



AGENDA

**Council Chambers
300 Wall Street, Fountain Inn, SC 29644**

FORMAL MEETING OF CITY COUNCIL

Thursday, October 12, 2023 at 6 p.m.

Citizens may access the meeting at the following YouTube address:
<https://www.youtube.com/@cityoffountaininn3536>

1. Call to Order - Mayor McLeer
2. Invocation and Pledge of Allegiance
3. Introduce New Employees
 - a. Courtney Gambill Police
Heather Hendrickson Police
Diana Gonzalez Police
David Dixon Fire
4. Public Forum - Persons wishing to speak may sign up 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.
5. 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 Minutes from the September 14, 2023 Regularly Scheduled Council Meeting
6. City Administrator's Report - Shawn M. Bell
 - a. Department Reports
7. Unfinished Business
 - a. Second and Final Reading of Ordinance 2023-10 to Repeal and Replace Ordinance 2023-8, to Provide for the Special Property Tax Assessment

Council may enter executive session to discuss any item on the agenda as permitted by S.C. Code Ann. § 30-4-70.

Authorized By South Carolina Code Annotated Section 5-21-140; and other related matters.

- b. Second and Final Reading of Ordinance 2023-11 Amending Article 11, Specifically Section 11:3 of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as Amended ("City Code") Regarding the Planning Commission; and invoking Pending Ordinance Doctrine.
- c. Second and Final Reading of Ordinance 2023-12 Amending Article 11, Specifically Section 11:7, through and including section 11:12, of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as amended ("City Code") regarding the Board of Zoning Appeals; and invoking pending ordinance doctrine.

8. New Business

- a. First Reading of Ordinance 2023-13 Amending Ordinance No. 2023-11, enacted December 1, 2021, known as the City's Business License Ordinance to update the standardized business license class schedule.
- b. First and Final Reading of Resolution 2023-12 Authorizing an application to the South Carolina Water Quality Revolving Fund Authority regarding a potential loan from the water pollution control revolving fund.

9. Executive Session -After coming out of executive session, Council may vote on items discussed during executive session.

- a. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area – Project Grind

10. Adjourn

Council may enter executive session to discuss any item on the agenda as permitted by S.C. Code Ann. § 30-4-70.



MINUTES FORMAL MEETING OF CITY COUNCIL

Thursday, September 14, 2023 - 6:00 p.m.

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

Mayor McLeer called the meeting to order at 6pm.

The following Councilmembers were in attendance: Mayor McLeer, Jay Thomason, Mack Blackstone, John Don, and Joey Garrett.

The following employees were in attendance: Martin Lane, Russell Alexander, Lori Cooper, Russell Slatton, Rebecca Mejia-Ward, Elizabeth Bridges, Jasmyne Michaels, Melissa Woods, Patrick Fortenberry, Shawn Bell, and Elizabeth Adams.

2. **Invocation and Pledge of Allegiance**

3. **Presentations**

a. **Miss Fountain Inn USA, Crystal Drummond**

Miss Drummond, Miss City of Fountain Inn 2024, is excited to represent the City of Fountain Inn at the state pageant in March 2024.

4. **Introduce New Employees**

Shawn Bell introduced the new employees in Finance, Planning and Development, Police Department, and the Public Works Department.

a.	Grate, La'Kresha	Finance
	Hindman, Jessica	Finance
	Denson, Angela	Finance
	French, Erica	Finance
	Guzman, Ashley	Finance
	Miller, Dean	Planning and Dev.
	Berry, Joseph	Police
	Hutchison, Scott	Police
	Jackson, Sean	Police

Ledford, Hunter	Police
Leonard, Elaina	Police
Meck, Jeffery	Police
Williams, Reggie	Police
Belasco, Jared	Public Works
Howard, Terry	Public Works
Glaser, Cindy	Public Works
Duggan, Brian	Public Works
Paulding, Jimmy	Public Works
Phillips, Jason	Public Works
Sanchez, Jose	Public Works

5. Appointment

a. Approval for the Appointment of James Rice as the Recreation Director

Motion by Mayor McLeer, seconded by Councilmember Garrett to approve the appointment of James Rice as the Recreation Director. The motion carried unanimously 5/0.

b. Approval for the Appointment of Douglas Kirk as the Public Works Director

Motion by Mayor McLeer, second by Councilmember Blackstone to approve Approval for the Appointment of Douglas Kirk as the Public Works Director. The motion carried unanimously 5/0.

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.

No one signed up to speak.

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

Mayor McLeer asked the Clerk to make an amendment for the August 23, 2023 minutes to show no items were voted on during the Executive Session. The updated minutes were provided for Council and approved. Motion by Mayor McLeer, seconded by Councilmember Blackstone to approve the Consent Agenda. The motion carried unanimously 5/0.

a. Minutes from the Regularly Scheduled Council Meeting on August 10, 2023

b. Minutes from Special Called Council Meeting on August 23, 2023

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

Mr. Bell provided an update on the following projects: Emanuel Sullivan restroom near completion, interstate signage is still working on permits but scheduled for October, GLDTC voting will take place on October 26 for \$5,000,000. The parking lot revitalization- construction RFP will take place in October. We are hosting the last farmers market of the season. Pynkalicious will take place during the Aunt Het festival, October 28 Jeepers Creepers event with the Vinyl Juknies performing. On October 31st the annual Halloween Main Street closing will take place, we will host a fall litter clean up, and the annual civics academy will start in September. The Fire Department has new uniforms on order and they will host their open house on Oct 14 from 10-2pm. Natural Gas upfit on Durbin Creek will be completed by December 1, 2023 and the Regulation Station by November 1, 2023. The Comp Plan Steering Committee will meet on August 31, we plan to have a draft in October, and then schedule a joint meeting with the Steering Committee, City Council and the Planning Commission. Miracle Mondays begin September 18, the Chamber's Aunt Het Festival will take place on October 7, the Younts Center will be hosting a Motown Special and Beauty and Beast Jr. The Museum has an exhibit of drawing laughter featuring Aunt Het.

a. Department Reports

9. Unfinished Business

- a. Second and Final Reading of Ordinance Z 2023-6- Amending Sections 5:8.2, Related to the Permitted Uses in an Industrial District, of Appendix A (Zoning) of the Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, As Amended ("Code").**
Motion by Councilmember Thomason, seconded by Councilmember Garrett to approve the Second and Final Reading of Ordinance Z 2023-6- Amending Sections 5:8.2, Related to the Permitted Uses in an Industrial District, of Appendix A (Zoning) of the Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, As Amended ("Code"). The motion carried unanimously 5/0.

10. New Business

- a. First Reading of Ordinance 2023-10 to Repeal and Replace Ordinance 2023-8, to Provide for the Special Property Tax**

Assessment Authorized By South Carolina Code Annotated Section 5-21-140; and other related matters.

Motion by Councilmember Don, second by Councilmember Blackstone to approve First Reading of Ordinance 2023-10 to Repeal and Replace Ordinance 2023-8, to Provide for the Special Property Tax Assessment Authorized By South Carolina Code Annotated Section 5-21-140; and other related matters. The motion carried unanimously 5/0.

- b. First Reading of Ordinance 2023-11 Amending Article 11, Specifically Section 11:3 of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as Amended ("City Code") Regarding the Planning Commission; and invoking Pending Ordinance Doctrine.**

Motion by Councilmember Thomason, second by Councilmember Blackstone to approve First Reading of Ordinance 2023-11 Amending Article 11, Specifically Section 11:3 of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as Amended ("City Code") Regarding the Planning Commission; and invoking Pending Ordinance Doctrine. The motion carried unanimously 5/0.

- c. First Reading of Ordinance 2023-12 Amending Article 11, Specifically Section 11:7, through and including section 11:12, of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as amended ("City Code") regarding the Board of Zoning Appeals; and invoking pending ordinance doctrine.**

Motion by Councilmember Don, second by Councilmember Garrett to approve First Reading of Ordinance 2023-12 Amending Article 11, Specifically Section 11:7, through and including section 11:12, of Appendix A (Zoning) of the City Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as amended ("City Code") regarding the Board of Zoning Appeals; and invoking pending ordinance doctrine. The motion carried unanimously 5/0.

- d. First and Final Reading of Resolution 2023-11, a Resolution Certifying Certain Real Property in the City of Fountain Inn as an Abandoned Textile Mill Site.**

Motion by Councilmember Garrett, seconded by Councilmember Blackstone to approve First and Final Reading of Resolution 2023-11, a Resolution Certifying Certain Real Property in the City of Fountain Inn as an Abandoned Textile Mill Site. The motion carried unanimously 5/0.

- e. Authorize the City Administrator to enter into an agreement with FGP Consulting for an updated Classification & Compensation Study.**

Motion by Councilmember Blackstone, seconded by Councilmember Don to Authorize the City Administrator to enter into an agreement with FGP

Consulting for an updated Classification & Compensation Study. The motion carried unanimously 5/0.

f. Authorize the City Administrator to enter into an agreement with Studio Main LLC for a Municipal Complex Master Plan

Motion by Councilmember Garrett, seconded by Councilmember Don to Authorize the City Administrator to enter into an agreement with Studio Main LLC for a Municipal Complex Master Plan. The motion carried unanimously 5/0.

11. Executive Session -After coming out of executive session, Council may vote on items discussed during executive session.

Motion by Councilmember Garrett, seconded by Councilmember Don to go into Executive Session. The motion carried unanimously 5/0.

a. The receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege – 610 N. Woods Drive.

b. The receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege – Greenville County TMS: 0348000200100

c. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area – Project Grind

12. Adjourn

A motion by Councilmember Thomason, seconded by Councilmember Garrett to come out of Executive Session and Mayor McLeer noted that no votes were taken during the Executive Session. The motion carried unanimously 5/0.

Motion by Councilmember Garrett, seconded by Councilmember Don to adjourn the meeting. The motion carried unanimously 5/0.

CITY ADMINISTRATOR REPORT



Agenda Date: October 12, 2023

To: Mayor and City Council

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

Administration

- Woodside Streetscape and Connector projects
 - SCDOT is opening bids on October 10
- Interstate Signage (Exits 23 and 26)
 - Preconstruction meeting scheduled for October 10; construction is scheduled to begin by the end of October
- Main Street Streetscape
 - City Administration requested \$2.5 million from the Greenville Legislative Delegation Transportation Committee (GLDTC) on September 28; the Committee will vote on the request on October 26
- Parking lot revitalizations
 - Finalizing the designs for the splash pad, Finance building, and Jones Street parking lots; construction RFP should be released later this month
- Municipal Complex Master Plan
 - Kick-off meeting with consultants scheduled for October 24

Community Relations

- Events
 - Pynkalycious – 10th Annual Breast Cancer Awareness Walk
 - October 14 from 9:00 a.m. – noon
 - Starting at the Younts Center
 - Jeepers Creepers Cruise INN
 - October 28 from 6:00 – 9:00 p.m.
 - Jeeps asked to preregister online (<https://fountaininn.org/444/Jeepers-Creepers-Cruise-Inn>)
 - Vinyl Junkies will perform on Main Street
 - The event also includes activities such as pumpkin painting, ghostly games, creepy contests, and truck-or-treating
- Civics Academy
 - September 19 – October 24
 - Tuesdays, 6:00-8:00 p.m.

