I and II. Zone 3 may be part of the same POA or a different POA. The association will address the specific needs of the project and will be responsible for maintenance of any entrances, including maintenance of signage, lighting, stormwater management and landscaping. It is the intent of this project to be served by a common stormwater management system.

- ___ b) A statement setting forth the proposed development schedule.

This statement is intended to describe in detail the proposed FRD of the approximately 25.15 acres on the south side of Speedway Drive, identified as TMS # 0354000100309 and a portion of 0354000100300 (the "Project"). The Project includes a portion of the current Planned Development known as Fountainside. This Statement of Intent will supersede previous zoning.

Development of the Project is expected to begin shortly after permits are acquired, which is anticipated to take 6 to 9 months after zoning approval. The primary circulation within the Project will be new public roads as shown on the Preliminary Development Plan. The project will have a primary entrance on Speedway Drive. It will have a secondary entrance that will be determined during the final design and may be an additional full access on Speedway Drive, or emergency only access on Speedway Drive. It may also be provided as an emergency access through the adjoining apartment development. There are several options for the secondary entrance, however the site engineering needs to be further along to determine the best option. Options for this are shown on the Preliminary Development Plan.

Fountainside Trail FRD

Statement of Intent

Page 2

Currently one parcel is approximately 8 acres and zoned PD (Planned Development) and one parcel is approximately 19.3 acres and zoned R-15. This FRD will incorporate the R-15 parcel and revise the existing PD as described herein. The limits of each zone are shown on the accompanying Preliminary Development Plan and are described as follows:

ZONE I

Zone I is approximately 14.1 acres in size and will be developed as residential. The residential development will be primarily single-family attached (townhomes) or single-family detached (homes). A maximum of 180 units will be allowed on Zone 1. A minimum of 2 parking spaces will be provided for each unit.

A perimeter setback of 25' from Speedway Drive and perimeter boundaries will be provided. As no interior setbacks are required within the PD, no other setbacks are provided.

The stormwater management system will be designed to meet and exceed state and local regulations and may incorporate low impact design standards, if practical. The POA will maintain this system.

Engineering and Architectural drawings and appropriate permits will be pursued prior to development.

ZONE II

Zone II is approximately 11.1 acres in size and will remain as open space and natural areas, except for walking trails, Swamp Rabbit Trail and necessary utilities. Zone II may include stormwater management features. We are currently coordinating with Greenville County and City of Fountain Inn on how to incorporate a Swamp Rabbit Trail extension through the property. One possibility is shown on the Preliminary Development Plan, however, that may be modified based upon County and City input.

The maximum overall density of the project will be 180 units (7.2 units/acre).

____ A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements. .

Improvements will include construction of new roads to serve Zone I and extension of utilities as required for the development. We are also working with Greenville County and the City of Fountain Inn to plan for a portion of the Swamp Rabbit Trail to run through the property, including through Zone II. The Swamp Rabbit Trail will be dedicated for public use.

____ c) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed FRD.

Public utilities are available to the Project and will be utilized as needed. Utility letters confirming capacity for the project were previously obtained. Updated utility letters have been provided by Greenville Water and the City of Fountain Inn and are provided for reference. We are currently waiting on RE-WA confirmation of sewer capacity and will provide that to the City upon receipt.

- ___ d) A statement describing the architectural style, appearance and orientation of proposed buildings.

The townhomes and/or homes will be of a traditional style. Attached townhomes will be a minimum of 2 bedrooms and 800 SF. Detached homes will be a minimum of 3 bedrooms and 1200 SF. All townhomes and homes will have a minimum 1 car garage.

An example of the architectural style is provided with this Statement of Intent. Architectural style will be further developed as the project progresses. This sample is intended to be a general representation of the architectural style of the buildings.

- ___ e) A statement describing the landscaping and screening of proposed project.

Where landscape berms are utilized, they will vary in height and width to provide a more natural effect.

Landscape buffers will be provided as required to comply with Section 5:11 of the Zoning Ordinance and will be landscaped with Large Canopy Trees, deciduous trees and shrubs with groundcovers consisting of grasses and mulches. Additional landscaping will be provided within Zones I, including a minimum of one – 2” caliper tree per lot in Zone I. The Property Owners Associations will be responsible for the maintenance of their respective zones.

The buffer along existing creeks and streams will remain in its natural state. Additional landscaping will be added as needed to provide adequate screening for the Project.

- ___ f) A statement describing the maintenance and screening of any proposed pond, lake, or retention pond contained in the development.

Detention ponds and the storm water management systems will be designed to provide positive drainage for the entire Project. Any ponds will be either fenced or landscaped as appropriate for the situation and will comply with Section 5:11:7 of the Zoning Ordinance.

- ___ g) A statement describing pedestrian access and circulation throughout the project.

All proposed streets and parking areas will be engineered and constructed in accordance with City of Fountain Inn Regulations. Sidewalks and walking trails will be provided and will connect to existing sidewalks where practical. The community will include a mix of sidewalks and walking trails to provide for pedestrian access, exercise areas and to facilitate the walkability of the Project. The walking trails will work with Greenville County and City of Fountain Inn to incorporate room for the Swamp Rabbit Trail through the project.

Currently, there are plans to extend the Swamp Rabbit Trail within or adjacent to the Project and we will work to connect the community to the proposed trail.

Date: February 28, 2023

To: Mayors, Managers, Administrators, Clerks and
Local Revenue Service Contacts

From: Caitlin Cothran, Manager for Local Revenue Services

Re: Ordinance, Agreement, and Supplement for Local Revenue Service Programs
PROMPT ACTION REQUIRED

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- There are THREE attachments to this memo: (1) an ordinance to participate in Local Revenue Services, (2) an intergovernmental agreement for the programs, and (3) a program participant supplement by which a municipality elects which programs to join.
- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023**. We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccothran@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

**AN ORDINANCE
2023-2**

AUTHORIZING AND DIRECTING THE CITY OF FOUNTAIN INN, SOUTH CAROLINA TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

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

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in ITP, BTP, and TTP;

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

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2023-2 on May 11, 2023, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the City of Fountain Inn Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Fountain Inn of the City of Fountain Inn as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The City Administrator, or his or her designee (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the ITP, the BTP, and the TTP. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is

located based on the same premium.

- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, “gross premiums” shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the “Brokers Act”) establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker’s premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.

- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide

Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20 ____.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ A.D., 20____, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the “Appeals Board”). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association (“BLOA”) shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
- (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

CITY OF FOUNTAIN INN, SOUTH CAROLINA

Name:

Title:

ATTEST:

Name:

Title: Clerk of the City of Fountain Inn, SC

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the City of Fountain Inn, South Carolina (the “Municipality”) has applied for and been approved to participate in South Carolina Local Revenue Services (“LRS”);

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the “Agreement”) by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the “Brokers Insurance Statute”), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the City of Fountain Inn, South Carolina (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

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Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

CITY OF FOUNTAIN INN, SOUTH CAROLINA

Name:

Title:

ATTEST:

Name:

Title: City of Fountain Inn, Municipal Clerk

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-3**

**AMENDING CHAPTER 11, ARTICLE II, SECTION 11-42 OF THE CITY
CODE TO PROVIDE FOR A FRANCHISE FEE FOR CABLE SERVICE
PROVIDERS; AND PROVIDING FOR OTHER RELATED MATTERS.**

WHEREAS, the City Council has determined that it is in the City's best interest, as provided by State law, including the South Carolina Competitive Cable Services Act, enacted as Act 288 of 2006, effective May 23, 2006, to set a franchise fee rate for the City at the maximum amount allowable by law for any cable service provider at the expiration of any existing franchise with the City or at termination by the cable service provider of an existing franchise with the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council, duly assembled, based on the information described in the recitals above and the information contained below:

1. Chapter 11, Article II, section 11-42(b) of the City Code is amended by striking the subitem in its entirety and inserting the following:

Except as otherwise provided in this section, the annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. A franchise fee rate of the maximum amount allowable by law, which is, as of the enactment of this subitem, 5% of the gross revenues derived from the operation of a cable system to provide cable service, as defined in Article 3, Chapter 12 of Title 58 of the South Carolina Code, is imposed for all cable service providers. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement. Notwithstanding any provisions of the expired or terminated franchise, the City, in the event of expiration or termination of a franchise, reserves all rights to impose on the service provider all *ad valorem* taxes, service fees, sales tax, or other taxes and fees lawfully imposed or to be imposed on other businesses in the City.

