



Agenda

Fountain Inn, South Carolina Regular City Council Meeting 300 Wall Street

Wednesday, November 10, 2021 - 6:00 PM

1. Call to Order - City Council Meeting - Mayor McLeer
2. Invocation
3. Pledge of Allegiance
4. 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.
5. Presentation
 - a. Recognize outgoing Councilmembers Cunningham, Dearybury and Mahony
 - b. Introduce New Employees
Recreation: Lea Burns
Police: Wesley Ellisor and Lee Mahaffey
Gas: James Clarke and Travis Lowe
6. 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. Approve October 14, 2021 Regular Council Meeting Minutes
7. City Administrator's Report - Shawn Bell
 - a. October Reports
8. Unfinished Business -
 - a. Z 2021-2 40 S Woods Drive, Rezone to C-2 Commercial District

- b. Z 2021-3 100 Ellison Street, Wall Street, Rezone to C-2 Commercial District
- c. Z 2021-4 100 Quillen Avenue, Rezone to R-12, Residential District
- d. TX 2021-2 Amend Section 5:12 - GCO, Gateway Corridor Overlay District

9. New Business -

- a. 2021-11 Business License Standardization
- b. R 2021-10 American Rescue Plan Act (ARPA) Funding Request #1

10. Executive Session -

- a. Discussion of negotiations incident to proposed contractual arrangements concerning property located at Greenville County Tax Map #0562010100302
- b. Discussion of negotiations incident to proposed contractual arrangements concerning property located at Greenville County Tax Map #0345000100600

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

11. Adjourn



Minutes

**Fountain Inn, South Carolina
Regular City Council Meeting
300 Wall Street, Judicial Court Room
Thursday, October 14, 2021 - 6:00 PM**

- 1. Call to Order - Mayor McLeer**
- 2. Invocation - Pastor Jeffery L. Williams, Golden View Baptist Church**
- 3. Pledge of Allegiance**
- 4. Public Forum- Persons wishing to speak may signup until 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.**

Charles Harper, Quail Run Subdivision - Spoke in objection to yard debris container pickup.

- 5. Presentation**
 - a. Proclamation - Rett Syndrome Awareness Month to be presented to Zoe Adams**

Mayor McLeer presented Zoe and Rosie Adams a proclamation designating October 2021 Retts Syndrome Awareness month.
 - b. New Employee Introductions**

Public Works - William Buss, Wayne Eddleman, Fred Wilson

6. **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. **Approve September 9, 2021 Regular Council Meeting Minutes**

Motion by Councilmember Cunningham, second by Councilmember Blackstone to approve the September 9, 2021, Regular Council Meeting Minutes

The motion carried unanimously 6/0.

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

- a. **September Reports**

8. **Unfinished Business -**

- a. **Second Reading, Ordinance 2021-10 Waste Water**

Mr. Bell stated that Ordinance # 2021-10 authorizes the execution and delivery of a wastewater service agreement, authorizing the City Administrator to negotiate the agreement.

The City and Metropolitan Sewer Subdistrict (Metro) desire to enter into a Wastewater Service Agreement for the provision of wastewater collection services to the Pine Ridge, Fox Tail, and Jenkins Bridge Road Parcels.

Motion by Councilmember Mahony, second by Councilmember Blackstone to approve on second reading, Ordinance 2021-10.

The motion carried unanimously 6/0.

9. **New Business -**

- a. **Reschedule November 11, 2021, Regular Council Meeting to November 10, 2021 due to the Veterans Day Holiday**

Reschedule December 9, 2021, Regular Council Meeting to December 1, 2021 due to Installation of Councilmembers Elect and Regular Council Meeting.

Mayor McLeer stated that our meetings are set by ordinance as the second Thursday of the month. Due to the Veterans Day Holiday, we would like to reschedule to Wednesday, November 10th, the day before. We would also like to reschedule the December 9th meeting to Wednesday, December 1st. The City Ordinance states "On December 1, or the following Monday if December 1 should fall on Saturday or Sunday, following the declaration of the result of the election, the council shall meet in special session, at for the purpose of installing the mayor-elect and councilmembers-elect. "

Motion by Councilmember Thomason, second by Councilmember Cunningham to reschedule the November 11, 2021, Regular Council Meeting to November 10, 2021 and reschedule December 9, 2021, Regular Council Meeting to December 1, 2021.

The motion carried unanimously 6/0.

b. First Reading, Z 2021-2 40 S Woods Drive, Rezone to C-2 Commercial District

Mr. Bell stated Z 2021-2 would rezone 10.9 acres on five parcels from S-1, Services District and I-1, Industrial District to C-2, Commercial District. The subject property is roughly bound by Interstate 385, SC-418, and S. Woods Drive. It is the former location of the Fountain Inn Frozen Food facility; the majority of the acreage is undeveloped.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

The commercial broker, John Plank of SVN Blackstream, spoke in favor of the rezoning. He stated that the plans were still preliminary, may be mixed use, and C-2 zoning was chosen for the maximum number of land uses available to his client Pakt Divine LLC. Single-family attached (townhomes), multifamily, and commercial uses are all allowed in the C-2 Commercial zone.

Councilmember Dearybury recused herself from the vote as she works for the attorney on the project.

Motion by Councilmember Thomason, second by Councilmember Blackstone to approve on first reading, Z 2021-2.

Roll Call Vote:

Aye: Mayor McLeer, Councilmember Mahony, Councilmember Blackstone

Nay: Councilmember Thomason, Councilmember Cunningham

The motion carried 3/2.

c. First Reading, Z 2021-3 100 Ellison Street, 100 Wall Street, Rezone to C-2 Commercial District

Mr. Bell stated Z 2021-3 would rezone 0.94 acres on two parcels from I-1, Industrial District to C-2, Commercial District. Three buildings encompass the mill site.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

The applicant has stated the intended use of the property is a brewery, restaurant, food hall and/or event space. Two of the three buildings would be saved under their proposal.

Motion by Councilmember Thomason, second by Councilmember Blackstone on first reading, Z 2021-3.

The motion carried unanimously 6/0.

d. First Reading, Z 2021-4 100 Quillen Avenue, Rezone to R-12, Residential District

Mr. Bell stated Z 2021-4 would rezone 0.63 acres on one parcel from R-15, Residential District to R-12, Residential District. The parcel is located near the corner of Quillen Avenue and Main Street and contains one single-family home. The applicant and landowner stated the intended use of the property is to subdivide from one parcel to two in order to sell and construct a second house. Subdivision would not be permitted under R-15 zoning as the resulting lots would not be over 15,000 square feet.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

Staff recommendation was denial of a request to R-10 zoning; at the 10/4/2021 the applicant verbally changed his request to R-12, Residential District (considered a Medium-Low Density classification similar to R-15)

Motion by Councilmember Blackstone, second by Councilmember Mahony to approve on first reading, Z 2021-4.

The motion carried unanimously 6/0.

e. First Reading, TX 2021-2 Amend Section 5:12 - GCO, Gateway Corridor Overlay District

Greg Gordos stated TX 2021-2 would amend the Zoning Ordinance pertaining to Section 5:12. - GCO, Gateway Corridor Overlay District. The zoning overlay encompasses a geographic area roughly from the municipal cemetery and PD Terry City Park to the Interstate 385 interchange along McCarter Road/418. This overlay was established in 2013 “to encourage well planned, attractive development along Fountain Inn’s Highway 418 gateway corridor that promotes safety for all modes of transportation, enhances the historical nature of the community, strengthens and stabilizes property values, creates and upholds a distinctive gateway character, and accommodates future expected growth in a way that is consistent with the SC 418 Corridor Plan and the City’s comprehensive plan”.

The corridor was primarily industrial in character and zoning until road improvements and regional growth have put development pressure on this interstate exit. Many parcels along this route are underdeveloped and/or vacant. The 2017 Fountain Inn Master Plan and future land use map recommends commercial uses along this corridor. Two rezoning requests and two Board of Zoning applications have been submitted within this overlay in two years.