Fire

- 210 calls for service in September 2023
 - 158 in September 2022 (33% increase)
- Open House scheduled for October 14 from 10:00 a.m. to 2:00 p.m. to promote fire prevention; will include food, games, an automobile extrication, demonstrations, a smoke house, and more

Human Resources

- Administration/Finance
 - Accounting Manager – One vacancy; recruiting in process
- Fire
 - Part-time Firefighter – Three vacancies; interviews completed on 10/2
- Natural Gas
 - Warehouse Coordinator – One vacancy; applications under review
- Planning & Development
 - Planning & Development Manager – One vacancy; recruiting in process
- Police
 - Patrol Officer – three vacancies; interviews and screenings in process
 - Dispatch – one vacancy; one candidate in process
- Recreation
 - Part-time City Activity Support Staff & Officiants – continuous recruiting

Natural Gas

- Gas Supply
 - Deliveries for September 2023
 - Gas volume of 40,798 Dekatherms
 - Gas consumption for September 2023 was down 7.3% from September 2022, and down 2.3% from the September three-year average.
 - Gas Prices/Rates
 - The price of natural gas for October 2023 settled at \$2.764 per Dekatherm, which represents a \$0.208 increase from September 2023's price of \$2.556 per Dekatherm
 - Winter Weather Outlook
 - The Country is entering into a weather pattern called *El Nino*, which traditionally brings cooler & wetter weather to the Southeast
 - Demand for residential gas should be higher than last winter, but the market should remain stable through the upcoming winter with prices between \$2.75 - \$4.00 per Dekatherm
- Gas Operations

- Key Indicators
 - 6,025 feet of new gas main lines installed in September 2023
 - 68,324 feet installed Y-T-D
 - 2,929 feet of new service lines (61) installed in September 2023
 - 32,470 feet (617) installed Y-T-D
 - 105 obsolete meters were replaced in September 2023
 - 596 have been replaced Y-T-D
- System Improvement Projects:
 - Installation of 1,750 feet of 6” plastic pipe behind the H.B. Fuller plant
 - Project has been completed; this 6” extension is a key loop to help move gas to the north end of the system
 - Durbin Creek Crossing at Jones Mill Road
 - Bids were opened and the lowest bid was from Appling Boring Co. at a price of \$217,150
 - Due to logistics and SCDOT permit delays, the project is expected to be complete by January 2024
 - Replace the Regulator Station at the corner of N. Main & Bryson Drive
 - The station has been fabricated and delivered to FING
 - The new station should be in service by November 15th

Planning & Development

- Building & Codes
 - September 2023
 - 26 permits issued with a total valuation of \$5,169,039
 - 412 inspections
 - 11 residential plan reviews; 5 commercial plan reviews
 - 34 certificates of occupancy issued
- Comprehensive Plan (INNvision) update
 - A Joint Planning Commission and City Council meeting will be held at the Activities Center on October 24 from 3:30 – 5:00 p.m.
 - An Open House will be held at the Activities Center on October 24 from 6:00 – 7:30 p.m.
 - Focus Group meetings will be held at City Hall on October 25

Police

- Key Indicators
 - 1,212 calls for service in September 2023
 - 1,346 in September 2022
 - 83 citations and 116 warnings in September 2023

- 87 citations and 92 warnings in September 2022
- 34 collisions in September 2023
 - 29 in September 2022

Recreation

- Miracle League (Miracle Mondays) will run through November 6
- Registration opened on October 1 for Basketball and Wrestling
- Volleyball regular season will run through the end of October
- Flag Football, Fall Baseball, and Fall Softball seasons will conclude at the end of October
- Tackle Football playoffs beginning soon

Chamber of Commerce

- Sporting Clays Tournament on November 3 at The Clinton House from 9:00 a.m. to 2:00 p.m.
- Christmas Parade on December 6

Younts Center

- In The Midnight Hour
 - October 28 at 6:30 p.m.
- Disney's Beauty and the Beast, Jr.
 - November 10-18
- Finally, It's Christmas!
 - 7:30 p.m. showings on December 1-2 & 7-9
 - 3:00 p.m. showings on December 2-3 & December 9
- The Gullah Singers: A Hallelujah Christmas
 - December 10 at 6:30 p.m.
- Fountain Inn Chorale: Home for the Holidays
 - December 15 at 7:30 p.m. & December 17 at 3:00 p.m.
- The Stage Academy: The Nutcracker
 - December 21-23

History Museum

- Drawing Laughter: An Aunt Het Exhibition
 - September 5 – October 13
- 11th Annual Gala
 - October 19 from 5:30 – 9:30 p.m. at the Farmers Market Pavilion
 - Low Country Boil, live & silent auctions, DJ, and door prizes

October 2023 Council Report

Website by the Numbers



Sessions

12K



Top Metrics

10K Users

51.2% Bounce Rate

00:01:42 Average
Session Duration

Social Connection Year to Date

Impressions

1,986,930



Engagements

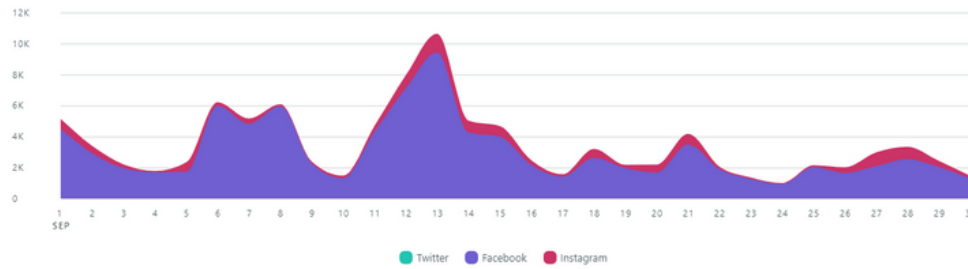
155,174



Impressions

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

Impressions, by Day



Impression Metrics

Totals

Engagement

See how people are engaging with your posts during the reporting period.

Engagements, by Day



Engagement Metrics

Totals

September Numbers



Impressions

103,427



Engagements

4,476



Post Clicks

419



Fountain Inn in the News

- Fountain Inn orders master plan to address packed municipal complex | Greenville Journal | www.greenvillejournal.com
- A Day In Fountain Inn | Kidding Around Greenville | www.kiddingaroundgreenville.com
- City of Fountain Inn kicks off another Miracle League season | Fox Carolina | www.foxcarolina.com

October 2023 Council Report

Downtown in September



Visits

#77.7K

Visitors

#46.8K

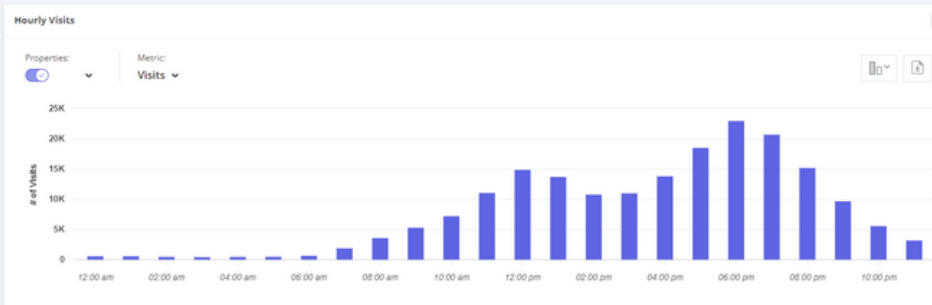
Visit Frequency 1.66

Visitor Information

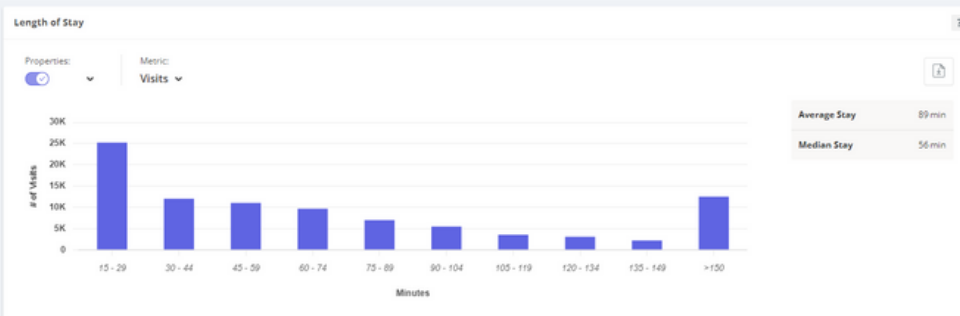
Daily Visits



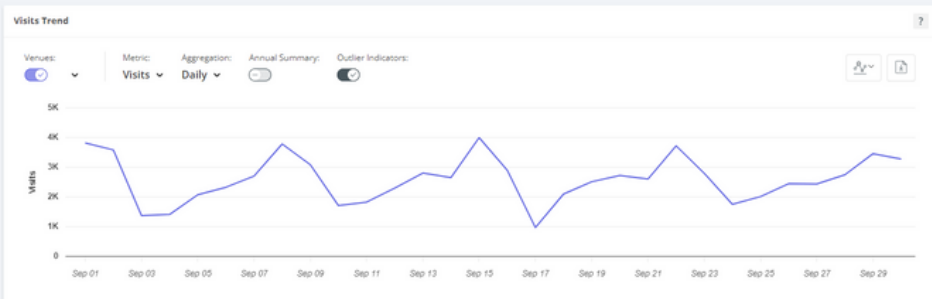
Hourly Visits



Length of Stay



Visit Trend



In 2023

Visits

#727.7k

Visitors

#179.5k

Average

Dwell Time

87 Min

Visit

Frequency

4.06visits

Events

Past Events

- Mac Arnold Cornbread & Collard Greens Blues Festival- 6,500 Attendance
- Italian American Heritage Festival - 9,000 Attendance
- Juneteenth Soul Food Festival - 5,500 attendance
- Fireworks Spectacular - 7,700 attendance
- Sounds of Summer - 20,100 total attendance
- Farmers Market - 20,000 total attendance

Upcoming Events

40th Annual Aunt Het Festival

- October 7th | 9AM to 5PM

Pynkalycious

- October 14th | 9AM to 12:30PM
- Starting at Younts Center

Jeepers Creepers Cruise INN

- October 28th | 6 - 9PM
- Band contracted
- Announcement/Social Campaign in August

Main Street Buildings in Façade Grant Program Awarded and Approved

9

1. Swanky Steer
2. Voodoo Brewing
3. Bundle of Joy
4. Longevity Pilates
5. Earthwise
6. Back Door Gallery
7. Outdoor Properties (RE/MAX Building)
8. Gio's
9. 200 S Main Street (Venus Poe)

Facade Grant Update



Before



After



Downtown Investment 2023

\$4,980,407

**Now Accepting Grant Applications
for the 23-24 Fiscal year**

2023/2024 Goals

General

- Refresh all website pages
- Increase social media engagement by 20%
- Acquire .com, myfountaininn.com
- Work with Younts Center for Programming
- Create a Business Start-up Guide

Events

- Update Vendor applications
- Consolidate event footprint
- Investigate alternative Carriage Route
- Sell carriages by row/carriage rather than by the seat

Website

- Increase organic growth by 10%
- Increase data collection by 10%
- Establish Consistent navigation

Main Street

- Complete Trade St Improvements
- Research mural/signage
- Create a new social media campaign for MSFI by September 1
- Expand grants where appropriate

FINANCE – ACCOUNTING DIVISION DEPARTMENT SUMMARY

Annual Audit

Due to staff turnover and vacant positions, audit fieldwork has been postponed to the week of November 27, 2023 to allow Finance to properly close FY2023 and prepare audit schedules.

Business License

South Carolina's Act 176, the Business License Standardization Act, requires municipalities to update its business licensing class schedule every off-numbered year to go into effect the following year. The ordinance change must be approved by December 31, 2023 and is being presented for first reading on October 12, 2023.

PERFORMANCE INDICATORS	CURRENT	Y-T-D	PRIOR YEAR
TOTAL BUSINESS LICENSES ISSUED	28	126	154
TOTAL BUSINESS LICENSE REVENUE	\$36,515	\$129,295	\$184,495
DATAMAX – COLLECTED REVENUE	*N/A	\$5,013	\$15,294

**Datamax revenue report not available until the 15th of every month*

FINANCE – UTILITY BILLING DIVISION

Monthly Highlights

On September 12th, Fountain Inn Natural Gas Customers began using our new online payment system, Paystar. The feedback we have received from our customers has been positive. We collected 1,241 payments via the website or the 24-hour IVR phone line during our first 18 days of using the new Paystar system.