2. The maximum franchise fee rate allowed by controlling law shall apply to the applicant's provision of cable or video service in the City. The City reserves all rights to impose on the applicant all *ad valorem* taxes, service fees, sales tax, or other taxes and/or fees lawfully imposed or to be imposed on other businesses in the City.

3. The City reserves to itself all rights under the Constitution of the State of South Carolina, specifically Article 8 section 15, and under State law, specifically the South Carolina Competitive Cable Services Act, and under any superseding Federal law.

4. The Mayor, and the City Clerk, for and on behalf of the City, are each authorized and directed to do any and all things reasonably necessary and prudent to effect this Ordinance's intent.

5. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

6. The amendment provided in this Ordinance shall be codified as part of the Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as amended, or as otherwise provided as part of the City's next re-codification.

This Ordinance is effective immediately on enactment by City Council.

[ONE SIGNATURE PAGE FOLLOWS]
[REMAINDER OF PAGE INTENTIONALLY BLANK]

CITY OF FOUNTAIN INN, SOUTH CAROLINA

George Patrick McLeer, Jr., Mayor

[CITY SEAL]

ATTEST:

Elizabeth Adams, City Clerk

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
King Kozlarek Law LLC

First Reading: April 13, 2023
Second Reading / Final Approval: May 11, 2023

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

To: Mayor and Members of City Council
From: Shawn M. Bell, City Administrator

April 13, 2023

Regular City Council Meeting

☒ Ordinance/First Reading ☐ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** April 13, 2023**Ordinance/Resolution Caption:**

An Ordinance to Provide for the Amendment of the Official Zoning Map of the City of Fountain Inn; and Various Matters Related Thereto.

Summary Background:

Z 2022-010 would (technically) rezone 24.22 acres TMS# 0555010101603 from PD, Planned Development to PD, Planned Development, Major Change. The zoning would remain in the Eagle Springs Planned Development but would amend the preliminary layout to allow two single-family homes to be constructed on the parcel.

The previously approved development plan from 2008 showed 20+ houses to be constructed on this tax parcel along Fairway Forest Drive; this amendment supersedes that layout. It DOES NOT automatically result in a lower density in Zone #3 of the PD; density would simply be shifted to other locations and remain at 174 potential homes.

For this reason, staff in precaution would qualify this as a Major Change for Planning Commission consideration:

5:9.1.8. Changes to Planned Development Districts. Changes to a proposed Planned Development district or to an approved Planned Development district may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

- any change which the Zoning Administrator determines would significantly alter the character of the PD

The Planning Commission voted in favor of the change in a 5-0 vote in favor at the October 4, 2022 meeting.

Gary Jones spoke as applicant. He stated he wants to subdivide the existing parcel in two for a house for himself and his daughter, not affect the Planned Development or remaining golf course in any significant way.

This does not include any portions of Zone #3 included in the 2021 Eagle Springs Planned Development zoning case. Neighborhood residents were in attendance but not spoke in opposition.

Impact If Denied:

The parcel would remain under the current PD zoning but the Development Plan would reflect building a major subdivision with access off Fairway Forest Drive.

Impact If Approved:

The parcel would remain under the current PD zoning but the Development Plan would a simple plat subdivision (one lot to two) with access off Fairway Forest Drive. No other units could be constructed on the current parcel.

Financial Impact:

The number of units proposed for Eagle Springs Planned Development would remain the same. Two custom homes would generate some revenue for the City. There is no anticipated future development on Carolina Springs Golf Course.

AN ORDINANCE

AN ORDINANCE TO AMEND THE OFFICAL ZONING MAP OF FOUNTAIN INN, SAID AMENDMENT BEING FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY HEREIN DESCRIBED.

WHEREAS, the City of Fountain Inn received a petition for re-zoning of the real property described herein; and

WHEREAS, The Fountain Inn Planning Commission conducted a public hearing on the re-zoning petition and after having duly considered same and the receiving a staff report voted to approve the re-zoning request from PD, Planned Development District to PD-MC, Major Change;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina:

SECTION 1: That the real property referred to herein is described fully in Docket Number FI-2022-031 and is on Fairway Forest Drive containing approximately 24.22 acres, Greenville County Tax Map 0555010101603, located in the City of Fountain Inn, South Carolina and more fully described on Exhibit A attached hereto and made a part hereof by reference.

SECTION 2: The Properties are hereby rezoned PD, Planned Development District to PD, Planned Development District, Major Change.

SECTION 3: This Ordinance shall be effective upon second and final reading by the City Council.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2022.

SIGNATURE OF MAYOR:

George Patrick McLeer

ATTEST:

APPROVED AS TO FORM:

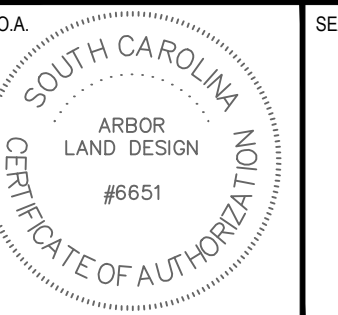
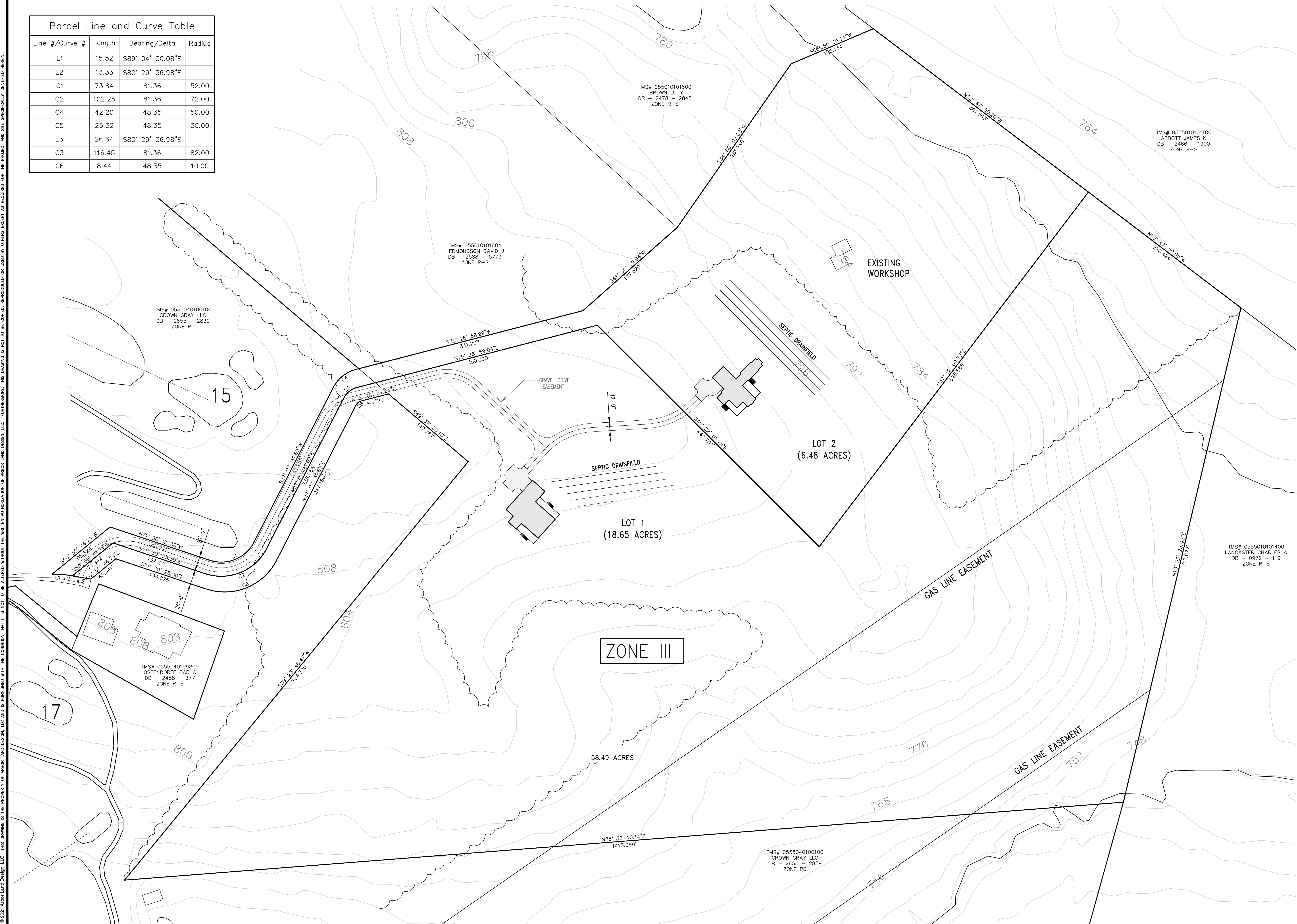
Sandra H. Woods
City Clerk