Structures constructed prior to the overlay’s effect include Bojangles restaurant and the U.S. Post Office building. Structure constructed in the mid-2010’s include McDonald’s (sign variance) and Zaxby’s restaurants. Structures under construction under the overlay’s effect include a dollar store and a coffee drive-thru restaurant.

There is concern regarding the proximity of businesses to one another, creating an area without diversity of services, and preserving the intent of the gateway overlay. Land uses would not be prohibited outright if allowed under the base zoning. Recently other Golden Strip municipalities have proposed like measures, in areas of focus such as their city center or

pertaining to land uses that concentrate in a single area.

The Planning Commission voted unanimously (4-0) in favor of the text amendment at the October 4, 2021 meeting. A previous discussion regarding changes to the overlay restrictions took place on July 12, 2021 by the commission.

Motion by Councilmember Dearybury, second by Councilmember Blackstone to approve on first reading, TX 2021-2.

The motion carried unanimously 6/0.

10. Appointments

a. Planning Commission - Nelson Deever

Mr. Bell stated that there is a vacancy on the Planning Commission. He recommends Nelson Deever. He currently serves on the Board of Zoning Appeals and has expressed interest in serving on the Planning Commission.

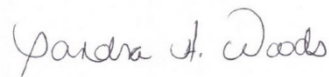
Motion by Councilmember Blackstone, second by Councilmember Cunningham to Planning Commission - Nelson Deever.

The motion carried unanimously 6/0.

11. Adjourn

Motion by Councilmember Cunningham, second by Councilmember Mahony to Adjourn.

The motion carried unanimously 6/0.



Sandra Woods
City Clerk

CITY ADMINISTRATOR REPORT



Agenda Date: November 10, 2021

To: Mayor and City Council

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

Administration

- Woodside Streetscape
 - \$400,000+ budget shortfall; recommending City use ARP funds to move this project along
 - Proposed Let Date: February 2022
- Woodside Connector
 - \$400,000+ budget shortfall
 - Proposed Let Date: On hold
- New FING/Public Works Facility
 - Consultants presenting an update to Council at November 10 meeting
- Main Street Streetscape (Jones to 418)
 - Cotransco is working on survey and design

Special Events

- Public Information
 - Social Media
 - Impressions: 230,876 (63.1% increase)
 - Engagements: 13,255 (43.9% increase)
 - Post Link Clicks: 1,152 (100.3% increase)
 - Website
 - 31,466 views on the City website; compared to 26,296 views for the month of September
 - Newsletter
 - Over 2,300 people have read the newsletter and 330 people have subscribed
 - Impressions
 - 2,157,000 impressions across all networks (social media, press, web, etc.) for the month of October
 - 87% of our total impressions had a positive sentiment
- Upcoming Events
 - Annual Veterans Day Program
 - November 11; 11:00 a.m. at Activities Center

- Ten at the Top Celebrates Global Entrepreneurship Week
 - November 11; 3:00 p.m. to 4:30 p.m. in Commerce Park
- Merry Market
 - November 13; 9:00 a.m. to 3:00 p.m. in Commerce Park
- Rudolph Run at Night
 - December 4; 6:00 p.m. in Commerce Park
- Tree Lighting
 - December 4; 7:00 to 9:00 p.m. (Tree lit at 8:00 p.m.) in Commerce Park
- Christmas “Inn Our Town” Festival
 - December 9-18; 6:00 p.m. to 9:00 p.m. in Commerce Park
 - Santa’s Workshop: Every night (free)
 - Petting Zoo: December 16-18 (free)
 - Live Music: Weekends (free)
 - Carriages and the Polar Express: Every night
 - *Tickets must be purchased in advance
- Main Street South Carolina
 - We have been accepted as an Aspiring Main Street SC Program
 - Jenny Boulware and her team will be back in Fountain Inn on January 4-6, 2022
 - Kate Kizito will give a formal presentation to Council at the December meeting

Human Resources

- Personnel
 - Administration:
 - Accounting Manager – Posting closes January 11, 2022
 - Staff Accountant – On hold
 - Police:
 - Patrol Officers – Certified Officer offer accepted; One vacancy in interview scheduling stage
 - Dispatch – Interviews scheduled for November 8
 - Public Works:
 - Maintenance Worker I – Currently filled by a temporary employee
 - Facilities Maintenance Worker II – Under temporary agency search
 - CDL Truck Driver – Posting closes January 11, 2022
 - Natural Gas
 - Crew Leader – Second interviews scheduled
 - Meter Reader – Offer pending
 - Maintenance Technician I – Under review
 - Customer Service Representative – Currently filled by a temporary employee
- Activities

- Workplace Preventative Health Screenings – November 16
- City Employee Annual Luncheon – December 2

Natural Gas

- Deliveries for October 2021
 - Gas volume of 53,618 Dekatherms
 - Gas consumption for October 2021 was up over 7.7% from October 2020 and up over 12.8% from the five-year average.
- Services for October 2021
 - 45 new applications for service
 - 10,221 active customers
 - 23,513 feet of new service lines have been installed year-to-date
 - 57,768 feet of new gas main lines have been installed year-to-date
- Gas Prices/Rates
 - The price of natural gas for November settled at \$6.20 per Dekatherm, which represents a \$0.36 increase over October's price

Parks & Recreation

- 2021 PARD Grant to rehabilitate Fairview Street Park basketball court has been approved by the Greenville County Legislative Delegation
- 2021-2022 Youth Basketball:
 - 253 participants, 32 more than any other year
- 2021 Youth Football:
 - Three of four tackle football teams made it to the Gold Division Golden Strip Championships... 8U and 12U winning the Championships
 - All-Stars:
 - 8U plays Easley on November 13 at Easley High School
 - 10U plays the winner of Easley/Abbeville on November 16 at Abbeville High School
 - 12U plays Abbeville on November 14 at Abbeville High School

Planning & Development

- October 2021 Permitting
 - 67 construction permits with total valuation of \$9,527,498
 - 388 inspections (new record)

Public Works

- Sanitation

- Garbage and recycling are on schedule, but yard debris is behind now due to equipment repairs
- Route Optimization with Anderson University
 - Last day for data collection took place on November 5
 - Spring Class will be working through optimizing our routes Spring 2022
- Quail Run HOA pilot program for yard debris
 - Trial run is underway and is working to an extent
 - Not enough people signed up to make a significant impact
 - Will look to expand the program to other areas in the future
- Facilities Maintenance
 - City Hall's interior has been painted and looks significantly brighter; new flooring will be installed in the coming weeks
 - New City Council/Judicial dais is being constructed with the plan to have it installed at Municipal Court Building by the January 2022 City Council meeting
- Streets and Grounds
 - Downtown hanging baskets have been changed to fall plants
 - Veteran banners have been installed along Main Street in downtown
 - Will be upgrading the planters and plants in the splash pad area for 2022
 - A large oak tree had to be removed at City Hall due to rot and a safety hazard
- Utilities
 - RIA Sewer Rehab project
 - Contractors are lining clay pipe and rehabilitating manholes
 - Project should be complete by end of November
 - Will be submitting a required Capacity, Management, Operations, & Maintenance (CMOM) plan for our sewer system to ReWa by mid-November

Police

- Will be preparing 40-50 meals for Senior Watch participants for Thanksgiving

Younts Center

- Booth Brothers
 - Friday, November 12
- Rick Alviti
 - Saturday, December 4
- Nutcracker
 - Friday, December 10
- The Ball Brothers
 - Saturday, December 18
- Jukebox Saturday Night

- Tuesday, February 1
- Triumphant Quartet
 - Saturday, February 26

Chamber of Commerce

- 2021 Annual Christmas Parade
 - December 8 at 5:30 p.m. on Main Street

Museum

- A Century of Celebration Display
 - Throughout the month of December



FOUNTAIN INN FIRE DEPARTMENT

Headquarters – 200 N Main Street • Fountain Inn, SC 29644 • 864-862-0010 • Fax 864-409-0164

Fire Chief Ronnie Myers

Fountain Inn Fire Report to Mayor and City Council Month of October 2021

- (1) The Fire Department responded to 256 calls. (See graft below)
- (2) A total of \$833.23 was spent on vehicle maintenance.
- (3) The cost of fuel was \$2542.44
- (4) EMT training has resumed.
- (5) The Fire Department is a Child Safety Seat Inspection Station.
- (6) Budget in good shape.