Service Lines	Current	YTD	Prior Year
New Service Line Applications	61	178	N/A
Service Lines Completed	61	180	N/A
Total Amount Billed	Current	YTD	Prior Year
Total Gas Billed	\$135,875.48	\$311,222.89	N/A
Aging 30 days	-\$39,327.98	-\$76,889.50	N/A
Aging 60 days	-\$368.24	\$601.47	N/A
Aging 90 days	-\$1,464.51	\$3,892.90	N/A

Aging 120+ days	\$351,365.76	\$1,078,675.97	N/A
New Applications	Current	YTD	Prior Year
New Customer Applications	158	442	N/A
Customer Service Statistics	Current	YTD	Prior Year
Incoming Phone Calls	1,932	4,219	N/A
Web Based Payments	5,827	17,872	N/A
ACH	1,248	3,755	N/A
In House Payments	9,196	27,900	N/A

(-) A/R balances include unapplied overpayments for customers who take advantage of budget billing



Finance Department
Monthly Report
Period Ending September 30, 2023

FIRE – FIRE DEPARTMENT SUMMARY

Summary of Monthly Events

- 210 calls for September
- Multiple trainings and community events completed
- 24.88% overlapping calls (27.71% YTD)

DEPARTMENT HIGHLIGHTS

Current Projects

- Design of Training Facility is underway
- Station 3 plans are beginning.
- FF Moultrie is working on updating our Community Risk Reduction program and planning for an open house is underway. Oct 14th.
- Multiple plan reviews and building surveys are being completed
- New training plan is being developed. Rough draft completed
- New training props are being purchased and designed
- Working with Greenville County Emergency Management on Project Partnership
- Engine 4 Sale
- Movement of personnel to begin a mentor program.

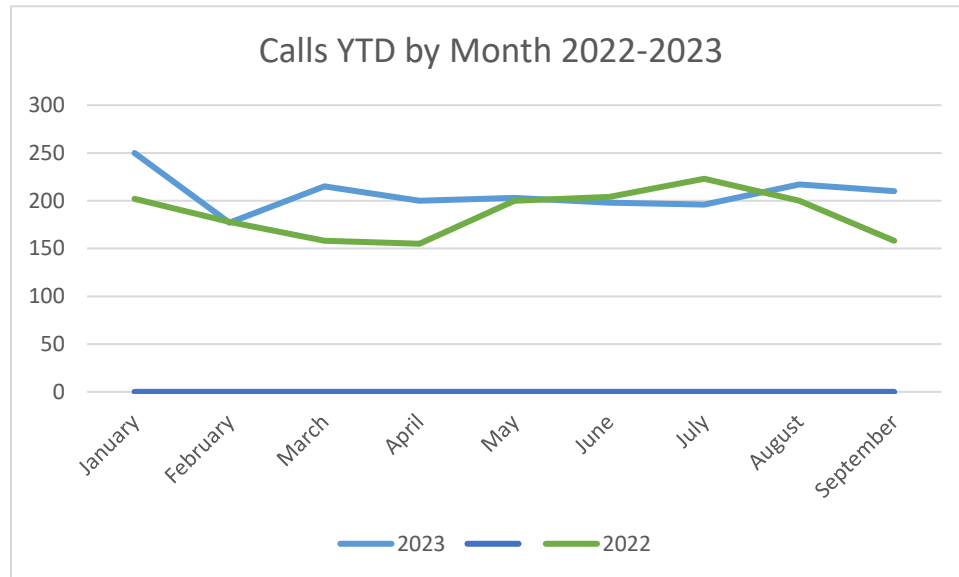
Upcoming

- Hydrant Maintenance and Annual Inspections continue
- Multiple members signed up for training events

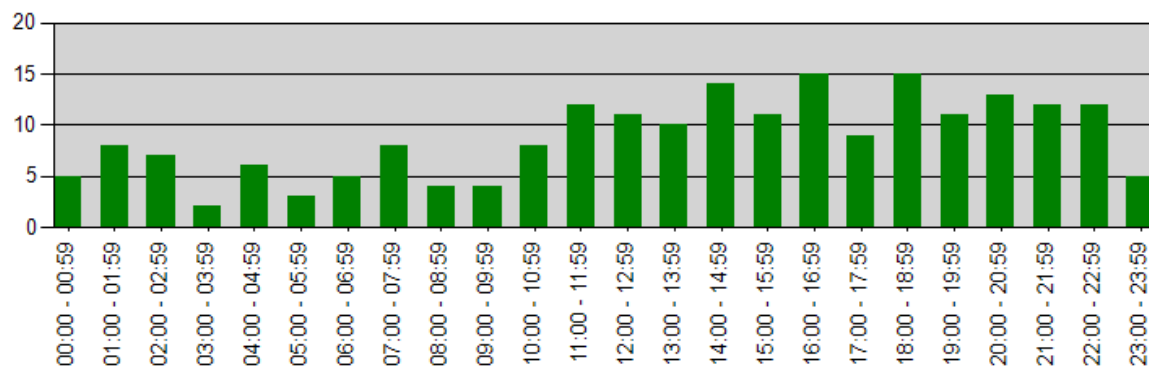


FOUNTAIN INN FIRE SEPTEMBER 2023

	Sep-22	Sep-23	% Change	2022 YTD	2023 YTD	% Change
Calls for Service	158	210	32.90%	1678	1888	12.50%

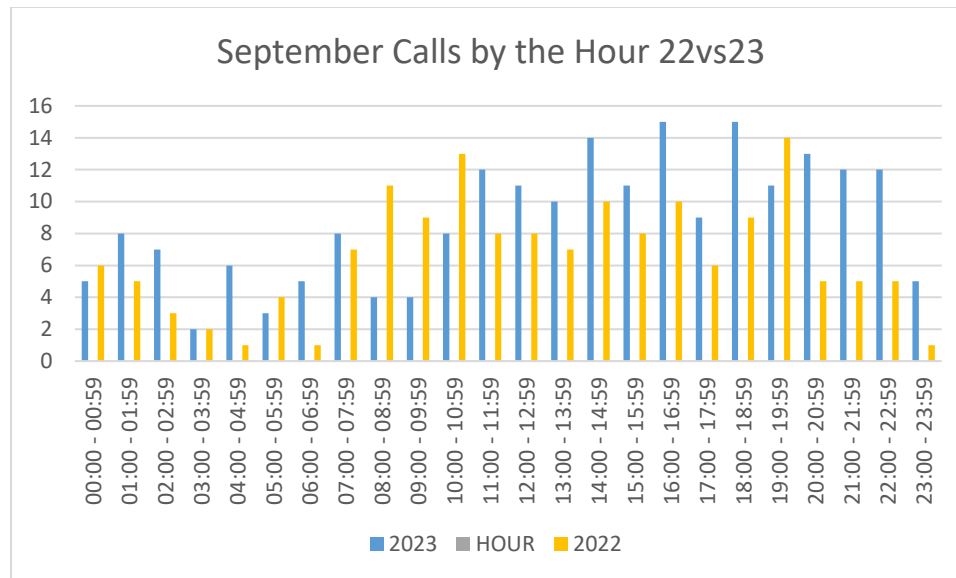


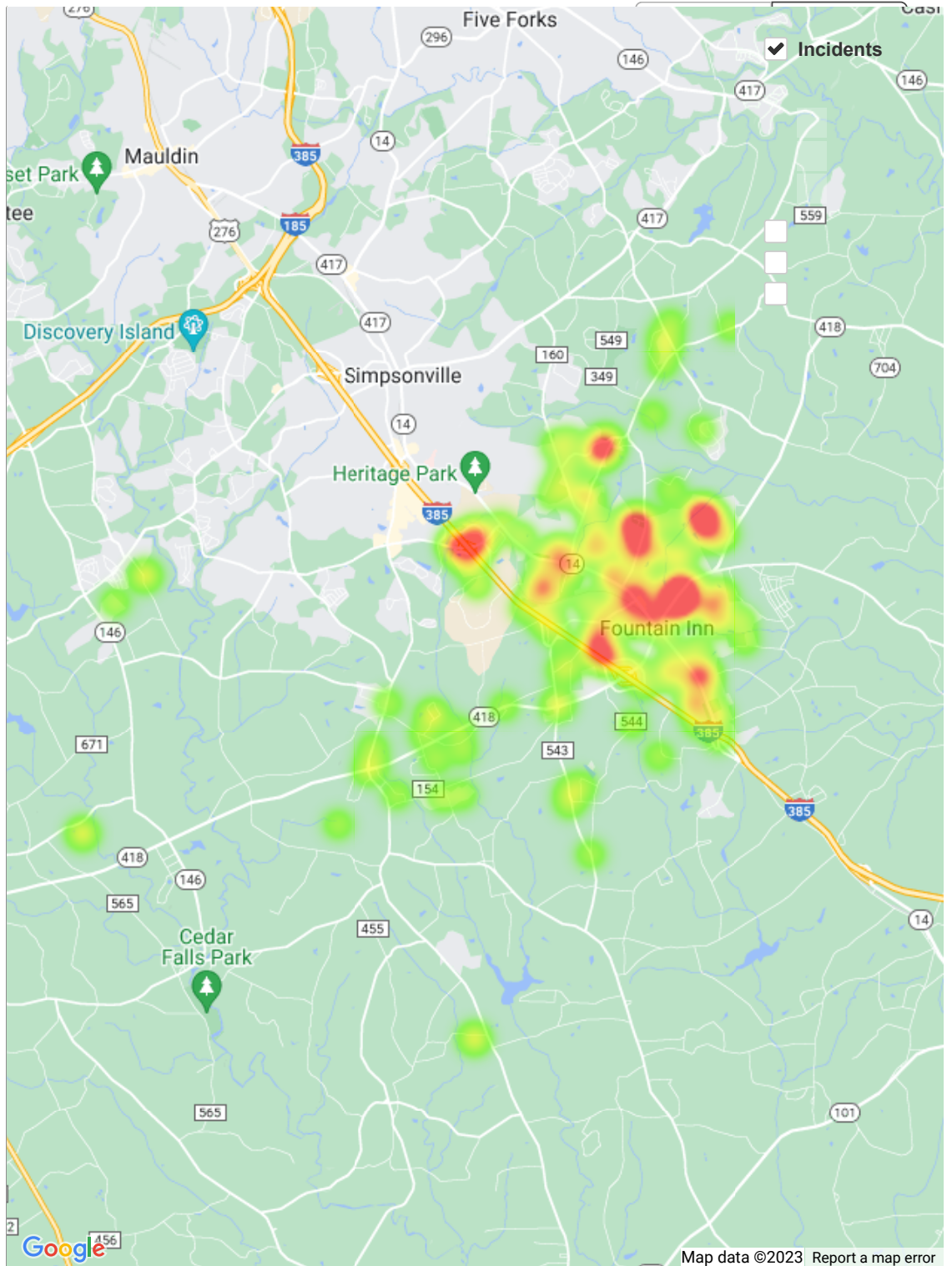
Incidents by Hour





FOUNTAIN INN FIRE SEPTEMBER 2023





GAS SUPPLY

- Gas volume moved through our system: **40,798 Dths** for the month of September.
- Gas consumption for September was down 7.3% from last September, and down 2.3% from the September 3-year average.
- The price of natural gas for the month of October settled at \$2.764 per Dekatherm. This represents an increase of \$0.208 from September's price of \$2.556 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.
- Williams/Transco Open season update: the final agreement was signed; FING will benefit from additional capacity starting in November of 2027.
- Patriot Energy Group Pre-Pay: the final agreement was signed, waiting on final numbers.