Michael E. Kozlarek
City Attorney

FIRST READING: _____

SECOND READING: _____

Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
L1	15.52	S89° 04' 00.08"E	
L2	13.33	S80° 29' 36.98"E	
C1	73.84	81.36	52.00
C2	102.25	81.36	72.00
C4	42.20	48.35	50.00
C5	25.32	48.35	30.00
L3	26.64	S80° 29' 36.98"E	
C3	116.45	81.36	82.00
C6	8.44	48.35	10.00

[illegible]

LEGEND

EAGLE SPRINGS PLANNED DEVELOPMENT

FOUNTAIN INN SOUTH CAROLINA

JONES
RESIDENTIAL PROPERTY
ZONE III

AWN:	JD3	DATE:	AUGUST 9, 2022
SIGN:	JD3	HORIZONTAL SCALE:	1"=60'
PROVED:	JD3	VERTICAL SCALE:	N/A

GRAPHIC SCALE
60' 0' 60' 120'
SCALE: 1"=60'

B NO. 20046

DRAWING NO.	SHEET NO.
EDD-1	

FDP-1 1 OF 2Page 134

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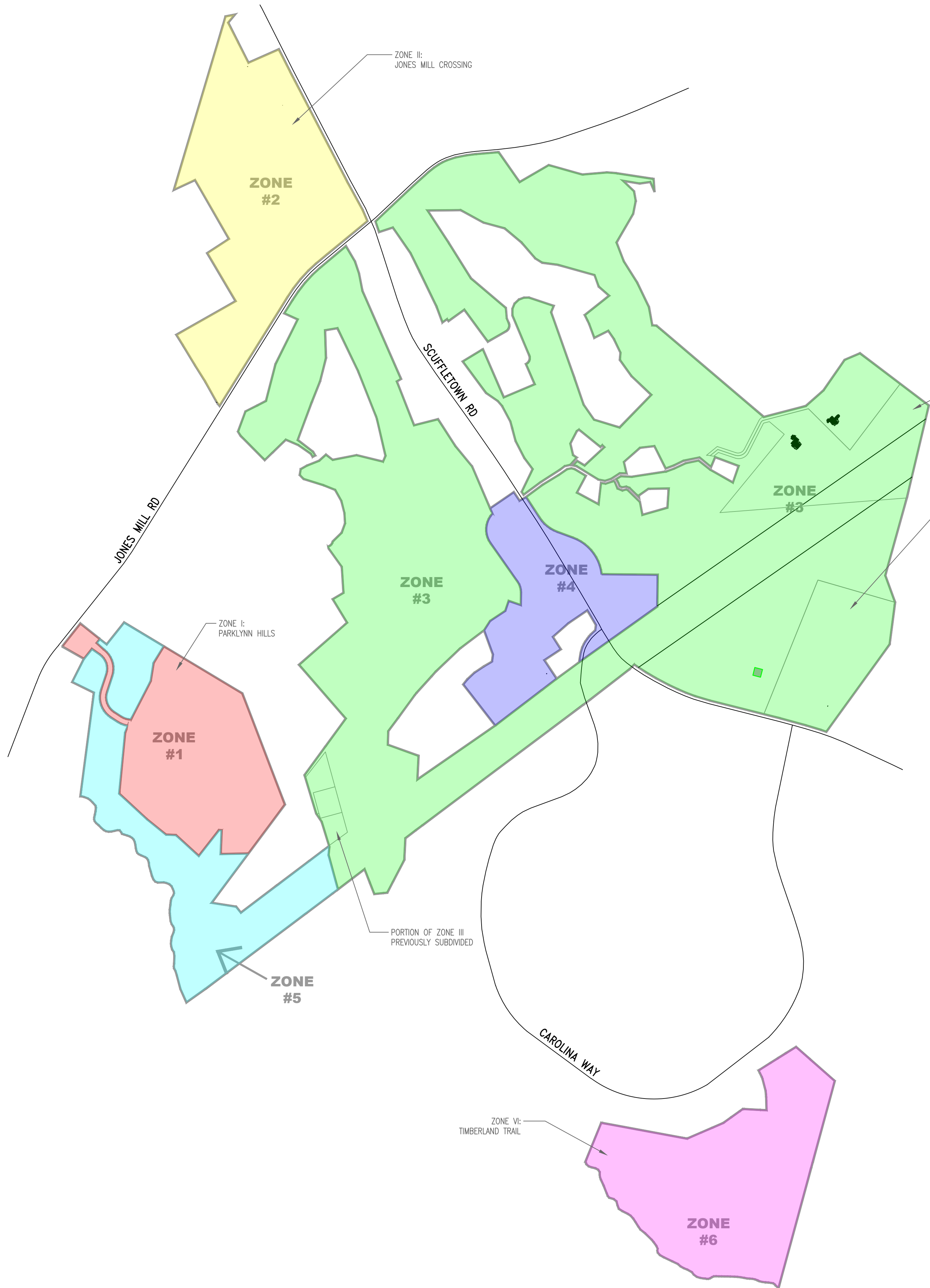


TABLE 1.1 LOCATION AND ACREAGE OF VARIOUS USE TYPES			
ZONE I	31.01± Ac.	SINGLE FAMILY ESTATE HOMES 2,000 sf min. - 3-4 BEDROOMS	
ZONE II	45.89± Ac.	SINGLE FAMILY DETACHED HOMES 1500 sf min. - 3-4 BEDROOMS	
ZONE III	271.20± Ac.	SINGLE FAMILY ATTACHED/DETACHED HOMES 1200 sf min. - 3-4 BEDROOMS	
ZONE IV	25.11± Ac.	MIXED USE VILLAGE CENTER 1200 sf min. ATTACHED/DETACHED HOMES	
ZONE V	31.48± Ac.	OPEN SPACE	
ZONE VI	40.96± AC.	SINGLE FAMILY DETACHED HOMES 1500 sf min. - 3-4 BEDROOMS	

TABLE 1.2 PARKING AVAILABLE FOR EACH ZONE		
ZONE I	2 PER UNIT	RESIDENTIAL
ZONE II	2 PER UNIT	RESIDENTIAL
ZONE III	2 PER UNIT	GOLF COMMUNITY
ZONE IV	TO MEET FOUNTAIN INN STANDARDS	MIXED USE VILLAGE CENTER
ZONE V	0	OPEN SPACE
ZONE VI	2 PER UNIT	RESIDENTIAL