Fountain Inn Fire Department

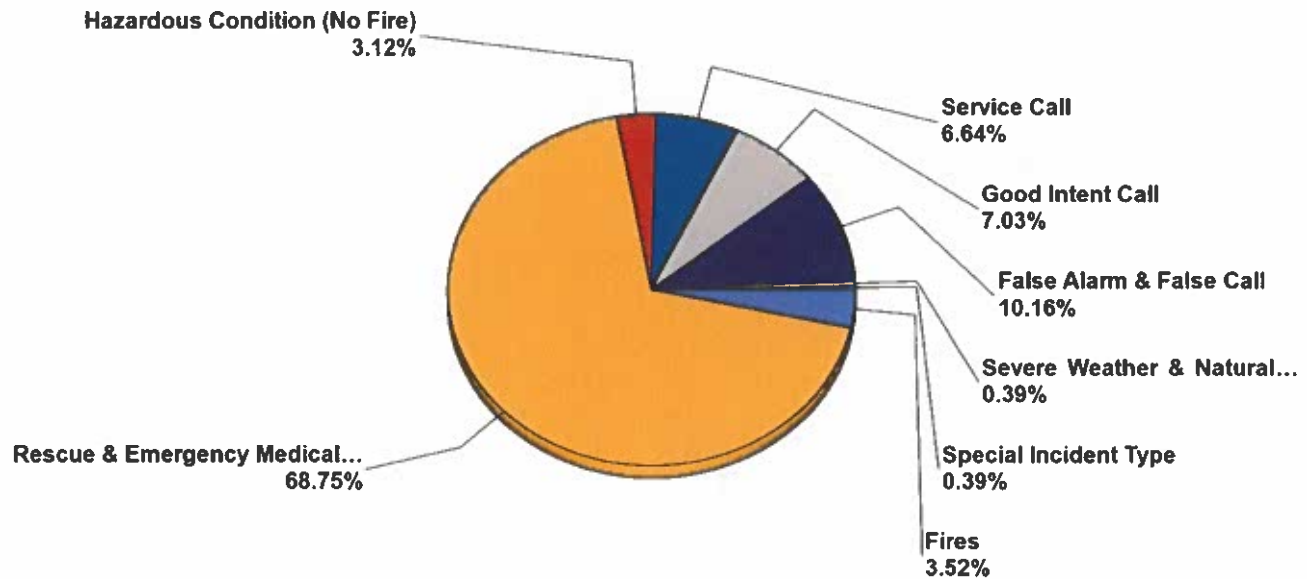
Fountain Inn, SC

This report was generated on 11/8/2021 6:38:43 AM



Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 10/01/2021 | End Date: 10/31/2021



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	9	3.52%
Rescue & Emergency Medical Service	176	68.75%
Hazardous Condition (No Fire)	8	3.12%
Service Call	17	6.64%
Good Intent Call	18	7.03%
False Alarm & False Call	26	10.16%
Severe Weather & Natural Disaster	1	0.39%
Special Incident Type	1	0.39%
TOTAL	256	100%

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	3	1.17%
112 - Fires in structure other than in a building	1	0.39%
131 - Passenger vehicle fire	2	0.78%
143 - Grass fire	2	0.78%
151 - Outside rubbish, trash or waste fire	1	0.39%
311 - Medical assist, assist EMS crew	84	32.81%
320 - Emergency medical service, other	1	0.39%
321 - EMS call, excluding vehicle accident with injury	72	28.12%
322 - Motor vehicle accident with injuries	8	3.12%
324 - Motor vehicle accident with no injuries.	10	3.91%
331 - Lock-in (if lock out , use 511)	1	0.39%
400 - Hazardous condition, other	2	0.78%
412 - Gas leak (natural gas or LPG)	1	0.39%
424 - Carbon monoxide incident	1	0.39%
444 - Power line down	2	0.78%
445 - Arcing, shorted electrical equipment	2	0.78%
500 - Service Call, other	6	2.34%
531 - Smoke or odor removal	1	0.39%
553 - Public service	3	1.17%
554 - Assist invalid	2	0.78%
561 - Unauthorized burning	1	0.39%
571 - Cover assignment, standby, moveup	4	1.56%
611 - Dispatched & cancelled en route	12	4.69%
621 - Wrong location	3	1.17%
622 - No incident found on arrival at dispatch address	1	0.39%
651 - Smoke scare, odor of smoke	2	0.78%
700 - False alarm or false call, other	9	3.52%
730 - System malfunction, other	1	0.39%
733 - Smoke detector activation due to malfunction	4	1.56%
735 - Alarm system sounded due to malfunction	1	0.39%
736 - CO detector activation due to malfunction	1	0.39%
740 - Unintentional transmission of alarm, other	2	0.78%
743 - Smoke detector activation, no fire - unintentional	2	0.78%
744 - Detector activation, no fire - unintentional	1	0.39%
745 - Alarm system activation, no fire - unintentional	5	1.95%
812 - Flood assessment	1	0.39%
900 - Special type of incident, other	1	0.39%
TOTAL INCIDENTS:	256	100%

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero.

CITY OF FOUNTAIN INN
DETAIL ACCOUNT INQUIRY BY FUND

FY 2021-2022

PERIOD: 10/01/2021 TO 10/31/2021

100-422-435-001		VEHICLE MAINTENANCE	BUDGET	PERIOD TO DATE	ENC AMT	REM BAL	
			35,000.00	833.23	6,183.03	23,827.21	
DATE	MOD	REFERENCE	JE # or VOUCHER#	CHECK#	DEBIT	CREDIT	BALANCE
		BALANCE FORWARD					4,156.53
10/15/2021	AP	AMAZON CAPITAL SERVICES, INC INPG-XI	159596	167016	16.83		4,173.36
		WINDHSHIELD WASHER FLUID					
10/22/2021	AP	AUTOMOTIVE SERVICES OF FOUNTAIN INN	159735	951	100.00		4,273.36
		CAR #30 2008 FORD EXPLORER #1FMEU73EX8UA8601 -					
		BATTERY/CHARGING SYSTEM					
10/22/2021	AP	O'REILLY AUTO PARTS 4562-216036	159764	167000	14.83		4,288.19
		PWR SOCKET					
10/22/2021	AP	O'REILLY AUTO PARTS 4562-216238	159766	167035	51.92		4,340.11
		DUAL USB & CARGO STRAPS					
10/28/2021	AP	AMAZON CAPITAL SERVICES, INC 1QFW-Y	159865		73.69		4,413.80
10/28/2021	AP	B. W. BURDETTE & SON 689511	159890	969	0.98		4,414.78
10/28/2021	AP	W.W. WILLIAMS 068W10193	160092	167015	511.22		4,926.00
10/31/2021	AP	O'REILLY AUTO PARTS 4562-218645	160201		38.96		4,964.96
10/31/2021	AP	O'REILLY AUTO PARTS 4562-219006	160203		24.80		4,989.76
SUBTOTALS FOR ACCOUNT 100-422-435-001 :					833.23	0.00	
					833.23	0.00	