GAS OPERATIONS

- The 3 system improvements listed below are in progress as follows:
 - Install 1,750 of 6" plastic pipe behind the H.B. Fuller plant.
 - FING's contractor has completed this work. This 6" extension is a key loop to help move gas to the North end of the system.
 - Directional bore Durbin Creek at Jones Mill Rd. to loop the North end of our system.
 - Bids were opened and the lowest bid was from Appling Boring Co. at a price of \$217,150. Due to some logistics and DOT permit delays, completion has been moved to January.
 - Replace the regulator station at the corner of North Main and Bryson Rd.
 - The station has been fabricated and delivered to FING. Now that the 6" plastic job mentioned above is in service, we will start. We are planning to have the new station in service by November 15th.
- FING obsolete meter replacement program of several hundred meters is well on its way.
 - In September we replaced 105 meters.
 - To date we have replaced 596 meters.

Winter Weather Outlook

- The USA is entering a weather pattern called "El Niño". This pattern traditionally brings cooler and wetter weather to the Southeast which means gas residential demand should be higher than last winter.
- The market should remain stable through winter with prices between \$2.75 and \$4 per dekatherm, unless a polar event or other large unforeseen market event sends prices up.

GAS PRICES

NORTH CAROLINA/SOUTH CAROLINA/VIRGINIA GAS RATE COMPARISONS					
September 2023					
COMPANY	SERVICE CLASS	METER CHARGE PER MONTH	AVEWRAGE RATE PER THERM	AVG. USAGE THERMS	TOTAL COST PER MONTH
CITY OF DANVILLE, VA	Residential	\$12.15	\$0.55904	20.00	\$23.33
GREENWOOD CPW, SC	Residential	\$10.00	\$0.89560	20.00	\$27.91
PIEDMONT, SC	Residential	\$10.00	\$0.89730	20.00	\$27.95
CITY OF SHELBY, NC	Residential	\$8.50	\$0.97890	20.00	\$28.08
CITY OF ORANGEBURG, SC	Residential	\$10.00	\$0.93750	20.00	\$28.75
FORT HILL NATURAL GAS, SC	Residential	\$10.00	\$0.98000	20.00	\$29.60
DOMINION, NC	Residential	\$10.00	\$0.99733	20.00	\$29.95
LANCASTER COUNTY, SC	Residential	\$10.00	\$1.07000	20.00	\$31.40
CLINTON-NEWBERRY, SC	Residential	\$12.00	\$1.00440	20.00	\$32.09
CHESTER COUNTY, SC	Residential	\$6.50	\$1.28899	20.00	\$32.28
YORK NATURAL GAS, SC	Residential	\$9.25	\$1.15545	20.00	\$32.36
FOUNTAIN INN, SC	Residential	\$9.00	\$1.30310	20.00	\$35.06
PIEDMONT, NC	Residential	\$10.00	\$1.35957	20.00	\$37.19
DOMINION, SC	Residential	\$10.90	\$1.55866	20.00	\$42.07
GREENVILLE UTILITIES, NC	Residential	\$14.00	\$1.43410	20.00	\$42.68
GREER CPW, SC	Residential	\$10.00	n/a		#VALUE!
CITY OF MONROE, NC	Residential	\$10.00	n/a		#VALUE!
LAURENCE CPW	Residential	\$10.00	n/a		#VALUE!
CITY OF LEXINGTON, NC	Residential	\$10.00	n/a		#VALUE!
PUBLIC SERVICE OF NC	Residential	\$10.00	n/a		#VALUE!

KEY INDICATORS

PERFORMANCE INDICATORS	CURRENT	Y-T-D
NEW MAIN LINES INSTALLED	6,025 ft.	68,324 ft.
NEW SERVICE LINES INSTALLED	61 SL; 2,929 ft.	617 SL; 32,470 ft.



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

Home Department**	August Headcount	September Hires / Transfers In	September Terms	September Transfers Out	September Headcount	DIVERSITY					
						Asian	Black or African American	Hispanic or Latino	White	Pacific Islander	One or More
000411 / Administration	2	0	0	0	2	0	0	0	2	0	0
000412 / Judicial	5	0	0	0	5	0	0	0	4	1	0
000413 / Council	8	0	0	0	8	0	0	1	7	0	0
000414 / Community Relations	6	0	1	0	5	0	0	0	5	0	0
000416 / Finance	5	0	0	0	5	0	1	0	4	0	0
000417 / Human Resources	2	0	0	0	2	0	0	1	1	0	0
000421 / Police	39	3	0	0	42	0	4	3	34	0	1
000422 / Fire	29	1	0	0	30	0	2	0	28	0	0
000424 / Public Works	2	1	0	0	3	0	1	0	2	0	0
000425 / Planning & Development	3	0	0	0	3	0	0	0	3	0	0
000431 / Streets & Grounds	7	0	0	0	7	0	2	0	5	0	0
000432 / Sanitation	9	0	0	0	9	0	2	0	7	0	0
000434 / Sewer	4	1	0	0	5	0	1	0	4	0	0
000451 / Recreation	48	1	1	0	48	0	13	0	35	0	0
000453 / Facilities Maintenance	2	0	0	0	2	0	0	1	1	0	0
000510 / Gas Billing	5	0	0	0	5	0	1	0	4	0	0
000510 / Gas Field	17	0	0	0	17	0	0	1	16	0	0
Totals:	193	7	2	0	198	0	27	7	162	1	1

**Based on Home Departments

FULL TIME 147 / PART TIME 51

Recruitment Status for Open Positions - AS OF 10/3/23

411 Finance: Accounting Manager (1) Vacancy; recruiting in process

421 Police: Patrol Officer (3) Vacancies; interviews & screenings in process

421/422 Dispatch: Dispatcher (1) Vacancy; 1 candidate in process

422 Fire: Part-Time Firefighter (3) Vacancies; interviews completed 10/2/23

425 Planning & Development: Planning & Development Manager (1) Vacancy; recruiting in process

451 Recreation: Part-time City Activity Support Staff & Officials; (continous recruiting)

510 Gas: Warehouse Coordinator (1) Vacancy; applications under review

SEPTEMBER HIRES:

Name	Department	Title
Gonzalez, Diana Alejandra	000421	Police/Fire Dispatcher
Hendrickson, Heather Rachel	000421	Certified Police Officer
Gambill, Courtney Renee	000421	Police/Fire Dispatcher
Dixon, David James	000422	Firefighter
Kirk, Douglas E.	000424	Director of Public Works
Paulding, Jimmie Edward	000434	Sewer/Stormwater Maintenance Technician
Rice, James Tyrey	000451	Recreation Director

PLANNING & ZONING DIVISION ACTIVITY

Comprehensive Plan Project Update

During September, the Comprehensive Plan Team updated the draft plan to include Housing and Cultural Resources elements. The team met via Microsoft Teams and discussed the schedule for the upcoming Joint Planning Commission/ City Council meeting and the Focus Group meetings. The meetings are scheduled for October 24th and 25th.

BOARDS AND COMMISSION

Planning Commission

The Fountain Inn Planning Commission October meeting included one plan.

PP-2023-004

Request:	Preliminary Plan Approval for Barton Hollow
TMS:	0562010102801, 0562010102822, 0562010102815, 0562010102823, 0562010102820, and 0562010102800
Location:	Highway 418 and Greenpond Road
Zoning:	PD, Planned Development District

Board of Zoning Appeals

The regularly scheduled meeting will be on October 16th. There are no cases of new business on the docket.

BUILDING AND CODES DIVISION

INSPECTIONS	AUGUST	JULY	LAST YEAR
ALL CONSTRUCTION	549	610	x
REINSPECTIONS	28	35	x
SAFETY INSPECTIONS	0	0	x
COMPLAINT INSPECTIONS	0	1	x
TOTAL INSPECTIONS	549	610	x
PERMITS			
PERMITS ISSUED	47	71	x
NEW SINGLE FAMILY	20	17	x
NEW MULTI-FAMILY (UNITS)	0	0	x
NEW COMMERCIAL	0	0	x
CERTIFICATES OF OCCUPANCY -ISSUED	29	57	x
REMODEL/ADD. RESIDENTIAL	4	2	x
REMODEL/ADD. COMMERCIAL	3	1	x
SIGN/ROOFING/SOLAR/MISC TRADE	19	26	x
PLAN REVIEWS			
COMMERCIAL PLAN REVIEWS	3	3	x
RESIDENTIAL PLAN REVIEWS	36	27	x

CODE COMPLIANCE

BUILDING CODE COMPLAINTS	AUGUST	JULY	LAST YEAR
OPEN COMPLAINTS	3	3	x
PENDING INSPECTION	9	11	x
RESOLVED COMPLAINTS	10	8	x
PENDING COURT	1	1	x
TOTAL COMPLAINTS (*DOES NOT INCLUDE COMPLAINTS PENDING COURT)	22	22	x
ACTIVE COMPLAINTS BY TYPE			
BUILDING – UNSAFE CONDITIONS	0	0	x
PROPERTY MAINTENANCE	18	15	x
VEHICLES/OTHER	4	7	x

DEPARTMENT HIGHLIGHTS

Financial Summary

FINANCIAL STATISTICS	AUGUST	JULY	LAST YEAR
TOTAL VALUATION	\$7,224,123	\$5,717,657	x
TOTAL PERMIT FEES	\$40,300	\$39,566	x
TOTAL PLAN REVIEW REVENUE	\$20,723	\$20,698	x

Current Projects

- Comprehensive Plan Update – Project Manager: Dean Miller, Senior Planner
- Planning Process Audit – Project Manager: Kendig Keast Collaborative
- Permitting Process Audit – Project Manager: SafeBuilt



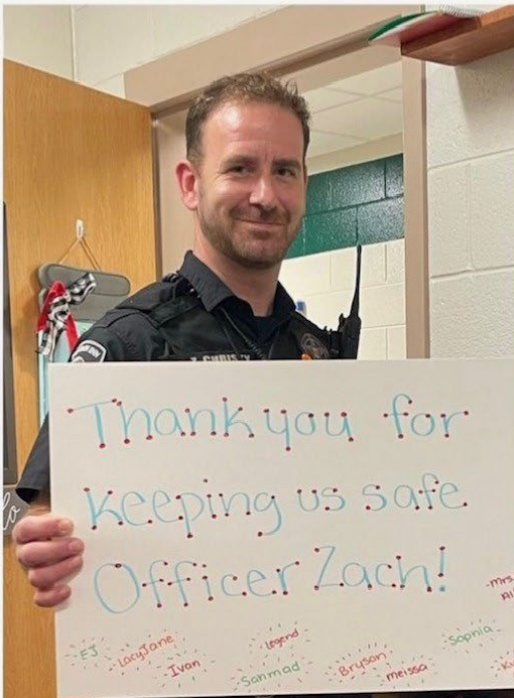
Police Department *September 2023 Monthly Report*