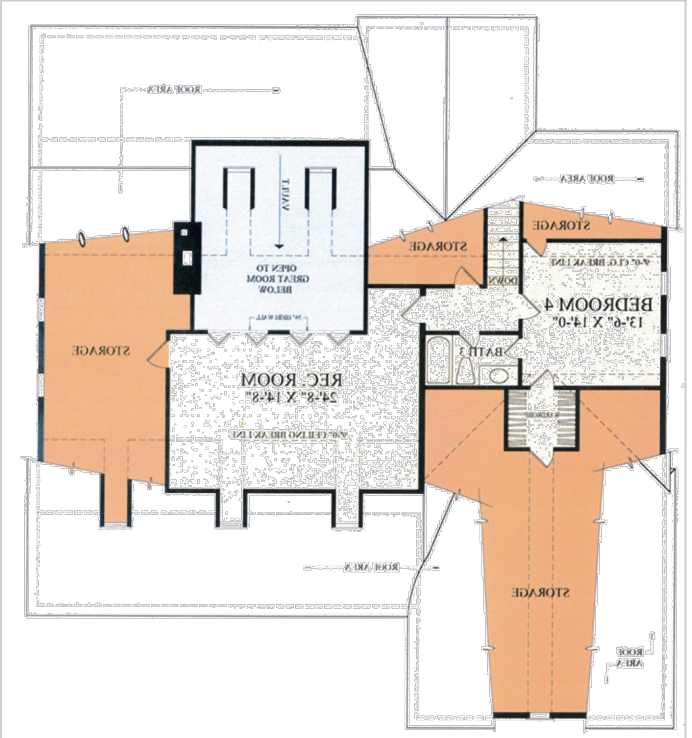
TABLE 1.3 DENSITY OF RESIDENTIAL AREAS				
	UNITS	ACREAGE	DENSITY	UNITS USED
ZONE I	90	31.01± Ac.	2.90	90
ZONE II	136	45.89± Ac.	2.96	136
ZONE III	174	271.20± Ac.	0.64	5
ZONE IV	50	25.11± Ac.	1.99	0
ZONE V	0	31.48± Ac.	0	0
ZONE VI	64	40.96± Ac.	1.56	64
TOTAL	514	445.65± Ac.	1.15	295



HOUSE 1 ELEVATION (NTS)



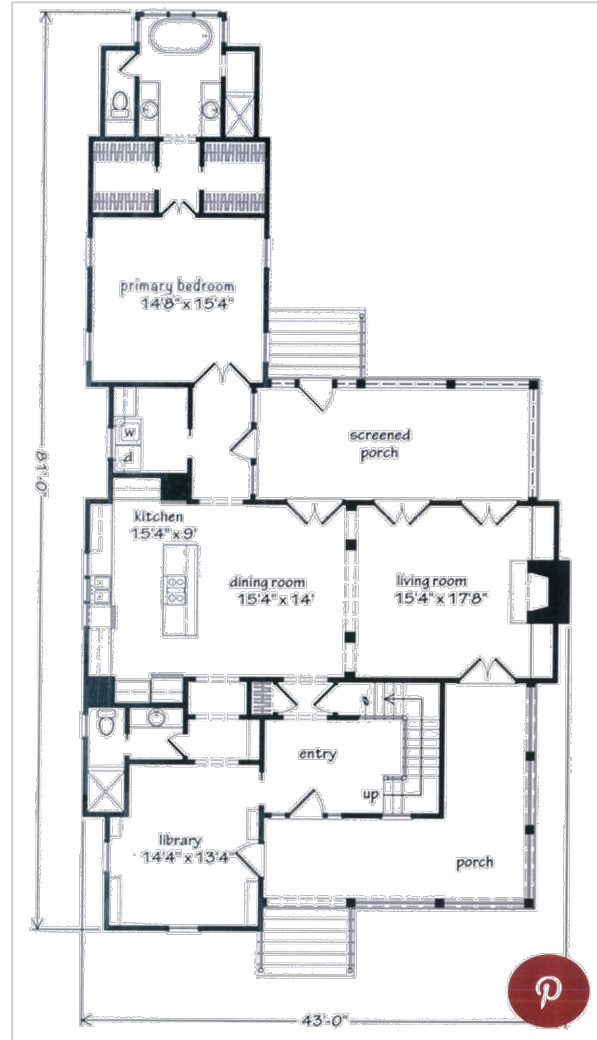
HOUSE 1 FIRST FLOOR PLAN (NTS)



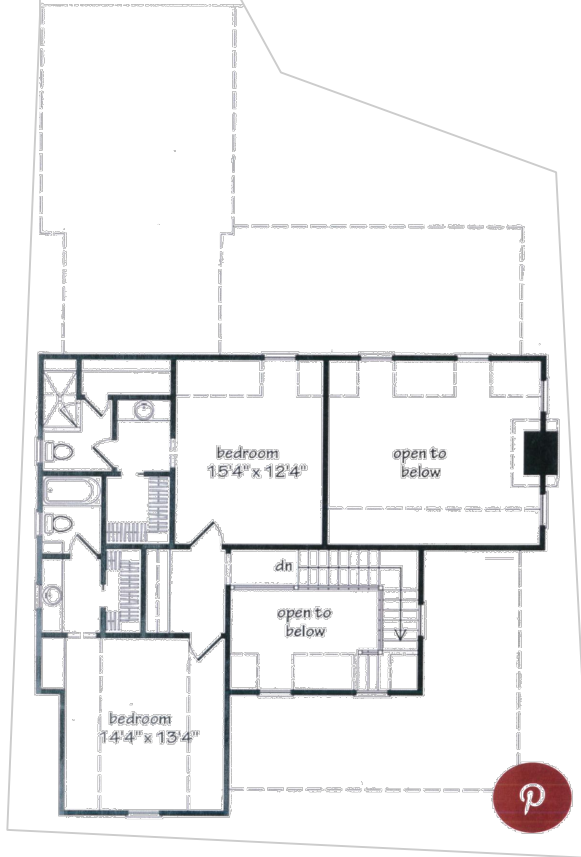
HOUSE 1 SECOND FLOOR PLAN (NTS)



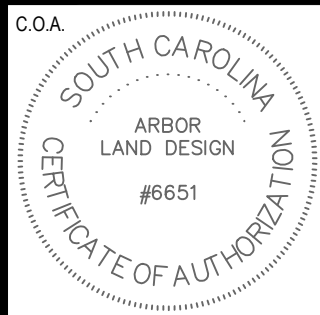
HOUSE 2 ELEVATION (NTS)



HOUSE 2 FIRST FLOOR PLAN (NTS)



HOUSE 2 SECOND FLOOR PLAN (NTS)



REVISIONS			
NO.	DATE	DESCRIPTION	BY

LEGEND	

EAGLE SPRINGS
PLANNED
DEVELOPMENT

FOUNTAIN INN SOUTH CAROLINA

JONES
RESIDENTIAL PROPERTY
ZONE III

DRAWN: JD3 DATE: AUGUST 9, 2022

DESIGN: JD3 HORIZONTAL SCALE: 1"=60'

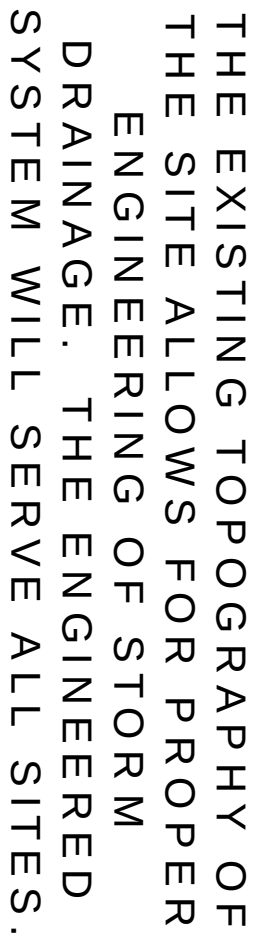
APPROVED: JD3 VERTICAL SCALE: N/A

GRAPHIC SCALE
SCALE: 1"=60'

0' 60' 120'

JOB NO. 20046

DRAWING NO. FDP-1 SHEET NO. 2 OF 2



ZONE LINE

PRIMARY C

PRIMARY CIRCULATION — — —

PRIMARY ACCESS

PRIMARY ACCESS

ACCESS BETWEEN ZONES

ACCESS BETWEEN ZONES

TABLE 1.1 LOCATION AND ACREAGE OF VARIOUS USE TYPES	
ZONE I	45.5± Ao. SINGLE FAMILY DETACHED HOMES 2,000 sf min. - 3-4 BEDROOMS
ZONE II	45.9± Ao. SINGLE FAMILY DETACHED HOMES 1800 sf min. - 3-4 BEDROOMS
ZONE III	57.2± 4± Ao. SINGLE FAMILY ATTACHED/DETACHED HOMES 1200 sf min. - 3-4 BEDROOMS
ZONE IV	57.5± Ao. MIXED USE VILLAGE CENTER 1200 sf min. ATTACHED/DETACHED HOMES
ZONE V	12.1 ± Ao. OPEN SPACE
ZONE VI	37.5± Ao. SINGLE FAMILY DETACHED HOMES 1800 sf min. - 3-4 BEDROOMS