Fuel Report-Summary by Sub-Agency

By: Actual Transaction Dates 10/1/2021 to 10/31/2021

South Carolina

Report is restricted to City of Fountain Inn

Agency	Level 1	Level 2	Purchase Type	Quantity
T23001	City of Fountain Inn			
	Code Enf	:	48.20	\$141.79
	FIRE	:	752.41	\$2,310.71
	FIRE DEPT	:	80.16	\$231.73
	GAS	:	991.87	\$2,929.39
	Gas Dept	:	192.97	\$568.23
	POLICE	:	2,055.58	\$6,046.27
	PUBLIC WORKS	:	36.70	\$109.26
	RECREATION	:	109.59	\$322.13
	Sanitation	:	251.48	\$756.07
	SEWER	:	449.70	\$1,406.22
	SOLID WASTE	:	289.24	\$877.87
	STREET	:	220.60	\$691.49
	STREETS	:	672.29	\$2,073.52
Total for T23001:			6,150.79	\$18,464.68
Grand Total:			48.20	\$18,464.68

October Fuel Cost \$2542.44

BUDGET REPORT BY ACCOUNT - EXPENDITURE

Fiscal Year Start Date: 07/01/2021

Current Period End Date: 10/31/2021

City Of Fountain Inn

FY 2021-2022

Ideal Remaining Percent: 67 %

Account	Budgeted	Current	Year To Date	Encumbrance	Remaining Balance	PCT
100-422-110-001 Salaries - Fire	1,142,616.24	46,762.64	355,277.21	0.00	787,339.03	69
100-422-130-001 Overtime	6,000.00	816.63	6,291.77	0.00	-291.77	-5
100-422-130-003 Salaries - Special Events	0.00	0.00	612.50	0.00	-612.50	0
100-422-140-001 Year End Bonus	6,891.70	0.00	0.00	0.00	6,891.70	100
100-422-210-001 Employee Health Insurance	188,118.00	16,460.18	59,020.54	0.00	129,097.46	69
100-422-220-002 Payroll Taxes - Social Security,	88,396.36	3,524.71	26,829.49	0.00	61,566.87	70
100-422-230-001 State Retirement	217,902.56	0.00	59,922.96	0.00	157,979.60	73
100-422-260-001 Workers Compensation	42,089.96	0.00	9,911.24	0.00	32,178.72	76
100-422-261-001 Workers Comp Deductible	2,500.00	0.00	1,317.51	0.00	1,182.49	47
100-422-270-001 Drug Testing / Physical/Screen	5,000.00	0.00	0.00	0.00	5,000.00	100
100-422-430-001 Portable Radio Maintenance	2,000.00	105.15	367.96	0.00	1,632.04	82
100-422-430-005 Operating Equipment Maintena	16,000.00	1,010.34	6,247.63	0.00	9,752.37	61
100-422-431-001 Station Maintenance	20,000.00	359.97	4,139.10	0.00	15,860.90	79
100-422-431-002 Landscaping	1,150.00	0.00	0.00	0.00	1,150.00	100
100-422-432-001 Computer Support	24,000.00	1,706.33	4,644.30	0.00	19,355.70	81
100-422-435-001 Vehicle Maintenance	35,000.00	833.23	4,989.76	6,183.03	23,827.21	68
100-422-471-003 2018 Lease Purchase Principa	6,621.75	0.00	0.00	0.00	6,621.75	100
100-422-471-004 2018 Lease Purchase Interest	408.72	0.00	0.00	0.00	408.72	100
100-422-471-005 2019 lprb Principal	126,000.00	0.00	0.00	0.00	126,000.00	100
100-422-471-006 2019 lprb Interest	37,516.00	0.00	0.00	0.00	37,516.00	100
100-422-520-001 General Liability - Scmirf	28,000.00	0.00	0.00	0.00	28,000.00	100
100-422-530-001 Telephone	7,400.00	594.37	1,184.67	0.00	6,215.33	84
100-422-530-002 Cell Phones	1,500.00	485.45	1,587.70	0.00	-87.70	-6
100-422-580-002 Conferences	7,000.00	0.00	0.00	0.00	7,000.00	100
100-422-583-002 Training	5,000.00	390.95	801.14	0.00	4,198.86	84
100-422-610-001 General Supplies	6,000.00	265.66	6,692.46	0.00	-692.46	-12
100-422-610-002 Office Supplies/Printing	5,800.00	156.54	365.65	0.00	5,434.35	94
100-422-610-003 Prevention	1,500.00	0.00	271.51	0.00	1,228.49	82
100-422-622-001 Utilities	15,000.00	441.00	2,256.63	0.00	12,743.37	85
100-422-626-001 Vehicle Gas	18,000.00	1,501.58	5,454.33	0.00	12,545.67	70
100-422-640-001 Publications Dues/Subscriptior	3,690.00	706.32	908.92	0.00	2,781.08	75
100-422-656-001 Uniforms	16,000.00	308.65	10,187.30	0.00	5,812.70	36
100-422-743-010 Scmit Grant	4,000.00	0.00	0.00	0.00	4,000.00	100
100-422-810-001 Miscellaneous	0.00	-300.00	-300.00	0.00	300.00	0
100-422-810-002 Innovapad Expenditures	13,000.00	68.79	2,195.31	0.00	10,804.69	83
100-422-860-015 Furniture, Fix.&Computers (No	7,500.00	0.00	0.00	0.00	7,500.00	100
Report Total Expenditure	\$2,107,601.29	\$76,198.49	\$571,177.59	\$6,183.03	\$1,530,240.67	73

Memorandum

To: Fountain Inn Mayor & City Council
Shawn Bell, City Administrator
Sandra Woods, City Clerk

From: Eduardo Noriega
Fountain Inn Natural Gas Director

Date: November 3, 2021

The following is the gas department update for the month of October 2021.

- **Delivery of natural gas**
 - Gas volume purchases of 53,618 Dths.
 - Gas consumption for October was up over 7.7% from last October, and up over 12.8% from the October 5-year average.
- **Service Applications**
 - 45 applications for new service lines
- **New main/service line installations**
 - We have 10,221 new and active customers.
 - New gas main lines installed; 2021 YTD: 57,768 feet.
 - New service lines installed; 2021 YTD: 23,513 feet in service lines.
- **Residential Developments**
 - Pine Ridge Place and Winterbrook Phase 3 have been completed and ready to take new customers.
- **Gas Supply**
 - The price of natural gas for the month of November settled at \$6.20 per Dekatherm, this represents an increase over October's price of \$0.36 per Dekatherm.
 - We received four RFP responses for a new Gas Asset Manager RFP released September 30th. Our consultant, Energy Vision, is analyzing the results and we will have a selection for you to review at December Council meeting
 - ChemStrip, one of our largest industrial customers, started transporting gas through our system October 1st, 2021. The program so far has worked well, no issues to report.

- In preparation for much higher-than-normal gas bill this coming winter, the following was mailed to all our customers as well as posted on FING's website and Facebook page:

Important Information From Fountain Inn Natural Gas



Through careful planning and low fee structures, Fountain Inn Natural Gas is proud to be among the cheapest gas providers in the region. We are committed to ensuring our prices remain as low as possible, even as the market price of natural gas is experiencing significant price increases.

Gas is a commodity, and like many others (gold, silver, or oil), the price fluctuates due to the demand on the market. We are closely monitoring the current price increases and taking steps to ensure that our customers receive the lowest prices possible. We recently purchased additional winter capacity, which allows us to maintain low prices even as the national price doubled.

As we enter the winter months and natural gas use increases, we want our customers to know that any price increase is due to the national market fluctuation and not any price increase here at the local level. We have not raised our rates in years and have no intentions to do so.

If you have any questions about the ongoing market fluctuation or need assistance with your utility bill, please get in touch with us at 864-862-0042 or at fing@fountaininn.org. For energy-saving tips, visit our website at <https://www.fountaininnngas.org/>.