Law Enforcement Appreciation Day



Asst. Chief Woods Retirement



9/11 First Responders Lunch Fountain Inn Elementary



SRO Christy Recognition



Upcoming Events



October 4, 2023

Walk for Domestic Violence Awareness

Fountain Inn Police Department

October 7th | 9 am

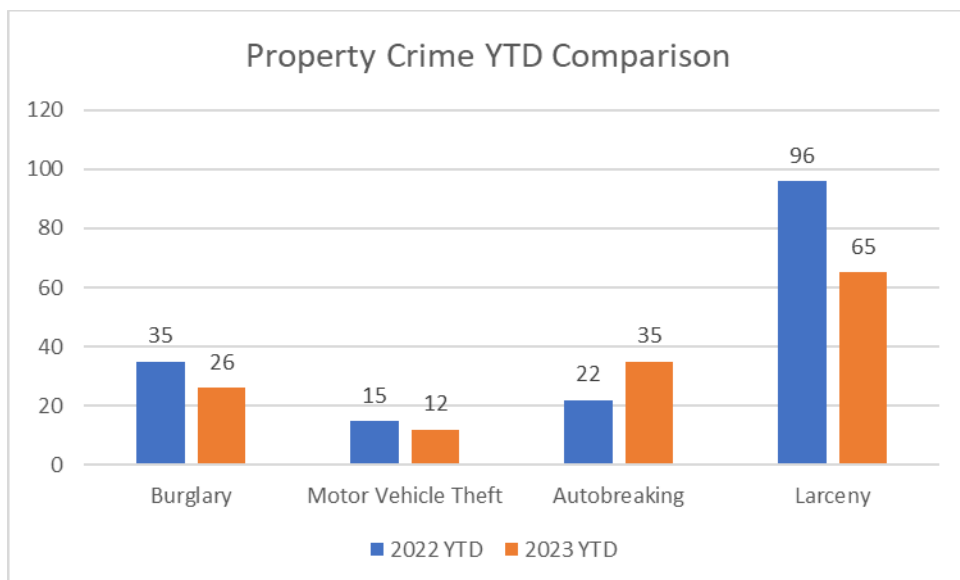
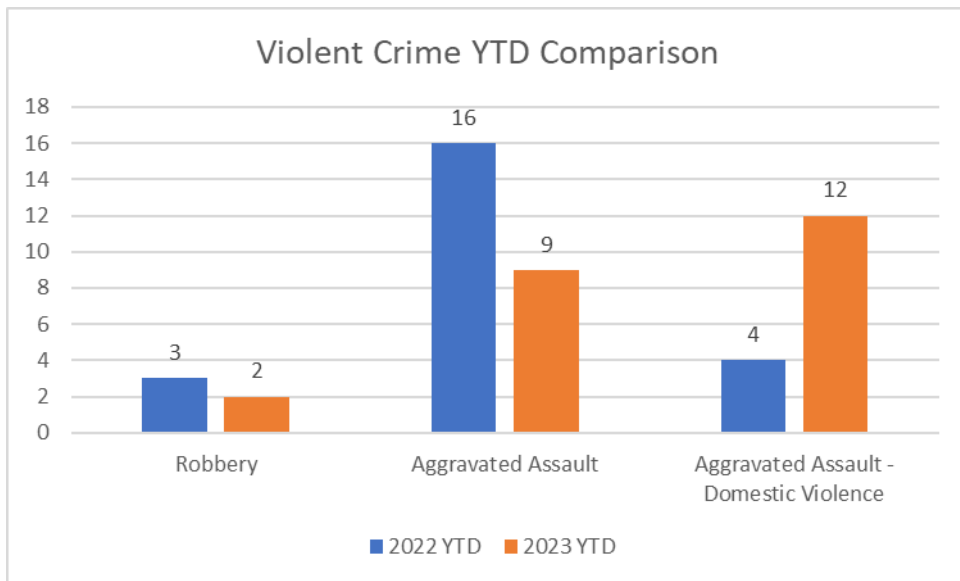
200 N Main St. Fountain Inn





Violent Crime								
Crime Type	Sept 2022	Sept 2023	% Change	2022 YTD	2023 YTD	% Change	YTD Cases Cleared	% Cleared
Robbery	0	0	0.00%	3	2	-33.3%	1	50.0%
Aggravated Assault	3	1	-66.7%	16	9	-43.8%	5	55.6%
Aggravated Assault - Domestic Violence	2	3	50.0%	4	12	200.0%	11	91.7%

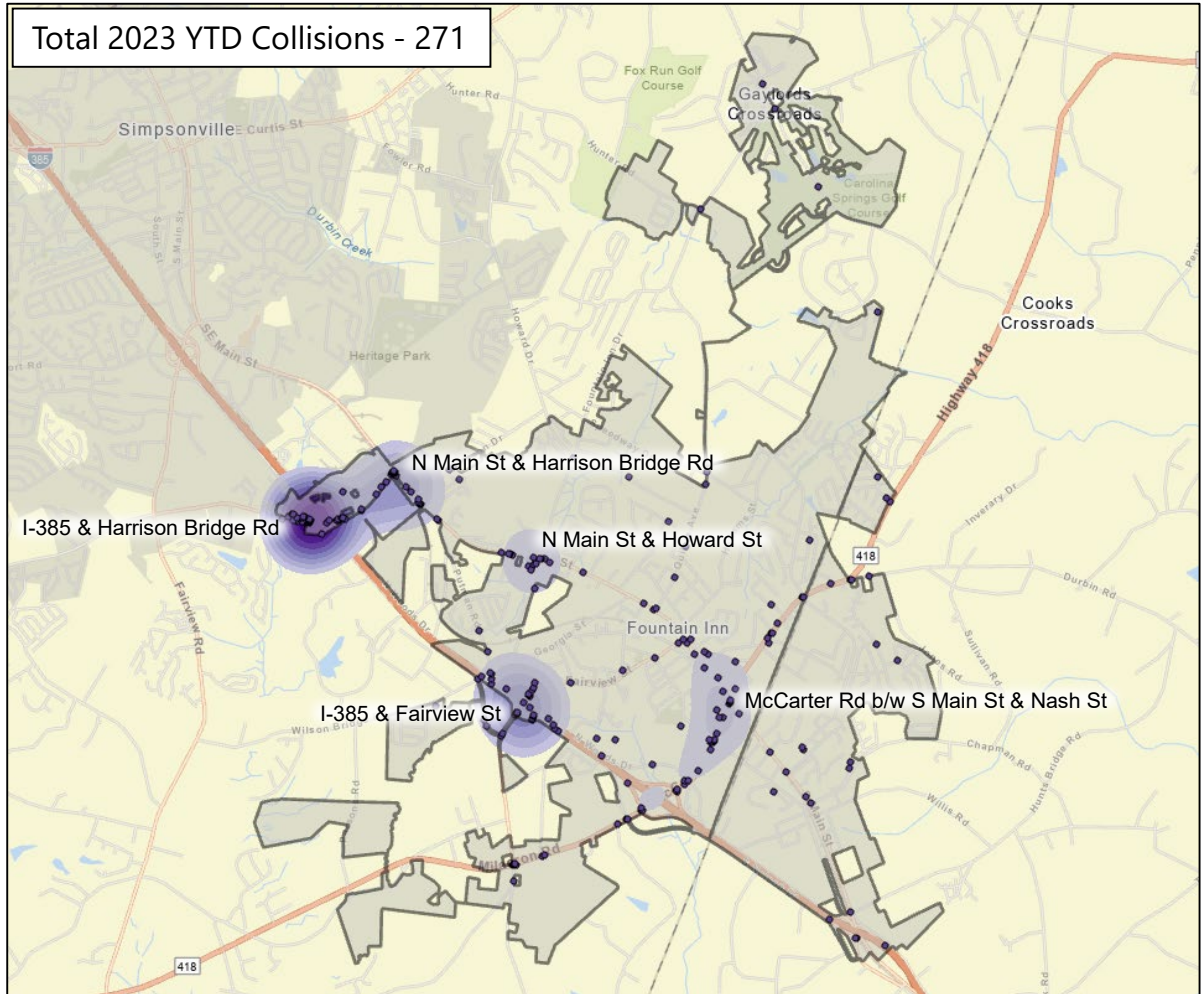
Property Crime								
Crime Type	Sept 2022	Sept 2023	% Change	2022 YTD	2023 YTD	% Change	YTD Cases Cleared	% Cleared
Burglary	6	0	-100.0%	35	26	-25.7%	3	11.5%
Motor Vehicle Theft	1	2	100.0%	15	12	-20.0%	3	25.0%
Autobreaking	3	4	33.3%	22	35	59.1%	4	11.4%
Larceny	12	5	-58.3%	96	65	-32.3%	8	12.3%



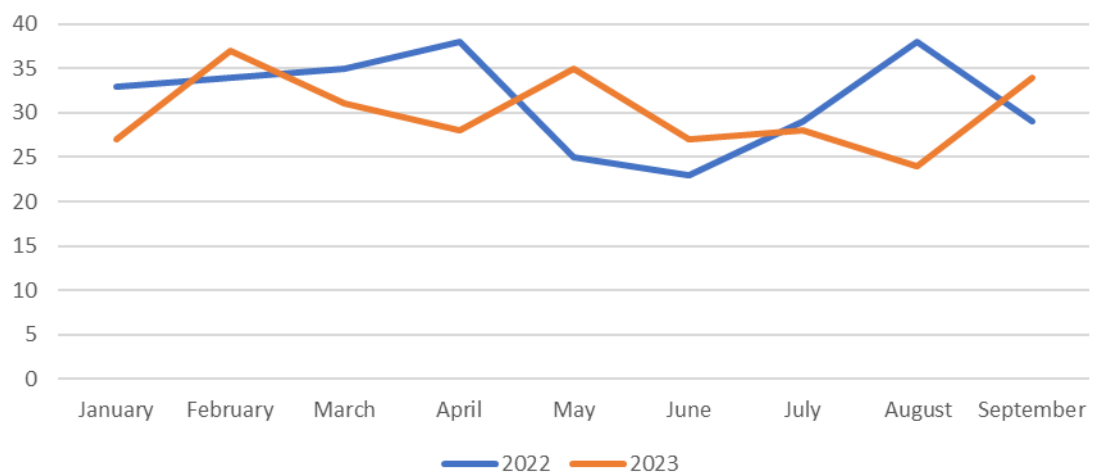


Count	Sept 2022	Sept 2023	% Change	2022 YTD	2023 YTD	% Change
Collisions	29	34	17.2%	284	271	-4.6%

Total 2023 YTD Collisions - 271



Collisions by Month - 2022 YTD/2023 YTD





Collisions by Hour and Day of Week - 2023 YTD								
Hour	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Grand Total
0000				1	1		1	3
0100	1	1		1				3
0200							1	1
0300	1							1
0500		1	1	2				4
0600		1	4	1	1	2		9
0700	1	2	6	1	8	3	1	22
0800		5	5	3	3	1		17
0900	2	1		2	1	4		10
1000	3	1		2	1	2		9
1100	1				1	3	3	8
1200	3	1		2	2	2	2	12
1300	3	2	1	2	3	1	1	13
1400	2	2	2	2	5	5	2	20
1500	1	4	5	7	3	4	4	28
1600	4	3	6	3	8	7		31
1700	3	4	6	6	5	3	2	29
1800	1	4	2	5	3	2	1	18
1900	3		4	2	1	2	1	13
2000					1	1	1	3
2100	1		1	3	1		1	7
2200		1	1	1	2	1	1	7
2300	2						1	3
Grand Total	32	33	44	46	50	43	23	271