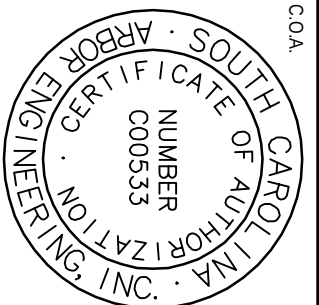
TABLE 1.2. PARKING AVAILABLE FOR EACH ZONE	
ZONE I	2 PER UNIT RESIDENTIAL
ZONE II	2 PER UNIT RESIDENTIAL
ZONE III	2 PER UNIT GOLF COMMUNITY
ZONE IV	TO MEET FOUNTAIN INN STANDARDS MIXED USE VILLAGE CENTER
ZONE V	0 OPEN SPACE
ZONE VI	2 PER UNIT RESIDENTIAL

	UNITS	ACREAGE	DENSITY
ZONE I	90	45.2: Ac.	2.0
ZONE II	125	45.8: Ac.	2.7
ZONE III	227	272.4: Ac.	0.8
ZONE IV	50	27.2: Ac.	1.8
ZONE V	0	17.1: Ac.	0
ZONE VI	83	37.8: Ac.	2.2
TOTAL	575	449.8: Ac.	1.25

Box 263 Greenville, S.C. 29602
Telephone: (864) 235-3589 Fax: 233-6274
Email: postmaster@arborengineering.com

LANDSCAPE ARCHITECTS - CIVIL ENGINEERS
RECREATIONAL PLANNERS - LAND PLANNERS - URBAN PLANNERS

C.O.A.	SE
--------	----



LEGEND

REVISIONS

NO.	DATE	DESCRIPTION	BY
A	01.09.09	REVISED DENSITY BY ZONE AS PER GCPD REVIEW	BRS

EAGLE SPRINGS SCUFFLETOWN

FOUNTAIN INN **SOUTH CAROLINA**

PRELIMINARY DEVELOPMENT PLAN

DRAWN:	SDK	DATE:	December, 2001
DESIGN:	JM/BRS	HORIZONTAL SCALE:	1" = 500'
APPROVED:	JM/BRS	VERTICAL SCALE:	

GRAPHIC SCALE

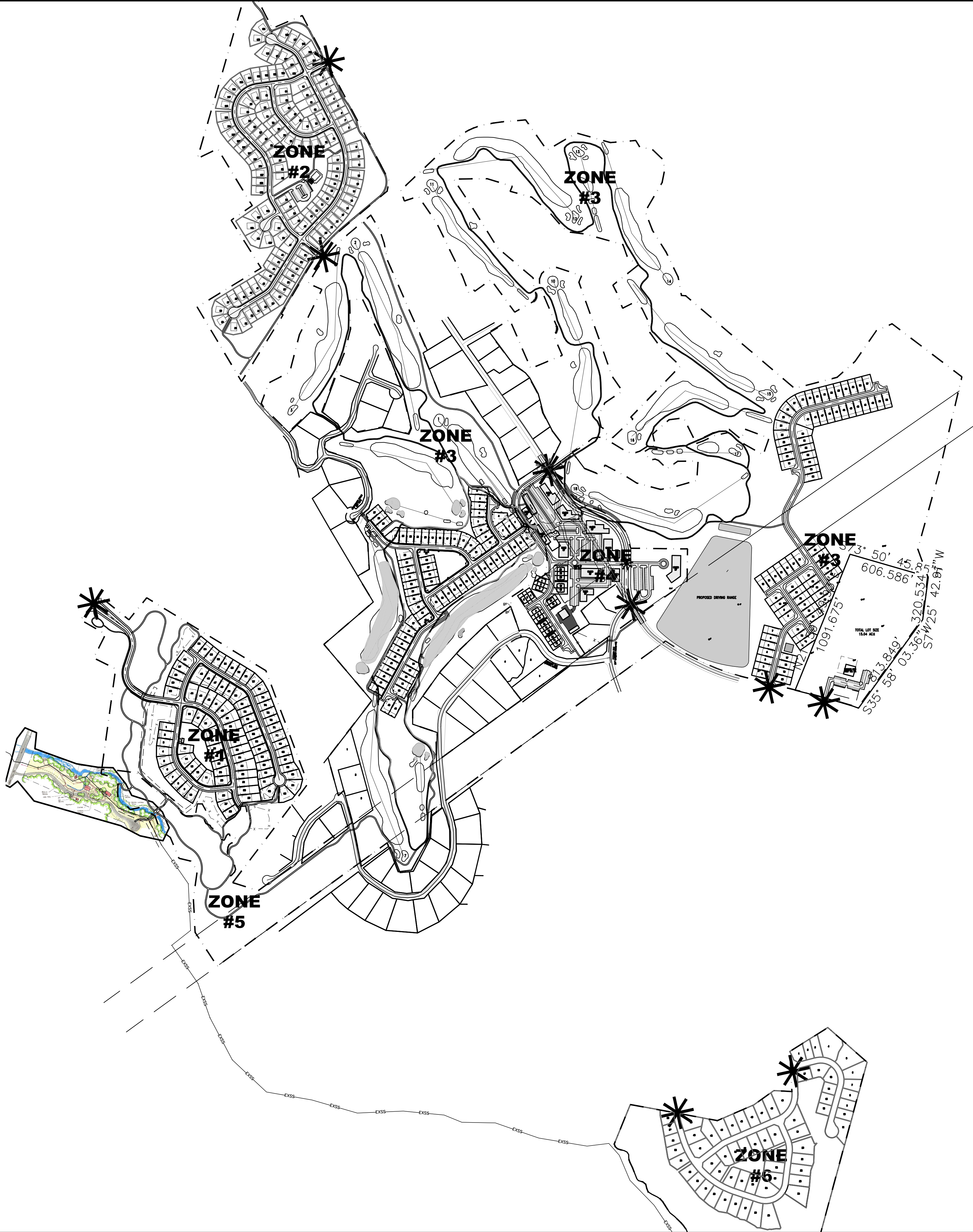
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P-102

2 OF 4

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THE EXISTING TOPOGRAPHY OF THE SITE ALLOWS FOR PROPER ENGINEERING OF STORM DRAINAGE. THE ENGINEERED SYSTEM WILL SERVE ALL SITES.