- **Gas Operations**

- Heath and Associates, the engineering designing the 6" high pressure steel main line to connect the FING-CNN interconnect station to our high-pressure line has submitted preliminary plans and documents for our review, moving along as scheduled. Additionally, the permits to cross the railroad tracks and i-385, as well as SCDHEC have been submitted.
- We continue to be short-handed; we have interviewed for two openings and hope to fill the positions in the coming days.



City of Fountain Inn - Human Resources Monthly Report - October 2021

Home Department**	September Headcount	October Hires / Transfers In	October Terms	October Transfers Out	October Headcount	DIVERSITY				
						Asian	Black or African American	Hispanic or Latino	White	Pacific Islander
000411 / Administration	7	0	1	0	6	0	1	1	4	0
000412 / Judicial	5	0	0	0	5	0	1	0	3	1
000413 / Council	7	0	0	0	7	0	1	0	6	0
000414 / Special Events	5	0	0	0	5	0	0	0	5	0
000421 / Police	33	2	0	0	35	0	3	1	31	0
000422 / Fire	27	0	1	0	26	0	1	0	25	0
000424 / Public Works	16	0	2	0	14	0	5	0	9	0
000435 / Planning & Development	3	0	0	0	3	0	0	0	3	0
000434 / Sewer	2	0	0	0	2	0	0	0	2	0
000451 / Recreation	19	0	1	0	18	0	4	0	14	0
000510 / Gas Department	19	0	0	0	19	0	0	1	18	0
Totals:	143	2	5	0	140	0	16	3	120	1

**Based on Home Departments

FULL TIME 120 / PART TIME 20

Recruitment Status

411 Administration: Accounting Manager (1) **Posting Closes 1/11/21**
Staff Accountant (1) ON HOLD

421 Police: Patrol Officers - (1) Certified Officer Offer Accepted / (1) Vacancy in interview scheduling stage
Dispatch - Interviews scheduled for Monday 11/8/21

424 Public Works: Maintenance Worker I (1)- Currently filled by a temporary employee
Facilities Maintenance Worker II (1) Vacancy - under temporary agency search
CDL Truck Driver (1) **Posting Closes 1/11/21**

510 Gas Crew Leader (1) - 2nd Interviews Scheduled
Meter Reader (1) - Offer Pending
Maintenance Tech I - Under Review
Customer Service Representative (1)- Currently filled by a temporary employee

OCTOBER HIRES:

POLICE - Patrol Officers Wesley Ellisor & Randy Mahaffey

City Activities

NOVEMBER 15 Workplace Preventative Health Screenings

DECEMBER 2 City Employee Annual Luncheon

ZONING ADMINISTRATOR REPORT

Agenda Date: November 11, 2021

To: Mayor and City Council
From: Gregory Gordos, City Planner



Annexations/Rezoning

via **Planning Commission**

1 • FI 2021-019

- o Public Hearing Date: 10/4/2021
- ✓ First Reading: 10/14/2021
- o Address: 40 S. Woods Drive
- o TMS: 0350000100102, 0350000100103, 0350000100109 P/O 0350000100200, P/O 0350000100300
- o Applicant: Pakt Divine LLC
- o Owner: Ft Inn Frozen Food Plant Inc, et al
- o **Current Zoning: S-1, Services District;**
- o **I-1 Industrial District**
- o **Future Zoning: C-2, Commercial District**
- o Motion: to Approve, 4-0



2 • FI 2021-020

- o Public Hearing Date: 10/4/2021
- ✓ First Reading: 10/14/2021
- o Address: 100 Ellison St., 100 Wall St.
- o TMS: 0346000200200, 0346000200300
- o Applicant/Owner: FI Ellison LLC
- o **Current Zoning: I-1, Industrial District**
- o **Future Zoning: C-2, Commercial District**
- o Motion: to Approve, 4-0



3 • FI 2021-023

- o Public Hearing Date: 10/4/2021
- ✓ First Reading: 10/14/2021
- o Address: 100 Quillen Avenue
- o TMS: 0346000200200, 0346000200300
- o Applicant/Owner: Joe Babb
- o **Current Zoning: R-15, Residential District**
- o **Future Zoning: R-12, Residential District**
- o Motion: to Approve, 4-0



Text Amendments

via **Planning Commission**

1 • FI 2021-014

- ☐ Public Hearing Date: 10/4/2021
 - ☒ First Reading: 11/14/2021
 - ☐ **amend Section 5:12. - GCO, Gateway Commercial Overlay**
-

Permitting

via **Permit Specialist**

• **October 1 through October 31**

TOTAL CONSTRUCTION PERMITS: **67**

- SINGLE FAMILY DETACHED: **23**
- ADDITION: 5
- COMMERCIAL: 1
- MECHANICAL/HVAC: 10
- REPAIR: 9
- SOLAR: 5
- MOBILE HOME: 1
- POOL: 1, FIRE: 1, SIGNS: 1...

TOTAL VALUATION: **\$9,527,498**

INSPECTION REPORT TOTALS: **388 INSPECTIONS** (new record)



**CITY OF FOUNTAIN INN
PUBLIC WORKS REPORT TO COUNCIL
MONTH OF OCTOBER 2021**

Sanitation

- Garbage and Recycling is on schedule. Yard debris is behind at this moment, but we are making great strides in getting back on schedule.
- Route Optimization with Anderson University has commenced. The last day for data collection will be 5 November 2021. The Spring class will be working through optimizing our routes in the spring.
- Yard Debris program trial run is underway and is working to an extent. Not enough people signed up to make a significant impact. Will expand the program to other surrounding areas in the near future.

Streets and Grounds

- Hanging Baskets has been changed to fall plants.
- Veteran banners have been put up through our downtown area. Appears to be getting a lot of positive feedback.
- Will be upgrading the planters and plants in the splash pad for next year. Will commence in January 2022.
- Working on lighting plan for Christmas.
- Had one of the large oak trees removed at city hall. Was rotten in the middle and was becoming a safety hazard.

Utilities

- Continue to rehab our sewer system. Contractors are lining our clay pipe and rehabilitating our manholes. Project should be completed in November 2021.
- Required to submit a maintenance plan for our system to ReWa by mid November. Will consist of cleaning and a camera plan. Will also include an emergency plans in case of sewer overflow.

Facilities Maintenance

- City hall has been painted and is significantly brighter. Floors will be installed in the up coming weeks.
- Developed a plan to build a new dais for city council that will be constructed in the court house. Will be building over next couple weeks with hopes to have installed by January 2022 mtg.

Monday, November 08, 2021

Department: (Recreation)

What are the most significant accomplishments in your department in the last month?

Excellent participation turnout for 21-22 FI Rec Youth Basketball Program, 253 participants – 32 more than any other year. We wrapped up a very successful Fall Sports Season, 3 of the 4 tackle football teams made it to the Gold Division Golden Strip Football Championships, with 8U and 12U winning Championships.

SUMMARY OF MONTHLY EVENTS.

Basketball Evaluations:

8U Monday at 6pm, Activities Center

10U Tuesday at 6pm, Activities Center

12U Monday at 7pm, Activities Center

Football All-Stars:

8U plays Easley on November 13th at Easley High School

10U plays the winner of Easley/Abbeville on November 16th at Abbeville High School

12U plays Abbeville on November 13th at Abbeville High School

UPCOMING:

Rudolph Run on Saturday, December 4th

Ongoing Projects; Completed Projects:

2021 Pard Grant was approved by the Greenville County delegation community

OBSTACLES- NONE

CAPITAL REQUESTS- NONE

FUTURE BUDGET NEEDS *(Please include a detailed explanation)*

OPEN POSITIONS: will have a PT position opening in August, Student going off to College.