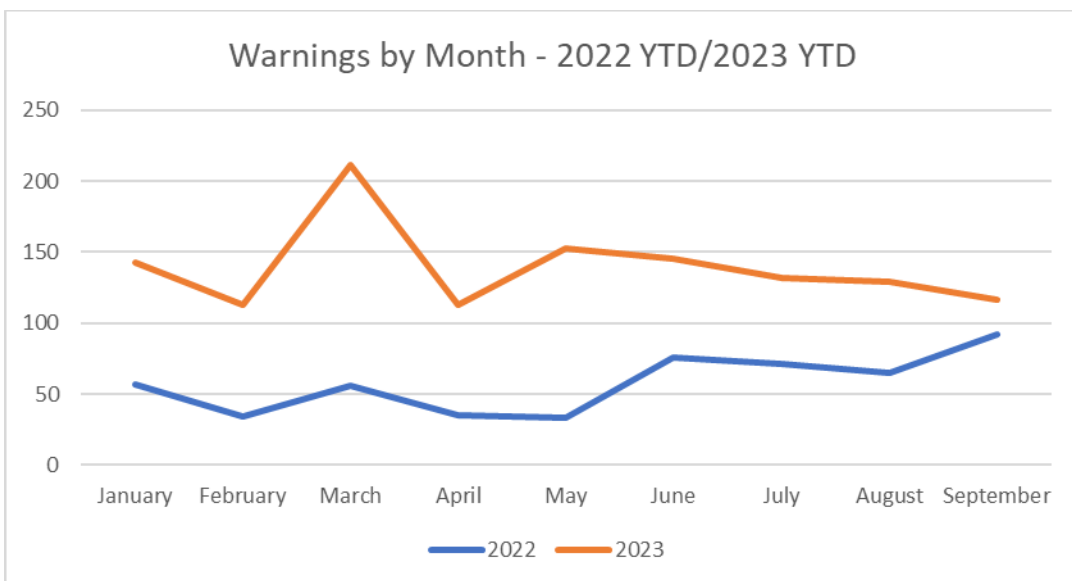
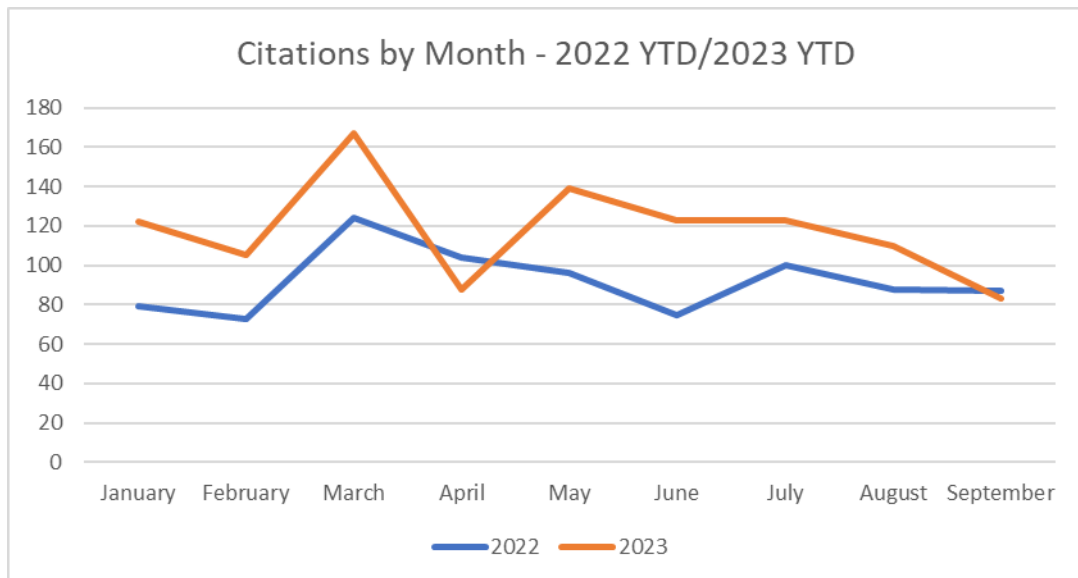
Top Contributing Factors	Sept 2023
Failed to Yield Right of Way	7
Followed Too Closely	6
Driving Too Fast for Conditions	4

Top Contributing Factors	2023 YTD
Failed to Yield Right of Way	65
Followed Too Closely	46
Driving Too Fast for Conditions	40



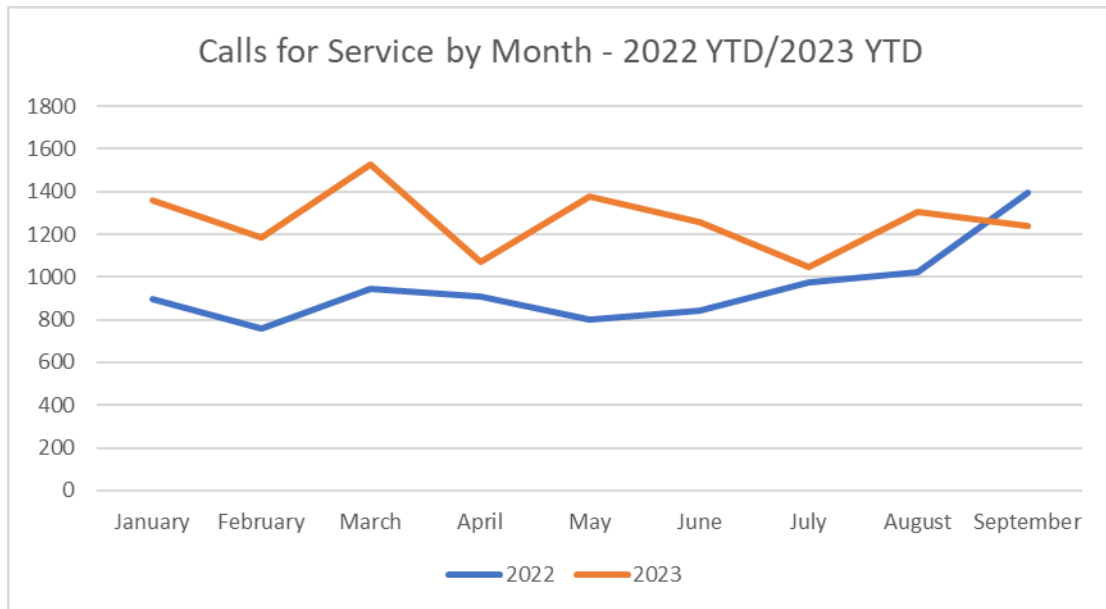
Citation/Warning Statistics

Contact Type	Sept 2022	Sept 2023	% Change	2022 YTD	2023 YTD	% Change
Citations	87	83	-4.6%	826	1,060	28.3%
Warnings	92	116	26.1%	519	1,255	141.8%





Count	Sept 2022	Sept 2023	% Change	2022 YTD	2023 YTD	% Change
Calls for Service	1,393	1,240	-11.0%	8,543	11,365	33.0%



Communications Call Summary Report

Call Summary				
Call Type		Sept 2022	Sept 2023	% Change
911	Inbound	201	128	-36.3%
	Inbound	1,456	810	-44.4%
	Outbound	734	140	-80.9%

Public Works – September 2023 Council Report

Work Orders

PERFORMANCE INDICATORS	CURRENT	Y-T-D	PRIOR YEAR
Animal Control	2	20	16
Facilities Maintenance	15	109	88
Sanitation	62	471	336
Streets and Grounds	11	94	53
Utilities	7	78	22

DEPARTMENT HIGHLIGHTS

Current Projects

- **Interstate Signage.** Picked out brick and other construction materials for the sign. Have a preconstruction meeting scheduled for Tuesday, 10 Oct 23. Construction is scheduled to begin by end of the month.
- **Main Street, Street Scape.** Have received cost estimates and designs from COTRANSCO. Estimated prices were \$6,819,294. We are currently over budget by \$4,319,294. Requested 2.5 million from GLDTC at the Thursday, 28 September 23 meeting. Will be informed if grant was received in October 23 meeting. Will reduce scope of Street Scape to get within our budget.
- **Woodside Street Scape.** Project will be let by SCDOT in October 23.
- **Woodside Park Connector.** Project will be let by SCDOT in October 23.
- **Emanuel Sullivan ADA Bathroom.** Construction is completed, electronic locks are installed and in working order.
- **Durbin Creek Sewer Rehabilitation.** Received bids for Sewer Rehabilitation project. The winning bid was below what was projected and appears that we will be able to line all remaining clay pipe and a significant amount of laterals in our worst sewer basin.
- **Parking Lot Revitalization Project.** Finalizing the designs for the Splash pad, Finance, and Jones Street parking lots. Hope to have RFP released in October 23.
- **Stormwater Model.** Have identified several areas in the city that have experienced flooding during major rain events. Still taking surveys in the problem areas and starting the models to address some of the issues.

Parks & Recreation

DEPARTMENT HIGHLIGHTS

Current Objectives

- **Staffing** – We are committed to hiring additional staff to meet recreational needs. (1 or 2 Recreation Coordinators, and additional support staff)

Current Staff

Recreation Director-James Rice

1. Activities Manager-Beth Anne
2. Senior Activities Assistant-Sue Grubbs
3. Activities Assistant-Heather Johnson

Recreation Staff

1. Recreation Manager-Lea Burns
2. Rec. Coordinator-Vacant
3. About 28 active part-time rental/support

- **Policy Procedures-** All aspects of policy and procedures are being evaluated
- **Current Sports**

Volleyball- The season will last through the end of October. Afterwards there will be a playoff starting on November the 1st. The championship game is usually played at Fountain Inn High School and set for November 9th if there are no changes.

Flag Football/Baseball/ Softball- All seasons will be completed at the end of October and culminate with a playoff

Tackle Football- Playoffs will be starting soon with only one regular season game left. SCAP All-Stars letter of intent and payment is processing. Playoffs start for 8U & 10U teams on 10/5/23 hosted by City of Mauldin and the 12U playoffs begin 10/11/23 hosted by City of Greer

Basketball and Wrestling- Registration opened on October 1st.

The Miracle League- Season will run through Monday, November 6th



REQUEST FOR COUNCIL ACTION
City of Fountain Inn, South Carolina

October 12, 2023

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

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading

Agenda Date Requested:

October 12, 2023

Ordinance/Resolution Caption:

Ordinance 2023-10 to repeal and replace Ordinance 2023-8, to provide for the special property tax assessment authorized by South Carolina code annotated Section 5-21-140; and other related matters.

Summary Background:

This Ordinance, the “Municipal Bailey Bill” will provide that municipalities may grant special property tax assessments to real property which qualifies according to the Municipal Bailey Bill as described in South Carolina Annotated section 4-9-195.

For all property located in the City and in either Greenville or Laurens County, the City adopts the provisions of the Greenville Bailey Bill, except for the provisions related to the “Reviewing Authority” as that term is defined in South Carolina Code Annotated section 4-9-195(B)(7), made applicable to the City according to Municipal Bailey Bill.

For purposes of designating the Reviewing Authority, the City designates the South Carolina Department of Archives and History, provided, however, no separate application to the Department of Archives and History is required for any property that receives preliminary and final approval for the federal income tax credit allowed pursuant to Section 47 of the Internal Revenue Code, or any successor provision, or the South Carolina income tax credit allowed pursuant to South Carolina Code Annotated section 12-6-3535, or any successor provision.

In addition to the requirements set forth in subitem (b), above, at the time at which the applicant seeks certification for the property, the property must be zoned one of the following: OD, C-1, C-2, S-1, PD, POD, NC, or FRD.

Impact If Denied:

If denied, there will be no update to the Zoning Ordinance.

Impact If Approved:

If approved, the Ordinance will be updated to reflect the information above.

Financial Impact:

N/A

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-10**

**TO REPEAL AND REPLACE ORDINANCE 2023-8, TO PROVIDE FOR
THE SPECIAL PROPERTY TAX ASSESSMENT AUTHORIZED BY
SOUTH CAROLINA CODE ANNOTATED SECTION 5-21-140; AND
OTHER RELATED MATTERS.**

WHEREAS, the City Council (“Council”) of the City of Fountain Inn (“City”) finds:

(a) South Carolina Code Annotated section 5-21-140 (“Municipal Bailey Bill”) provides that municipalities may, by ordinance, grant special property tax assessments to real property which qualifies according to Municipal Bailey Bill, as more fully described in South Carolina Code Annotated section 4-9-195;

(b) Greenville County, South Carolina (“Greenville”), by and through Chapter 7, Article I, section 7-13 of the Greenville County Code of Ordinances (with any amended or successor provision(s), collectively, “Greenville Bailey Bill”);

(c) The City previously enacted Ordinance 2023-8, providing for such special property tax assessments; and

(d) The City desires to repeal Ordinance 2023-8 and the related codification of Section 18-7 of “The Code of Ordinances of the City of Fountain Inn, South Carolina, 1992” (“City Code”) and replace Ordinance 2023-8 with this Ordinance and Section 18-7 of the City Code with a revised Section 18-7 as contained in this Ordinance;

NOW, THEREFORE, the Council ordains:

1. Enactment. The City enacts Section 18-7 of the City Code as everything between the “*” as provided in this Ordinance.

Sec. 18-7. Enactment of Municipal Bailey Bill.

(a) The City authorizes the Municipal Bailey Bill as part of the Code of Ordinances of the City of Fountain Inn.