LEGEND

ZONE LINE

PRIMARY CIRCULATION

PRIMARY ACCESS

ACCESS BETWEEN ZONES

TABLE 1.1 LOCATION AND ACREAGE OF VARIOUS USE TYPES

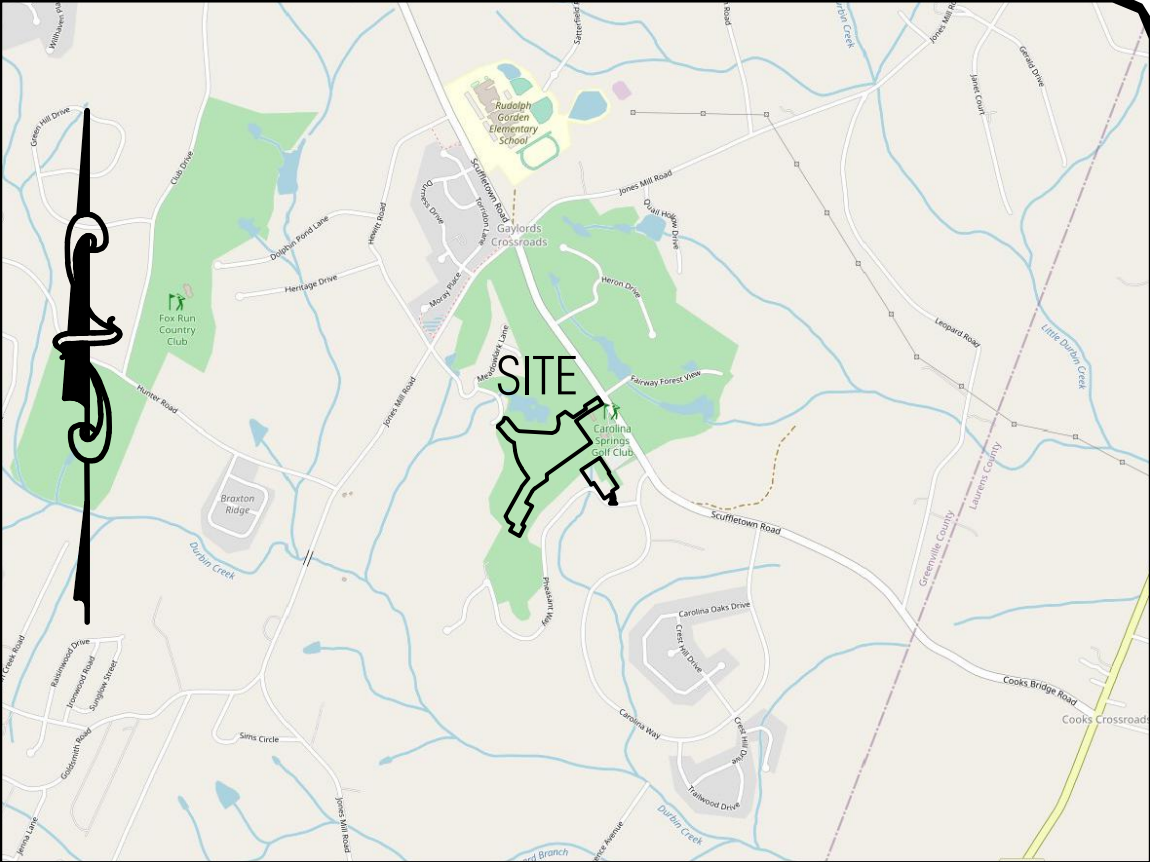
ZONE I	31.01± Ac.	SINGLE FAMILY ESTATE HOMES 2,000 sf min. - 3-4 BEDROOMS
ZONE II	45.89± Ac.	SINGLE FAMILY DETACHED HOMES 1500 sf min. - 3-4 BEDROOMS
ZONE III	271.20± Ac.	SINGLE FAMILY ATTACHED/DETACHED HOMES 1200 sf min. - 3-4 BEDROOMS
ZONE IV	25.11± Ac.	MIXED USE VILLAGE CENTER 1200 sf min. ATTACHED/DETACHED HOMES
ZONE V	31.48± Ac.	OPEN SPACE
ZONE VI	40.96± Ac.	SINGLE FAMILY DETACHED HOMES 1500 sf min. - 3-4 BEDROOMS

TABLE 1.2 PARKING AVAILABLE FOR EACH ZONE

ZONE I	2 PER UNIT	RESIDENTIAL
ZONE II	2 PER UNIT	RESIDENTIAL
ZONE III	2 PER UNIT	GOLF COMMUNITY
ZONE IV	TO MEET FOUNTAIN INN STANDARDS	MIXED USE VILLAGE CENTER
ZONE V	0	OPEN SPACE
ZONE VI	2 PER UNIT	RESIDENTIAL

TABLE 1.3 DENSITY OF RESIDENTIAL AREAS

	UNITS	ACREAGE	DENSITY
ZONE I	90	31.01± Ac.	2.90
ZONE II	136	45.89± Ac.	2.96
ZONE III	174	271.20± Ac.	0.64
ZONE IV	50	25.11± Ac.	1.99
ZONE V	0	31.48± Ac.	0
ZONE VI	64	40.96± Ac.	1.56
TOTAL	514	445.65± Ac.	1.15



REVISIONS

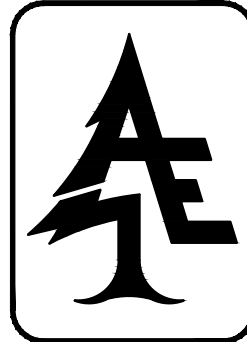
1	AUG 26, 2021	RELEASED TO CITY OF FOUNTAIN INN	JD3
NO.	DATE	DESCRIPTION	BY

FINAL DEVELOPMENT
PLAN SHEET 3

CAROLINA SPRINGS COTTAGES
OVERALL MAP

MARK III PROPERTIES 170 CAMELOT DR. #C SPARTANBURG, SC 29301		ARBOR ENGINEERING, INC. 10 WILLIAMS ST. GREENVILLE 29601	
DEVELOPER		ENGINEER	

NO. OF ACRES:	18.4	MILES OF NEW ROAD: 0.84 (PUBLIC)	NO. OF LOTS: 74
---------------	------	----------------------------------	-----------------



Arbor Engineering, Inc.

Box 263 Greenville, S.C. 29602
Telephone: (864) 235-3589
Fax: (864) 233-6274
Email: postmaster@arborengineering.com
LANDSCAPE ARCHITECTS - CIVIL ENGINEERS - LAND SURVEYORS
RECREATIONAL PLANNERS - LAND PLANNERS

DRAWN: AMA	DESIGN: JD3	APPROVED: JD3	DATE: AUGUST 19, 2021
FILE: 20046-FDP.DWG	JOB NO. 20046		

Development Plan

(Please use this document as the format for the pre-application conference and for the final submittal of the rezoning application)

EAGLE SPRINGS PLANNED DEVELOPMENT

Name of Planned Development

1. Property Owner: **see Appendix A.**

Address:

Telephone Number:

2. Applicant: **Arbor Engineering, Inc.**

Name: **Bryan R. Shumpert**

Address: **P O Box 263, Greenville SC 29602**

Telephone Number: **864-235-3589**

3. Date: **December 2008**

4. Signature:_____

A complete plan includes three elements:

1) Preliminary Development Plan - The applicant shall submit a digital version and also reproducible vellum of the proposed Planned Development which shall include the following:

- ___ a) A boundary survey with vicinity map, title block, scale, and north arrow.
- ___ b) Total number of acres of the overall site.
- ___ c) Location and orientation of existing and proposed buildings, number of residential use by type, square footage of non residential uses.
- ___ d) Primary traffic circulation pattern, including external and internal points of ingress and egress.
- ___ e) Location of parking areas and approximate number of parking spaces for use.
- ___ f) Any such information or descriptions as may be deemed reasonably appropriate for review.

2) Natural Resource Inventory - The primary objective of the natural resources inventory is to provide better information about the type of land cover, topography, and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:

- ___ a) Land cover type (i.e. wooded, pasture, wetland, etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
- ___ b) Topographic contour lines at 8-foot intervals. (Available at www.gcgis.org)

3) Statement of Intent – The applicant shall submit three copies of a report setting forth the characteristics of the proposed Planned Development including the following:

- ___ a) A description of the procedures of any proposed homeowners association or other group maintenance agreement.

Residential property owners associations will be established for Zones I-III and Zone VI. Each association will address the specific needs of their particular zone and may participate in the landscape and buffer maintenance of Zone III. In addition, each Zone will be responsible for maintenance of its entrances (access points), including maintenance of signage, lighting, stormwater management and landscaping. Zone IV, the commercial component of the Project, will have a separate property owners association. Zone V is open space.

___ b) A statement setting forth the proposed development schedule.

This statement is intended to describe in detail the proposed Planned Development of the approximately 460-acres in the vicinity of Scuffletown Road, Jones Mill Road, and along Durbin Creek, hereafter referred to as the "Project". The Project encompasses the Carolina Springs Golf Course and many of the adjoining properties. The project will also include the Timberland Trail Subdivision as Zone IV. The northern limit of the Project reaches to the new Rudolph Gordon Elementary School and extends south to the Timberland Trail subdivision. Currently, this portion of southern Greenville County is zoned R-S (Rural Suburban). Currently, the R-S zoning allows for 1.7 units per acre. The density planned for the Project is 1.25 units per acre for a housing total of 575 units. With the annexation and rezoning of these properties, it will become a Planned Development in the City of Fountain Inn. A complete list of Tax Parcel Numbers included in the Project is at the end of this document as Appendix A.

The Carolina Springs Golf Club and surrounding properties will be transformed into a master-planned community with the intent to preserve the rural character of the area, enhance the livability of all neighborhoods, and improve the safety and function of the road network to provide safe alternatives for non-motorists. Its primary goal is to achieve a community with a balance of compatible land uses in which residents can live, work and play and provide them with both active and passive recreational spaces.