Other Notes/Questions/Problems/Issues of significance? *(note: please submit confidential issues directly to the City Administrator)*

Social Media by the Numbers

Impressions ⓘ

230,876 ↗63.1%

Engagements ⓘ

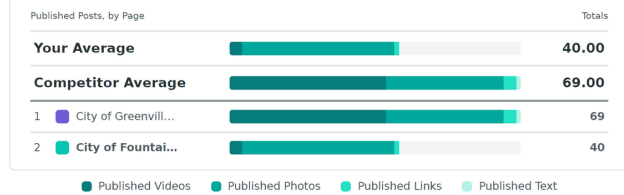
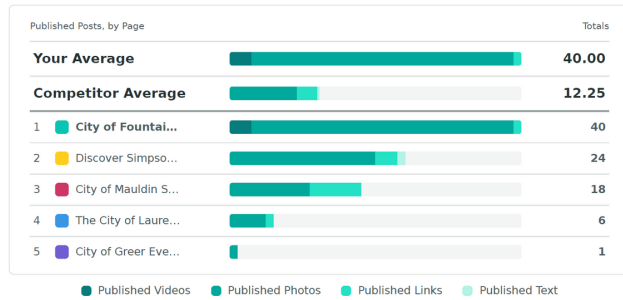
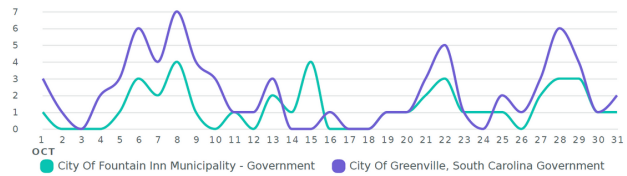
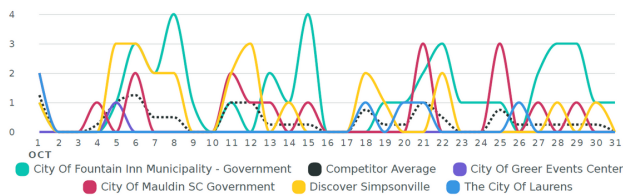
13,255 ↗43.9%

Post Link Clicks ⓘ

1,152 ↗100.3%

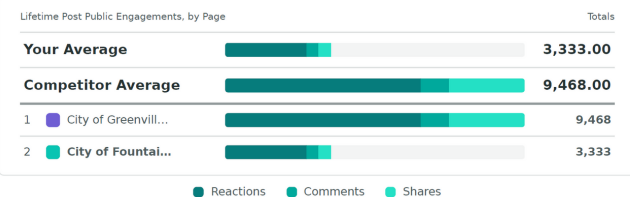
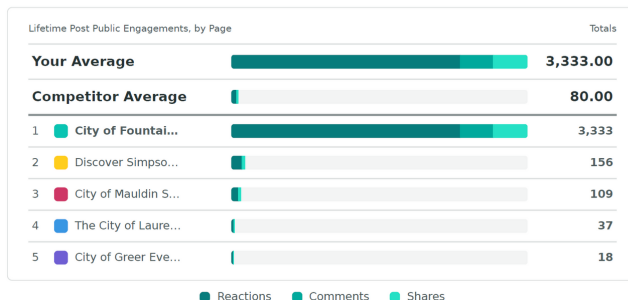
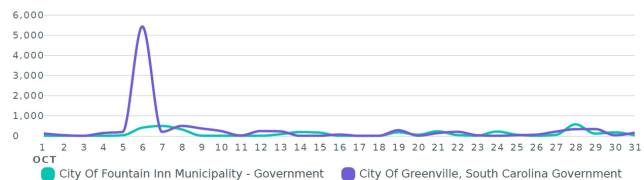
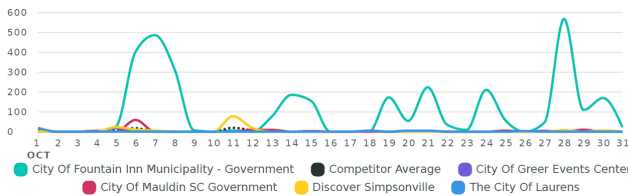
Publishing Behavior

Fountain Inn Compared to surrounding Municipalities



Engagement

Fountain Inn Compared to surrounding Municipalities



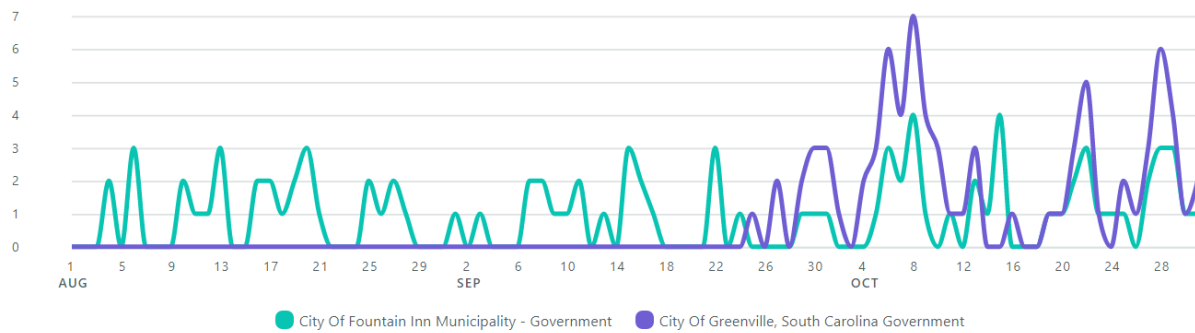
Social Media After Adding PR

Three Month Comparison

Profile	Audience	Net Audience Growth	Published Posts	Impressions	Engagements
Reporting Period	23,046	801	246	641,986	44,011
Aug 1, 2021 – Oct 31, 2021	↑ 18.5%	→ 0%	↑ 66.2%	↑ 97%	↑ 75.2%
Compare to	19,441	801	148	325,926	25,120
May 1, 2021 – Jul 31, 2021					

Publishing Behavior

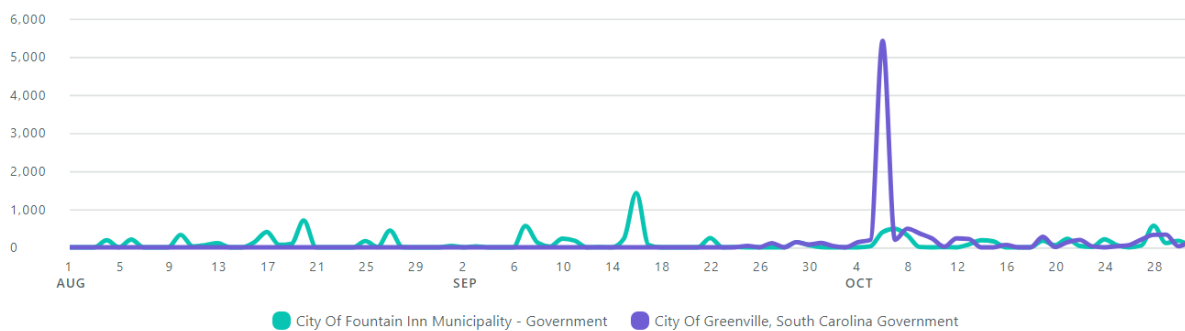
Fountain Inn Compared to Greenville 3 Month Comparison



Published Posts, by Page		Totals
Your Average		92.00
Competitor Average		77.00
1	City of Fountain Hills	92
2	City of Greenville, South Carolina	77

Engagement

Fountain Inn Compared to Greenville 3 Month Comparison



Lifetime Post Public Engagements, by Page		Totals
Your Average		9,592.00
Competitor Average		9,823.00
1	City of Greenville, S...	9,823
2	City of Fountain I...	9,592

Website by the Numbers



Inn the Know Newsletter

Over **2,300 people** have read the newsletter and **330 people** have subscribed.