(b) For all property located in the City and in either Greenville or Laurens County, the City adopts the provisions of the Greenville Bailey Bill, except for the provisions related to the “Reviewing Authority” as that term is defined in South Carolina Code Annotated section 4-9-195(B)(7), made applicable to the City according to Municipal Bailey Bill.

(c) For purposes of designating the Reviewing Authority, the City designates the South Carolina Department of Archives and History, provided, however, no separate application to the Department of Archives and History is required for any property that receives preliminary and final approval for the federal income tax credit allowed pursuant to Section 47 of the Internal Revenue Code, or any successor provision, or the South Carolina income tax credit allowed pursuant to South Carolina Code Annotated section 12-6-3535, or any successor provision.

(d) In addition to the requirements set forth in subitem (b), above, at the time at which the applicant seeks certification for the property, the property must be zoned one of the following: OD, C-1, C-2, S-1, PD, POD, NC, or FRD.

2. Codification. The City shall codify the contents of this Ordinance, online as soon as practicable and in print as part of the City's next, regular, re-codification as part of Chapter 18, section 18-7, or as otherwise appropriately numbered, of the City Code, as and if next codified.

3. Reservation of Code Sections. Any unused sections of the City Code shall remain reserved for future use.

4. Reservation to City. The City reserves the right to repeal or amend this Ordinance, at any time, from time to time, as often as the City, in its sole discretion, deems appropriate.

5. Severability. If any part of this Ordinance is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

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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: September 14, 2023
Second Reading / Final Approval: October 12, 2023



REQUEST FOR COUNCIL ACTION
City of Fountain Inn, South Carolina

12 October 23

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

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading

Agenda Date Requested: 12 October 23

Ordinance/Resolution Caption: AMENDING ARTICLE 11, SPECIFICALLY SECTION 11:3 OF APPENDIX A (ZONING) OF THE CITY CODE OF ORDINANCES OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, 1992, AS AMENDED (“CITY CODE”) REGARDING THE PLANNING COMMISSION; AND INVOKING PENDING ORDINANCE DOCTRINE.

Summary Background: Since the Planning Commission was established, the commission members term limits were to be staggered in a logical fashion as to mitigate a commission composed of members whom had never served in that position previously. Due to early departure of members over the years, the appointment dates have been misaligned and no longer follow any logical pattern. The purpose of this ordinance is to realign the term limits to that of the council and amend appointment procedures for future commission members.

Impact If Denied: The appointment dates will continue to be out of alignment and could result in a commission with minimal experience or commission members serving longer than prescribed.

Impact If Approved: The appointment dates of the commission would be realigned, would ensure commission has fully trained members and creating a systematic routine for future commission appointments.

Financial Impact: None.

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-11**

**AMENDING ARTICLE 11, SPECIFICALLY SECTION 11:3 OF APPENDIX
A (ZONING) OF THE CITY CODE OF ORDINANCES OF THE CITY OF
FOUNTAIN INN, SOUTH CAROLINA, 1992, AS AMENDED (“CITY
CODE”) REGARDING THE PLANNING COMMISSION; AND
INVOKING PENDING ORDINANCE DOCTRINE.**

WHEREAS, the City Council (“Council”) of the City of Fountain Inn (“City”) finds:

(a) The Council is authorized and empowered to provide for its internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975;

(b) South Carolina Code Annotated Title 6, Chapter 29, Article 1, section 310, through and including section 380, provide for the creation, and governance, of a planning commission;

WHEREAS, the Article 11, specifically Section 11:3 of Appendix A (Zoning) of “The Code of Ordinances of the City of Fountain Inn, South Carolina, 1992” (“City Code”), provides for the composition of the Planning Commission; and

(c) The Council desires to clarify and amend certain aspects of the Planning Commission;

NOW, THEREFORE, the Council ordains:

1. Amendment.

(a) Section 11:3 (Composition of a Planning Commission) of Appendix A (Zoning) of the City Code is amended by striking all of Section 11:3 (Composition of a Planning Commission) and inserting therein the following:

Section 11:3. – Composition of a Planning Commission.

The Planning Commission shall be composed of seven commission members, a majority of which constitutes a quorum. Each member of the City Council is entitled to nominate one Commission member and the Mayor is entitled to nominate one Commission member from the City at large. The Councilmember’s nomination shall not require a second. Appointments after nomination shall be by simple majority vote of the members of the City Council. Each appointment shall be for a term of four years; provided, however, appointments are staggered: the Commission members from Wards 1, 3, and 5 shall be appointed for terms beginning contemporaneously, and the Commission members from Wards 2, 4, 6, and the Mayor shall be appointed for terms beginning contemporaneously. Commission members may not serve more than two consecutive terms; however, service by any Commission member of any partial term shall not be applied to such limitation. Notwithstanding the foregoing, all Commission members shall continue to serve until their successors are qualified and appointed.

A member of the City Council may nominate for membership to the Commission only individuals who are residents of the Ward represented by that Councilmember and who have a current City application related to service on the City’s boards and commissions. The Mayor’s nominee shall be a resident of the City. Should any nominee of any member of the City Council fail to receive a majority vote of the members of the City Council, then the

City Council member shall submit a new nominee for the consideration of City Council.

A vacancy in the membership of the Commission must be filled for the unexpired term in the same manner as the initial appointment. The City Council may remove any member of the commission. The City Council shall determine the amount of compensation, if any, to be paid to the members of the Commission. None of the Commission member shall hold any other public office or position in the municipality or county.

2. Transition Provisions. For the terms of the initial members of the Planning Commission following the enactment of this Ordinance, for any member of the Planning Commission who resides in, or was nominated by, a member of the City Council representing Wards 2, 4, 6, or the Mayor, their term shall commence January 1, 2024, and expire December 31, 2025, which shall be considered a partial term for the purpose of the limitation on successive terms. For any members of the Planning Commission who resides in, or was nominated by, a member of the City Council representing Wards 1, 3, and 5, their term shall commence on January 1, 2024, and shall expire December 31, 2027, which shall constitute a full term for the purpose of the limitation on successive terms. Any member's current service on the Planning Commission as of the date of this Ordinance shall be considered a partial term for the purpose of the limitation on successive terms.

3. Codification. The amendment to the section of the City Code references in this Ordinance, including, for example, Article 11, section 11:3 of Appendix A (Zoning) shall be codified as part of each applicable section of the City 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.

4. Severability. If any part of this Ordinances is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

5. Pending Ordinance Doctrine; Effective Date. The "Pending Ordinance Doctrine," as described and applied by the South Carolina Supreme Court in *Sherman vs. Reavis*, 273 S.C. 542, 257 S.E.2d 735 (1979), and as adopted and applied by South Carolina courts in other decisions, is adopted and declared to be in full force and effect in the City with respect to application of any City planning, zoning, and development matters, including the matters contained in this Ordinance. As a result, this Ordinance shall be deemed to be applicable at and after first reading.

6. Savings Clause. Any actions taken or authorized to be taken that have accrued under or pursuant to Article 11, specifically, section 11:3 of Appendix A (Zoning) prior to the first reading of this Ordinance are treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, as of the first reading of this Ordinance, and for the enforcement of rights, duties, and liabilities as they stood under, and prior to, the first reading of this Ordinance.

7. Effective Date. Except as otherwise provided by Section 2 and Section 5 of this Ordinance, this Ordinance takes effect immediately at second reading.

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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: September 14, 2023
Second Reading / Final Approval: October 12, 2023

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

12 October 23

Regular City Council Meeting

☐ Ordinance/First Reading ☐ Ordinance/Second Reading ☒ Resolution/First & Final Reading**Agenda Date Requested:** **12 October 23**

Ordinance/Resolution Caption: AMENDING ARTICLE 11, SPECIFICALLY SECTION 11:7, THROUGH AND INCLUDING SECTION 11:12, OF APPENDIX A (ZONING) OF THE CITY CODE OF ORDINANCES OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, 1992, AS AMENDED (“CITY CODE”) REGARDING THE BOARD OF ZONING APPEALS; AND INVOKING PENDING ORDINANCE DOCTRINE.

Summary Background: Since the Board of Zoning Appeals was established, the members term limits were to be staggered in a logical fashion as to mitigate a board composed of members whom had never served in that position previously. Due to early departure of members over the years, the appointment dates have been misaligned and no longer follow any logical pattern. The purpose of this ordinance is to realign the term limits to that of the council and amend appointment procedures for future board members.

Impact If Denied: The appointment dates will continue to be out of alignment and could result in a board with minimal experience or board members serving longer that prescribed.

Impact If Approved: The appointment dates of the board would be realigned, would ensure board has fully trained members and creating a systematic routine for future board appointments.

Financial Impact: None.

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-12**

**AMENDING ARTICLE 11, SPECIFICALLY SECTION 11:7, THROUGH
AND INCLUDING SECTION 11:12, OF APPENDIX A (ZONING) OF
THE CITY CODE OF ORDINANCES OF THE CITY OF FOUNTAIN
INN, SOUTH CAROLINA, 1992, AS AMENDED (“CITY CODE”)
REGARDING THE BOARD OF ZONING APPEALS; AND INVOKING
PENDING ORDINANCE DOCTRINE.**

WHEREAS, the City Council (“Council”) of the City of Fountain Inn (“City”) finds:

(a) The Council is authorized and empowered to provide for its internal operation according to South Carolina Constitution Article VIII, section 17, and the Home Rule Act of 1975;

(b) South Carolina Code Annotated section 780, through and including section 860, provide for the creation, and governance, of a board of zoning appeals;

WHEREAS, the Article 11, specifically Section 11:7, through and including section 11:12 of Appendix A (Zoning) of “The Code of Ordinances of the City of Fountain Inn, South Carolina, 1992” (“City Code”), provides for the composition, powers, and other general rules governing the Zoning Board of Appeals; and

(c) The Council desires to clarify and amend certain aspects of Board of Zoning Appeals;

NOW, THEREFORE, the Council ordains:

1. Amendment.

(a) Section 11:7 (Appeals) of Appendix A (Zoning) of the City Code is amended with such items underlined being added to and such items stricken through being removed from, as follows:

Section 11:7. – Board of Zoning Appeals.

According to South Carolina Code Annotated section 6-29-780, There is created hereby a the Board of Zoning Appeals by the City of Fountain Inn. with jurisdiction of said board shall lie within the city limits of the City of Fountain Inn, as may be amended at any time, from time to time as such exist on the date of enactment of this Ordinance or as may become determined in the future.

(b) Section 11:8 (Fee) of Appendix A (Zoning) of the City Code is amended by striking all of Section 11:8 (Fee) and inserting therein the following:

Section 11:8. – Meetings; Notice; Records.

Public notice of all meetings of the Board of Zoning Appeals shall be provided by publication in a newspaper of general circulation in the City of Fountain Inn. In cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The chair or, in the chair’s absence, the acting chair, may administer oaths and compel the attendance of witnesses by subpoena. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if a member is absent or fails to vote, indicating that fact, and shall keep records of the Board of Zoning Appeals’

examinations and other official actions, all of which must be immediately filed in the office of the Board of Zoning Appeals and must be a public record.

(c) Section 11:9 (Duties of Zoning Board of Appeals) of Appendix A (Zoning) of the City Code is amended with such items underlined being added to and such items stricken through being removed from, as follows:

Section 11:9. – Duties of Zoning Board of Appeals.

~~The activities of the Fountain Inn Zoning Board of Appeals~~ has the authority provided by, and shall be governed according to, South Carolina Code Annotated section 6-29-800, and section 6-29-810 and as otherwise provided by this Code in accord with S.C. Code § 6-29-790, and as governed by the procedures outlined in the Comprehensive Planning Guide for Local Governments. Any decisions of the board shall be in writing and in the form of an order signed by the chairman and secretary to the board. Furthermore, the powers of the board shall be in accord with S.C. Code § 6-29-800, which is specifically adopted by reference as authority within the Code of Ordinances for the City of Fountain Inn.