The master planned community with more than 460 acres, consists primarily of single family residential home sites that incorporate traditional neighborhood design elements. The community will provide residents with a "walkable" access to the clubhouse and features a prominent village center with commercial, retail and office amenities. The village center will also have a residential component. The master planned community goals are to bring origins and destinations closer together, shortening vehicle trips by capturing travelers at more convenient destinations, and work to induce people to walk or bike in lieu of driving.

It is the intent of the project to be consistent with the 2006 Scuffletown Road Area Plan developed by Greenville County Planning, Greenville County and SC DHEC Stormwater Management regulations and the City of Fountain Inn zoning regulations. Eagle Springs Development may accept contiguous properties in the Planned Development in the future. Properties that lie within the boundary of the Project that are not currently part of the project would be subject to becoming part of that zone in which they are located. These properties would be annexed into Fountain Inn prior to being part of the Project.

The limits of each zone are shown on the accompanying Preliminary Development Plan and are described as follows:

ZONE I

Zone 1 consist of approximately 45 acres and will be developed into estate lots ranging in size from 15,000 square feet to 40,000 square feet, which is more compatible with the current R-S zoning. It will meet and exceed the R-15 requirements as set forth in the City of Fountain Inn Zoning Ordinance. The homes will be one or two story detached units with a minimum of 2,000 square feet; the average home size will be 3,000 square feet. Exterior materials for the homes will range from Hardi-plank, wood, brick and/or stone. Two or three car garages will allow for off - street parking for each unit. Zone I is adjacent to Zone V, which is about 17 acres of undeveloped green space, including flood plain, along Durbin Creek.

The stormwater management system in Zone I will be designed to meet and exceed state and local standards and will incorporate low impact design standards. The property owners association for Zone 1 will maintain this system.

Access to Zone 1 will be directly from Jones Mill Road. Road improvements will be made on Jones Mill Road as necessary to accommodate the increased traffic due to this project. All road improvements are subject to review and approval by SC Department of Transportation and the City of Fountain Inn.

Engineering drawings and appropriate permits will be pursued immediately. Development will begin as soon as all permits have been issued.

ZONE II

Zone II is the northern-most residential component of the Project and is located north of Jones Mill Road. It is across Scuffletown Road from Rudolph Gordon Elementary School and the site of the new middle school. Zone II is approximately 46 +/- acres and will be developed into single-family lots ranging in size from 12,000 square feet to 20,000 square feet, which is compatible with R-15 zoning. The homes will be one or two story detached units with a minimum of 1500 square ft. Materials for the homes will range from Hardi-plank, wood, brick and/or stone. Two or three car garages will allow for off-street parking for every homeowner. This zone is situated within walking distance of the schools. Walk paths will provide access to the schools as well as the Town Village. A neighborhood swimming facility will be located within this community.

The stormwater management system in Zone II will be designed to meet and exceed state and local regulations and will incorporate low impact design standards. The property owners association for Zone II will maintain this system.

Engineering drawings and appropriate permits will be pursued immediately. Development will begin as soon as all permits have been issued.

ZONE III

This is the golf community component of the Project and contains all the land and associated structures of the golf course. It will also include new residential areas that will be selectively placed along fairways and overlooking greens. A redesign of the course will be a top priority for the Project. The final redesign of the course will affect the location of the residential areas.

The newly designed golf course will provide the highest quality golf instruction in the state, as well as beautifully constructed club facilities and lovely green spaces. In addition to regular play and lessons, it will feature of world-class golf training facility with both youth and women's programs. The newly designed clubhouse facility will include a restaurant, club room and patio, seating area and outdoor fireplace as well as a resort-style swimming pool.

Zone III consists of about 270 acres and is the largest zone in the Project. Zone III surrounds the Village Center (Zone IV) and will have vehicular and pedestrian access throughout. This zone will be designed at a higher density but because of the relationship with the golf course, the homes will be in smaller enclaves around the course, thus having an overall lower density for the entire Zone. Home types in Zone III will be attached or detached singly family homes, one to two stories in height. No more than two units will be attached together. Materials for the homes will range from Hardi-plank, wood, brick and/or stone. Two or three car garages will allow for off-street parking for every homeowner. The homes will be cottage-style in character. Off-street parking will be provided for each unit.

Primary access will be provided into Zone III from Scuffletown Road. That portion of Zone III that is not adjacent to Scuffletown Road will be accessed by newly built or upgraded public or private roads. There may be a realignment of Pheasant Way (G-PD-31) in order to provide better connectivity within the Project. Intrazonal access will be provided for vehicular and/or pedestrian access into adjacent zones.

The stormwater management system in Zone III will be designed to meet and exceed state and local regulations and will incorporate low impact design standards. Where possible, the existing ponds will be used to provide stormwater quantity. The property owners association for Zone III will maintain this system.

Engineering drawings and appropriate permits will be pursued prior to development.

Zone IV

Zone IV is the Village Center component of the Planned Development. The Village Center is strategically located to serve the surrounding neighborhoods at a community commercial scale. The Village Center is approximately 25 to 30 acres in size, depending on what golf course support is counted. This zone is designed to be a mixed-use hub for the Project. It will have commercial and retail on the ground and second floor level with the second floor level also allowing for office and/or residential uses. There will be allowance for public building spaces. Such space would be for a police sub-station or possibly a fire station. The Village Center may accommodate up to an estimated 100,000 square feet. Separate buildings ranging in size from 35,000 to 40,000 square ft. with multiple tenants to the smaller structures of 2,500 sq. ft. Because of the nature of the village feel with the residential portions of Zone III, some acreages in these two zones could be interchangeable.

Designed with a village atmosphere, Zone IV promotes a walkable, pedestrian friendly space by concentrating residential densities in close proximity to the village center, with the larger lots toward the perimeter of the Project. The mix of uses could include a neighborhood market, bank, coffee shop, gas station, café, dry cleaner and a full service day spa, uses that are specifically designed to meet the day-to-day needs of the local residents. Some golf support uses may be included in the Town Center. Where applicable, buildings in the Town Center will comply with the Fountain Inn Commercial Design Standards as set forth in the current zoning ordinance. To achieve the village feel, this zone will be on both sides of Scuffletown Road. A realignment of the road in this area is recommended. All appropriate agencies and utilities will be involved in this realignment. Landscaped parking areas and greenspaces will be a main component in the village feel.

Engineering drawings and appropriate permits will be pursued prior to development.

The location of the Village Center will limit any expansion of the commercial area within the Project.

Zone V

Zone V is the Conservation-Open Space portion of the Project and is located along Durbin Creek. It will be accessed through Zone I and Zone III. Walking trails, as outlined in the Scuffletown Road Area Plan, will link this Zone with the rest of the Project. Portions of Zone V may be used for agricultural purposes in keeping with the rural character of the surrounding area.

Zone VI

Zone VI is the southern-most residential component of the Project and is accessible by Carolina Way, a County maintained road. Zone VI already has a final plat recorded at the Greenville County Register of Deeds Office. This Zone will be developed into single-family lots ranging in size from 8,000 square feet to 30,000 square feet, and was designed under the County's' Open Space ordinance as an R-S (Cluster) subdivision. The homes will be one or two story detached units with a minimum of 1500 square ft. Materials for the homes will range from Hardi-plank, wood, brick and/or stone. Two or three car garages will allow for off-street parking for every homeowner. While this Zone is not contiguous with the rest of the Project, it will have access to the walking trails that will be along Durbin Creek. Eagle Springs Development may re-plat this subdivision in order to accomplish the goals of the Project and to adhere to this statement of intent. Building materials for Zone VI will be consistent with the rest of the Project.

A stormwater management system has been provided and designed to meet Greenville County and SC DHEC Standards. The property owners association for Zone VI will maintain this system.

- ___ c) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.

On-site/Off-site: Several new entrances will be constructed on Scuffletown Road, and two (2) new entrances will be constructed into the Project on Jones Mill Road.

A sanitary sewer pump station is proposed to serve the eastern portion of the project and will be located in the eastern side of Zone III.

A 'Purple Pipe' system, which is used for the conveyance of reclaimed wastewater, is planned for the fire protection system and irrigation systems throughout the project. Both public and private entities will have access to these systems. The 'Purple Pipe' system will be designed and installed in conjunction with input from ReWa, (Renewable Water Resources). This system may include a storage tank within the projects boundaries.