Views on the Website

31,466

Compared to 26,296 for September 2021

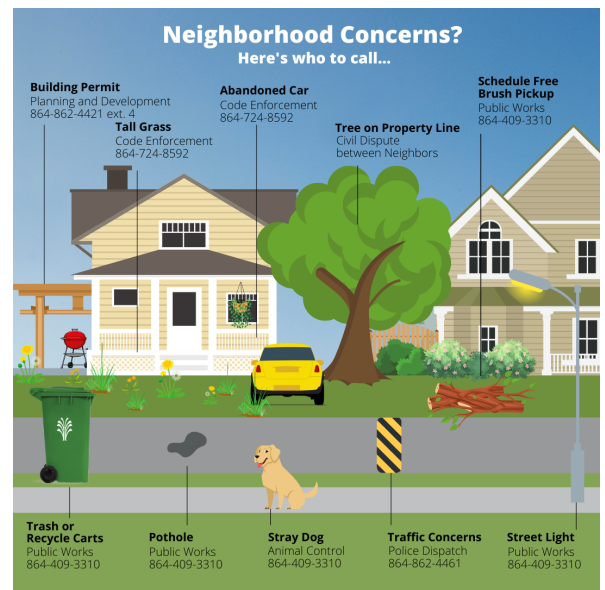
Top Pages on the Website

- Special Events
- Natural Gas
- Newsletter
- Police
- Newsletter Sign-up

Pages Added to the Website

- Code Enforcement- <https://www.fountaininn.org/372/Code-Enforcement>
- Economic Development- <https://www.fountaininn.org/265/Economic-Development>
 - Why Fountain Inn?- <https://www.fountaininn.org/363/Why-Fountain-Inn>
 - Community Profile- <https://www.fountaininn.org/364/Community-Profile>
 - Market Access- <https://www.fountaininn.org/375/Market-Access>
 - Quality of Life- <https://www.fountaininn.org/366/Quality-of-Life>
- Report a Concern- <https://www.fountaininn.org/374/Report-a-Concern>

Graphic Resources Added to the Website



Fountain Inn in the News

Headlines in Response to our Press Releases

Prisma Health Ground Breaking

- Prisma Health breaks ground on Fountain Inn practice > SC Biz News
- Prisma Health breaks ground on \$9 million primary care facility in Fountain Inn - UPSTATE BUSINESS JOURNAL
- Prisma Health celebrates groundbreaking of new primary care practice in Fountain Inn - Who's On The Move (whosonthemove.com)
- New Prisma Primary Care practice breaks ground in Fountain Inn - Fox Carolina



Fire Department Receives EMT Certificate

- Fountain Inn is training firefighters to be EMTs - GREENVILLE JOURNAL
- Fountain Inn firefighters get EMT certification | | foxcarolina.com



Parade of Heroes

- Fountain Inn honors local veterans with 'Parade of Heroes,' special museum exhibit (yahoo.com)
- Fountain Inn: Parade of Heroes honors local veterans (wyff4.com)
- Fountain Inn honors its veterans with banners along Main Street | Greenville News | postandcourier.com
- Fountain Inn honors veterans with 'Parade of Heroes,' museum exhibit (greenvilleonline.com)
- Fountain Inn debuts Parade of Heroes on Main Street - GREENVILLE JOURNAL
- Fountain Inn debuts Parade of Heroes on Main Street - NewsBreak



Public Opinion Month of October

 **2,157,000 Impressions**

Impressions are how often the City of Fountain Inn was seen across networks. This includes social media, press, and web.

 **%87 of our total impressions had a Positive Sentiment**

Fountain Inn Accepted as an Aspiring Main Street Program

Main Street South Carolina is a technical assistance program that empowers communities to revitalize their historic downtowns, encouraging economic development and historic preservation. Four main reasons why Main Street will be helpful for Fountain Inn:

- It creates jobs – A revitalized district attracts new industry and strengthens service and retail job markets.
- It saves tax dollars – Revitalization stabilizes and improves a downtown's tax base while also protecting existing investments.
- It preserves a community's historic resources – In an economically healthy downtown, property owners maintain their historic buildings and keep an essential part of their community's heritage and identity.
- It builds community pride – Main Street provides a public space for community members to come together, create new partnerships and celebrate their downtown.

Jenny Boulware was in Fountain Inn to officially accept Main Street Fountain Inn into the aspiring level of the South Carolina program. While she was here, she met with the Chamber and Museum as community partners to build our program and did an inventory tour of our downtown.

Her team will be back in Fountain Inn on Jan 4-6th 2022 and will lead our division in the following:

- Community engagement events and surveys to gather input from residents, businesses, and tourists on how they would like to see Main St. grow.
- Create a four-year plan on how to achieve the goals of the city
- Provide renderings of how the downtown will transform
- Help gauge the economic and community impact of our Special Events.
- Provide specialized training to our Special Events staff to help build and strengthen our downtown.



October Event Summary

Fall Market

We finished up six weeks of the Fall market. We had fewer vendors than in the summer but, the ones that were there did well.

At the October 16th market, we had small pumpkins for kids to decorate and a face painter. This was a big success, and sixty pumpkins were given out to local children.

Fall Music Series

Our Fall music series ended on 10/31. The four weeks series was well attended.

Halloween Movie Night

October 30th we showed our first Halloween movie, and over 200 people attended.

Event Rentals

- We had a dance studio rent the park for 2 days. This is the 2nd time they have held their recital at the park.
- Capstone church also rented it for a church service on the 31st.



Community Special Events

The Special Events Division assisted in both the Chambers Aunt Het festival and the Chapman Foundations Pynkalycious Walk.



Upcoming Special Events



Merry Market

Nov. 6th & 13th
9am - 3pm
Commerce Park



Ten at the Top Global Entrepreneurship

Nov. 11th
3-4:30pm
Commerce Park



Rudolph Run at Night

Dec. 4th
6 pm
Commerce Park



Veterans Day

Nov. 11th
11am
Activities and Senior Center



Tree Lighting

Dec. 4th
7pm- 9pm
(Tree lit at 8pm)
Commerce Park

Christmas "Inn" Our Town Festival

Dec. 9th - 18th | 6-9pm | Commerce Park

Santa Workshop | Every night (free)

Petting Zoo | Dec. 16th-18th (free)

Live Music | Weekends (free)

Carriages and the Polar Express | Every night

**Tickets must be purchased in advance*

Upcoming Chamber Events



Christmas Parade

Dec. 8th
5:30-6:30pm
Main Street

Upcoming Museum Events



A Century of Celebration Display

December
Museum Gallery



REQUEST FOR COUNCIL ACTION
City of Fountain Inn, South Carolina

November 10, 2021

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: November 10, 2021

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 2021-2 would rezone 10.9 acres on five parcels from S-1, Services District and I-1, Industrial District to C-2, Commercial District. The subject property is roughly bound by Interstate 385, SC-418, and S. Woods Drive. It is the former location of the Fountain Inn Frozen Food facility; the majority of the acreage is undeveloped.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

The commercial broker, John Plank of SVN Blackstream, spoke in favor of the rezoning. He stated that the plans were still preliminary, may be mixed use, and C-2 zoning was chosen for the maximum number of land uses available to his client Pakt Divine LLC. Single-family attached (townhomes), multifamily, and commercial uses are all allowed in the C-2 Commercial zone.

Impact If Denied:

The various parcels would remain for either service or industrial use under S-1 Services or I-1 Industrial zoning. The 2017 Fountain Inn Master Plan and the future land use map for the area recommends commercial use. Automotive, warehousing, outdoor storage, or manufacturing are allowed under I-1 and S-1 zones.

Impact If Approved:

Pakt Divine LLC would be able to develop the entire eleven acres into a variety or mix of potential uses, including residential and/or commercial. The property within 300' of McCarter Road is within the Gateway Commercial Overlay, so any commercial uses would be held to a higher standard for parking, landscaping, and structural design. All properties bound by South Woods Drive and the interstate would share the same zoning, allowing for larger scale redevelopment.