(d) Section 11:10 (Composition) of Appendix A of the City Code is amended by striking all of Section 11:10 (Composition) and inserting therein the following:

Section 11:10. – Composition.

The Board of Zoning Appeals shall be composed of seven board members, a majority of which constitutes a quorum. Each member of the City Council is entitled to nominate one board member and the Mayor is entitled to nominate one board member from the City at large. The Councilmember's nomination shall not require a second. Appointments after nomination shall be by simple majority vote of the members of the City Council. Each appointment shall be for a term of four years; provided, however, appointments are staggered: the board members from Wards 1, 3, and 5 shall be appointed for terms beginning contemporaneously, and the board members from Wards 2, 4, 6, and the Mayor shall be appointed for terms beginning contemporaneously. Board members may not serve more than two consecutive terms; however, service by any board member of any partial term shall not be applied to such limitation. Notwithstanding the foregoing, all board members shall continue to serve until their successors are qualified and appointed.

A member of the City Council may nominate for membership to the board only individuals who are residents of the Ward represented by that Councilmember. The Mayor's nominee shall be a resident of the City. Should any nominee of any member of the City Council fail to receive a majority vote of the members of the City Council, then the City Council member shall submit a new nominee for the consideration of City Council.

A vacancy in the membership of the board must be filled for the unexpired term in the same manner as the initial appointment. The City Council may remove any member of the board. The City Council shall determine the amount of compensation, if any, to be paid to the members of a board. None of the board members shall hold any other public office or position in the municipality or county.

(e) Section 11:11 (Appointment of a Secretary) of Appendix A of the City Code is amended by striking all of Section 11:11 (Appointment of a Secretary) and inserting therein the following:

11:11 – Organization; Appointment of Officers.

The Board of Zoning Appeals shall appoint one of its members as the chair, who shall serve for one year, unless re-elected, or a successor is elected and qualified. The Board of Zoning Appeals shall appoint a secretary, who may be an officer of the City of Fountain Inn, or a member of the Board of Zoning Appeals. The Board of Zoning Appeals shall adopt rules of procedure that are not inconsistent with either South Carolina Code Annotated section 6-29-[], through and including section 6-29-[], or with this Code. Meetings of the Board of Zoning Appeals must be held at the call of the chair and at such other times as no less than three of the members may request.

(e) Section 11:12 (Appeals) of Appendix A of the City Code is amended with such items underlined being added to and such items stricken through being removed from, as follows:

Section 11:12. – Appeals from the Board of Zoning Appeals.

A person who may have a substantial interest in any decision of the Board of Zoning Appeals, or an officer or agent of the City of Fountain Inn, may appeal from a decision of the Board of Zoning Appeals according to South Carolina Code Annotated section 6-29-820 to the Circuit Court by filing with the Clerk of Court a complaint in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of Board of Zoning Appeals is forwarded in writing to the proposed appellant. Any and all decisions of the Board of Zoning Appeals shall be in writing in the form of an order. The party appealing the decision is responsible for providing a written verbatim written transcript of the proceedings before the Board of Zoning Appeals. No more than 30 days after the secretary of the Board of Zoning Appeals has received notice of the appeal from the Clerk of Court, the secretary of the Board of Zoning Appeals shall file with the Clerk of Court a duly certified copy of the proceedings held before the Board of Zoning Appeals, including a transcript of the evidence heard before the Board of Zoning Appeals, if any, and the decision of the Board of Zoning Appeals, including its findings of fact and conclusions. The filing of an appeal in the circuit court from any decision of the Board of Zoning Appeals does not *ipso facto* act as a *supersedeas*.

2. Transition Provisions. For the terms of the initial members of the board following the enactment of this Ordinance, for any member of the board who resides in, or was nominated by, a member of the City Council representing Wards 2, 4, 6, or the Mayor, their term shall commence January 1, 2024, and expire December 31, 2025, which shall be considered a partial term for the purpose of the limitation on successive terms. For any members of the board who resides in, or was nominated by, a member of the City Council representing Wards 1, 3, and 5, their term shall commence on January 1, 2024, and shall expire December 31, 2027, which shall constitute a full term for the purpose of the limitation on successive terms. Any board member's current service on the board as of the date of this Ordinance shall be considered a partial term for the purpose of the limitation on successive terms.

3. Codification. The amendment to each of the sections of the City Code references in this Ordinance, including, for example, Article 11, specifically, section 11:7, through and including section 11:12, of Appendix A (Zoning) shall be codified as part of each applicable section of the City 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.

4. Severability. If any part of this Ordinances is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

5. Pending Ordinance Doctrine; Effective Date. The “Pending Ordinance Doctrine,” as described and applied by the South Carolina Supreme Court in *Sherman vs. Reavis*, 273 S.C. 542, 257 S.E.2d 735 (1979), and as adopted and applied by South Carolina courts in other decisions, is adopted and declared to be in full force and effect in the City with respect to application of any City planning, zoning, and development matters, including the matters contained in this Ordinance. As a result, this Ordinance shall be deemed to be applicable at and after first reading.

6. Savings Clause. Any actions taken or authorized to be taken that have accrued under or pursuant to Article 11, specifically, section 11:7, through and including section 11:12, of Appendix A (Zoning) prior to the first reading of this Ordinance are treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, as of the first reading of this Ordinance, and for the enforcement of rights, duties, and liabilities as they stood under, and prior to, the first reading of this Ordinance.

7. Effective Date. Except as otherwise provided by Section 2 and Section 5 of this Ordinance, this Ordinance takes effect immediately at second reading.

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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: September 14, 2023
Second Reading / Final Approval: October 12, 2023

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

October 12, 2023

Regular City Council Meeting

☒ Ordinance/First Reading ☐ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** **October 12, 2023**

Ordinance/Resolution Caption: First Reading of Ordinance 2023-13 Amending Ordinance No. 2023-11, enacted December 1, 2021, known as the City's Business License Ordinance to update the standardized business license class schedule.

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

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

The City of Fountain Inn must adopt these by December 31, 2023, to address those licensing renewals that will take place for the license year running from May 1, 2024 – April 30, 2025.

**CITY OF FOUNTAIN INN, SOUTH CAROLINA
ORDINANCE 2023-13**

**AMENDING ORDINANCE NO. 2021-11, ENACTED DECEMBER 1, 2021,
KNOWN AS THE CITY'S BUSINESS LICENSE ORDINANCE, TO
UPDATE THE STANDARDIZED BUSINESS LICENSE CLASS
SCHEDULE.**

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

WHEREAS, by Act No. 176 of 2020 ("South Carolina Business License Tax Standardization Act"), which is codified in South Carolina Code Annotated section 6-1-400 through -420 (collectively, "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December 31 of every odd numbered year, any municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule, which is recommended by the Municipal Association of South Carolina ("Association") and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the City enacted Ordinance No. 2021-11, on December 1, 2021, to comply with the requirements of the Standardization Act ("Current Business License Ordinance");

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

NOW, THEREFORE, the Council ordains:

Section 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

(a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.

(b) Class 8.6 is hereby amended and restated in its entirety to read as follows: "8.6 NAICS Code Varies – Billiard or Pool Tables. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that."

(c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

Section 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," is hereby amended as follows:

(a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.

(b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.

(c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

Section 3. Codification. The amendment to the section(s) of the City Code referenced in this Ordinance shall be codified as part of each applicable section of the City 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.

Section 4. Severability. If any part of this Ordinance is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

Section 5. Savings Clause. Any actions taken or authorized to be taken that have accrued under or pursuant to the Current Business License Ordinance prior to the final reading of this Ordinance are treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, as of the first reading of this Ordinance, and for the enforcement of rights, duties, and liabilities as they stood under, and prior to, the first reading of this Ordinance.

Section 6. Reservation to City. The City reserves the right to repeal or amend this Ordinance, at any time, from time to time, as often as the City, in its sole discretion, deems appropriate.

Section 7. Repealer. All ordinances in conflict with this ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance is effective with respect to the business license year beginning on May 1, 2024.

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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: October 12, 2023
Second Reading / Final Approval: November 9, 2023

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

APPENDIX B
Classes 1-8: Business License Class Schedule by NAICS Codes

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

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

12 October 23

Regular City Council Meeting

☐ Ordinance/First Reading ☐ Ordinance/Second Reading ☒ Resolution/First & Final Reading**Agenda Date Requested:** **12 October 23**

Ordinance/Resolution Caption: Resolution 2023-12 authorizing an application to the South Carolina Water Quality Revolving Fund Authority regarding a potential loan from the water pollution control revolving fund.

Summary Background: In March of 2021, the city determined that due to the cost to rehabilitate Fountain Inn's sewer, the city would have to apply for a loan. The funding was to be used to line clay pipe in the cities sewer system. It was determined that an South Carolina Water Quality Revolving Fund (SRF) loan would be the best fit for our city. In May 2022 the South Carolina Infrastructure Investment Program (SCIIP) grants were introduced and we pivoted to use our SRF loan of \$2,000,000 as the cities match for a \$10,000,000 grant. In April 2023, we were awarded a SCIIP grant of \$9,999,075 which requires the \$2,000,000 match from SRF.

Impact If Denied: We would not be able to provide the cities match for the SCIIP grant using SRF resulting in the city having to research funding from another entity or having to decline the SCIIP grant. If alternate funding was found, the delays could result in us not completing the SCIIP project which has to be completed by July 2026.

Impact If Approved: We would be able to apply for the SRF loan and accept the SCIIP grant funding. We would also be able to line our remaining clay pipe further reducing the I/I in our system.

Financial Impact: We would have an SRF loan payment but approval would result in significant savings due to the SCIIP grant.

RESOLUTION NUMBER 2023-12

**AUTHORIZING AN APPLICATION TO THE
SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY
REGARDING A POTENTIAL LOAN FROM
THE WATER POLLUTION CONTROL REVOLVING FUND**

WHEREAS, the South Carolina Water Quality Revolving Fund Authority (“Authority”) provides low-interest loan financing for the construction of publicly owned wastewater treatment facilities from the Water Pollution Control Revolving Fund (“Fund”) pursuant to the Federal Clean Water Act and Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended;

WHEREAS, the City is a municipal corporation organized in the State of South Carolina and is authorized to incur revenue debt according to the Revenue Bond Act for Utilities, as codified in South Carolina Code Annotated section 6-21-5, *et seq.*, as amended (collectively, “Act”);

WHEREAS, the City has determined that it is in the best interests of the City to apply to the Authority for a loan from the Fund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of Council of the City of Fountain Inn, in Council Assembled that:

1. The Council authorizes the execution and delivery of the Loan Application to the Authority related to a loan from the Fund in the amount of approximately \$2,000,000 to finance the costs of constructing an expansion of the Durbin Creek Basin Sanitary Sewer Rehabilitation;
2. By subsequent ordinance(s), the City intends to grant to the Authority a pledge of, and lien on, revenues of the City’s wastewater system for repayment of the loan;
3. By subsequent ordinance, the City may approve the final terms of the loan and related documents;
4. The City directs the City Attorney to execute and deliver an opinion, substantially in the form attached as Exhibit A to this Resolution, in conjunction with the matters contemplated by this Resolution;
5. The City authorizes (a) the Mayor and/or the City Administrator, each individually, to execute any and all documents, and to take any and all further actions, as may be reasonably necessary and prudent to effect this Resolution’s intent, and (b) the City Clerk to attest and deliver any such documents, provided, however neither the Mayor nor the City Administrator shall execute or deliver any documents that purport to bind the City until the City Council shall have reviewed and approved, by ordinance, the same;
6. All resolutions, orders, and parts thereof in conflict with this Resolution, are, to the extent of that conflict, repealed; and
7. This Resolution is effective and in full force at adoption by the Council.

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Adopted: October 12, 2023.

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
City Attorney – Fountain Inn

EXHIBIT A
FORM OF CITY ATTORNEY OPINION
RE: LOAN APPLICATION