Ownership: Roadway encroachment permits will be sought for these entrances immediately. Once constructed, these entrances and roadways will be dedicated to Greenville County or the City of Fountain Inn. The sewer pump station will be dedicated to the City of Fountain Inn.

If Private, who will maintain: Not applicable

- ___ d) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development.

Sewer is currently available by Metropolitan Sewer Sub-district and Western Carolina Regional Sewer Authority.

Water service is available through the Greenville Water System and Laurens County Water and Sewer Commission.

Fire service is provided by the Fountain Inn Fire District.

Fountain Inn will provide Natural Gas and become involved with the Sewer service.

Greenville County School District will not issue letters to affirmatively confirm availability for students within any school. At this time, the property is zoned for Rudolph Gordon Elementary School, Bryson Middle School and Hillcrest High School.

___ e) A statement describing the architectural style, appearance and orientation of proposed buildings.

- **Style** The residential architectural style will be traditional, one and two story detached and/or attached single family units. The commercial architectural style will blend back to the traditional architectural style of the residential area
- **Colors** In the residential, commercial and office areas, traditional colors will be used. Shades of brown, tan, green and beige will be used.
- **Textures** The residential units will be of brick stone, Hardi-plank, vinyl siding, or a combination of both. The commercial and office buildings will be of brick stone, Hardi-plank and/or concrete.
- **Roofing** The residential units will be roofed in shingles of brown or black. The commercial buildings have built-up roofs, metal roofs, and/or architectural shingles.
- **Windows** The residential units will have thermal pane windows. The commercial and office buildings will have thermal pane windows and/or thermal pane store front panels.
- **Doors** The residential units will have solid wood or steel doors. The commercial and office buildings will have solid wood doors, steel doors or glass plate doors, and appropriate service related and handicapped accessible doors.

Include in this document as many pictures or renderings as necessary to clearly establish the exterior of proposed structures. The image may be indicated as representative of the architectural style and building materials of the proposed structures. Larger printed images also may be submitted as separate documents.



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE



SIMILAR SINGLE-FAMILY RESIDENTIAL ARCHITECTURE

- ___ f) A statement describing the landscaping and screening of proposed project.

Where practical, a twenty-five (25) foot buffer will surround the project. Where landscape berms are utilized they will vary in height and width to provide a more natural effect.

Buffers along roadways will be landscaped with deciduous and evergreen trees and shrubs with groundcovers consisting of grasses and mulches. Each residential zone will have entrance signage and landscaping in accordance with local ordinances. The property owners associations will be responsible for the maintenance of their respective zones.

Fencing and/or landscaping will be used to screen portions of the Golf Community from existing properties not associated with the Project.

The remaining portion of the buffer will remain in its natural state. Additional landscaping will be added as needed to provide adequate screening for the Project.

Surrounding Land Uses	North – R-S, RR-1, and Unzoned
	South – R-S
	East – R-S, and Unzoned
	West – R-S

- ___ g) A statement describing the maintenance and screening of any proposed pond, lake, or retention pond contained in the development.

Because of the size of the Project several stormwater management systems will be utilized to conduct storm flows through and off the site. The storm systems will be designed to meet and exceed local, state, and federal regulations involving storm flow, sedimentation, and erosion control. Zones V and VI of this Project lie in the designated floodplain along Durbin Creek. The detention ponds will be maintained by the property owners associations in which the systems are located. Where fencing of ponds is required, at a minimum, black, vinyl-clad chain-link material will be used to provide screening and/or safety measures. Some areas of Zone III will utilize existing ponds for water quantity requirements. Additional landscaping may be utilized to help screen ponds as needed. Low Impact Development standards will be used where feasible.

- ___ Include in this document as many pictures or renderings as necessary to clearly establish the screening. The image may be indicated as representative of the proposed screening. Larger printed images also may be submitted as separate documents



SIMILAR SITE DETAILS



TYPICAL LANDCAPING AND ENTRANCE SIGNAGE



TYPICAL LANDCAPING AT ROADWAYS



TYPICAL ARCHED CULVERTS

- ___ i) A statement describing pedestrian access and circulation throughout the project.

All proposed streets and parking areas will be engineered and constructed in accordance with Greenville County and/or City of Fountain Inn Regulations. Sidewalks will connect to existing sidewalks where practical.

To facilitate safe pedestrian circulation, sidewalks will connect from parking areas of the Town Center to the residential streets.

A network of walking trails are planned to facilitate the walkability of the Project. Fitness Stations are planned along the Durbin Creek walking trail. Considerations will be made for the walking trails to also allow for bike and golf cart travel.

- ___ Include any pre-existing pedestrian systems off site. Show how they will be integrated.

Currently, there is no established trail system or sidewalks within or adjacent to the Project. The golf course has the only path system. It will be redesigned along with the golf course and integrated with the proposed walking train system for the Project. Another source considered is the Safe Routes to School program that promotes more accessibility for children walking or biking to school.

- ___ Include in this document as many pictures or renderings as necessary to clearly establish the pedestrian access and circulation plan. The image may be indicated as representative of the proposed pedestrian access and circulation. Larger printed images also may be submitted as separate documents





- ___ j) Any such information or descriptions as may be deemed reasonably appropriate for review.

The Project is bounded by on the north by Jones Mill Road and Scuffletown Road provides access through the center of the Project. There is an adequate road network surrounding the site, which can handle the traffic generated by the Project.

Similar signage for each zone can be seen on the attached “Similar Signage” exhibit.

Financing will be provided by private sector banking institutions.

- ___ k) A signage plan for the site:

Signage for the project will meet the Fountain Inn Sign Ordinance (Article 6) and those requirements specific to PD. A Signage Plan will be provided before the Final Development Plan is approved.

___l) A lighting plan for the site:

Lighting for roadways, sidewalks, entrances and parking areas will meet IENSA “full-cutoff” standard. Fixtures will not be mounted in excess of 16 feet above finished grade. All lighting will be of the type that can be aimed and maintained to prevent unnecessary illumination of the surrounding areas. A lighting plan will be provided before the Final Development Plan is approved.

___ Include in this document as many pictures or renderings as necessary to clearly establish the lighting plan. The image may be indicated as representative of the proposed lighting plan. Larger printed images also may be submitted as separate documents.



SIMILAR “SHOEBOX” CUT-OFF FIXTURE
FOR COMMERCIAL/OFFICE PARKING



SIMILAR LIGHT POLE FOR
COMMERCIAL/OFFICE PARKING



SIMILAR MODIFIED ACORN
FOR RESIDENTIAL LIGHTING



SIMILAR LIGHT POLE
FOR RESIDENTIAL

EXHIBIT A

List of Tax Map Parcel Numbers: - Carolina Trail LLC:

1. 0555060101700
2. 0555060101800
3. 0555060101900
4. 0555060102000
5. 0555060102100
6. 0555060102200
7. 0555060102300
8. 0555060102400
9. 0555060102500
10. 0555060102600
11. 0555060105100
12. 0555060105500
13. 0555060105600
14. 0555060104900
15. 0555060101100
16. 0555060101200
17. 0555060101300
18. 0555060101400
19. 0555060101500
20. 0555060101600
21. 0555060100100
22. 0555060100200
23. 0555060100300
24. 0555060100400
25. 0555060100500
26. 0555060100600
27. 0555060100700
28. 0555060100800
29. 0555060100900
30. 0555060101000
31. 0555060105200
32. 0555060105300
33. 0555060105400
34. 0555060105000
35. 0555060105700
36. 0555060105800
37. 0555060105900
38. 0555060106000
39. 0555060106100
40. 0555060106200
41. 0555060106300
42. 0555060106400

EXHIBIT A

List of Tax Map Parcel Numbers – Fairway Group of SC, LLC:

1. 0555040100100
2. 0555040112800
3. 0555040112700
4. 0555050101700
5. 0555040100111
6. 0555040100112
7. 0555040100113
8. 0555040100200
9. 0555040112400
10. 0555040112500
11. 0555040107500
12. 0555040111800

List of Tax Map Parcel Numbers – Eagle Springs Development, LLC:

1. 0555010101603
2. 0555020104500
3. 0555030101000

List of Tax Map Parcel Numbers – Sam B. Phillips, Jr.:

1. 0555040100700