Financial Impact:

The property is currently vacant or forested. Any tenant would add tax and business license revenue to the city regardless of zoning while requiring fire, police, and possibly sanitation service (dependent on use).

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 S-1, Services District and/or I-1 Industrial 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 herein is described fully in Docket Number FI-2021-019 and is located at 40 S. Woods Drive, containing approximately 11 acres, Greenville County Tax Map 0350000100102, 0350000100103, 0350000100109, P/O 0350000100200, P/O 0350000100300, 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 Property is hereby rezoned S-1 Services District and I-1 Industrial District to C-2, Commercial District.

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

DONE IN REGULAR MEETING THIS 10TH DAY OF OCTOBER 2021.

SIGNATURE OF MAYOR:

George Patrick McLeer, Jr.

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David W. Holmes
City Attorney

First Reading _____

Second Reading _____

August 5, 2021

**Property Owner: CATHY G. CUNNINGHAM OF 103 WAVERLY HALL LN SIMPSONVILLE, SC 29681
& FOUNTAIN INN FRENCH FOOD PLANT, INC OF 103 WAVERLY HALL LANE SIMPSONVILLE, SC
29681**

To whom it may concern

On behalf of the property owner listed above, please accept this letter of authorization for Pakt Divine LLC, A South Carolina limited liability company to submit all necessary plans and permit applications to City of Fountain Inn for proposed C-2 Zoning covering the +/- 9 Acres as depicted below and described as 40 S Woods Dr. Thank you for your assistance and cooperation, and please do not hesitate to contact me with any question or comments.

Sincerely,

Cathy G. Cunningham

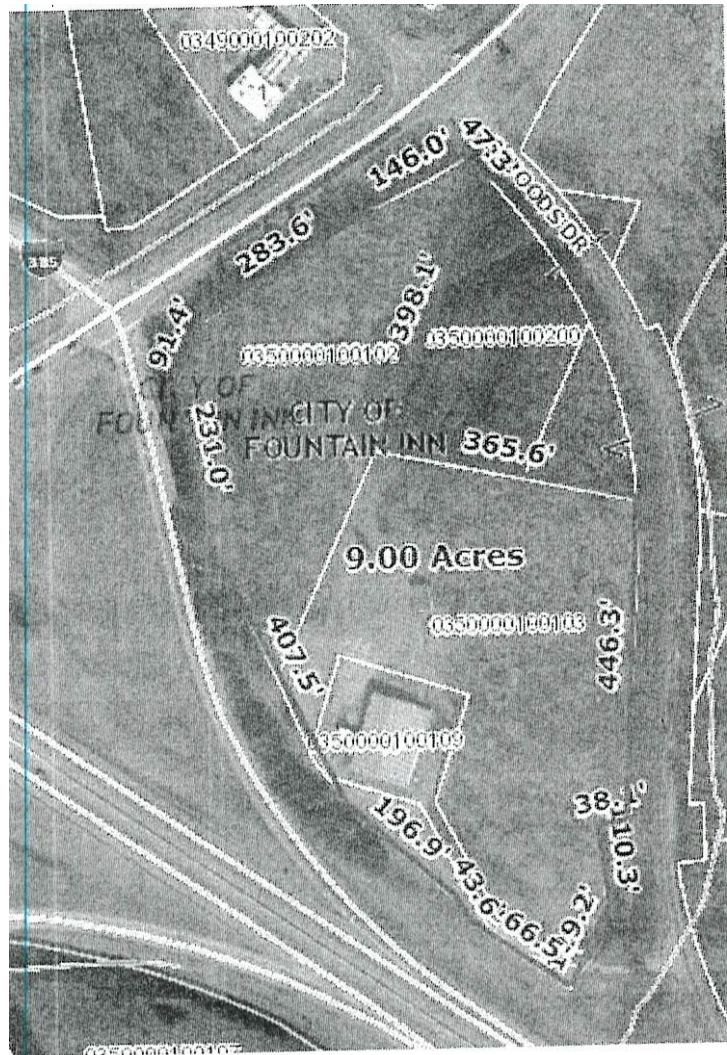
01000P verified
8/06/21 9:13 AM EDT
1SK2-NXMV-OLXZ-XOVU

Cathy G Cunningham
Owner

Michael Cunningham

gg:tr ED
KJK6-810 7-9M2K-A3JZ

Michael Cunningham
Owner



do!loop verified

9:13 AM EDT
do!loop verified

August 9, 2021

Property Owner: JEC L C

To whom it may concern

On behalf of the property owner listed above, please accept this letter of authorization for Pakt Divine LLC, A South Carolina limited liability company to submit all necessary plans and permit applications to City of Fountain Inn for proposed C-2 Zoning for the 2 acres to the West of S Woods Dr and South of Hwy 418. Thank you for your assistance and cooperation, and please do not hesitate to contact me with any question or comments.

Sincerely,

q:ITD+
8 3FA39459AOC488...

JEC LLC

Owner/ Authorized Agent

Jim Cashion

Owner

August 16, 2021 | 12:18:41 PM EDT



AGENDA
FOUNTAIN INN PLANNING COMMISSION
~~City Hall Council Chambers~~ ****Municipal Court****
Monday, October 4, 2021
6:00 PM – 300 Wall Street

Call to Order
Appoint Planning Commission Chair

Swear in New Commissioners
Ward 6 – Chris Ellisor

FI-2021-019

Public Hearing

Request: Rezone to C-2, Commercial District
Tax Map: 0350000100102, 0350000100103, 0350000100200, P/O 0350000100300
11 ac
40 S. Woods Drive

Applicant: Pakt Divine LLC

City Staff Report Greg Gordos, Zoning Administrator
Shawn Bell, City Administrator

Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-020

Public Hearing

Request: Rezone to C-2, Commercial District
Tax Map: 0346000200200, 0346000200300
0.94 ac
100 Ellison St, 100 Wall St.

Applicant: FI Ellison LLC

City Staff Report Greg Gordos, Zoning Administrator
Shawn Bell, City Administrator

Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-023**Public Hearing**

Request: Rezone to R-10, Residential District
Tax Map: 0356000401200, 0.63 ac
100 Quillen Ave

Applicant: Joe R. Babb

City Staff Report Greg Gordos, Zoning Administrator
Shawn Bell, City Administrator

Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-012 (held 4/5/21, 6/7/21; denied 7/12/21) Public Hearing

Request: Final Development Plan – Eagle Springs PD Zone III, Zone IV
Tax Map: 0555040100100
Scuffletown Road, Pheasant Way

Applicant: Arbor Engineering

City Staff Report Greg Gordos, Zoning Administrator
Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-024**Public Hearing**

Request: Final Development Plan – Fox Tail Cottages
Tax Map: 0562010100302
Fairview Street Extension & Old Fairview Road

Applicant: Bluewater Civil obo TKF Development Co LLC

City Staff Report Greg Gordos, Zoning Administrator
Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-026

Public Hearing

**Request: Subdivision Advisory Committee Report – Hampton Woods/Chase
Tax Map: 0562020100201
Parsons Road**

Applicant: Gray Engineering

City Staff Report Greg Gordos, Zoning Administrator
Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-014 (held 7/12/21)

Text Amendments

amend Section 5:12. - GCO, Gateway Corridor Overlay District.

Board Discussion

Adjourn

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT STAFF
SEPTEMBER 13, 2021**

DOCKET NUMBER: FI-2021-019

REQUEST: rezone parcels between I-385 and S.Woods Dr. to C-2 Commercial

APPLICANT: SVN Blackstream obo Pakt Divine LLC

PROPERTY OWNER: Ft Inn Frozen Food Plant Inc, Jec LLC

PROPERTY LOCATION: 40 S. Woods Drive

TAX MAP NUMBER: 0350000100102, 0350000100103, 0350000100109,
P/O 0350000100200, P/O 0350000100300

ACREAGE: ~ 11 ac

EXISTING ZONING: I-1, Industrial District; S-1 Service District

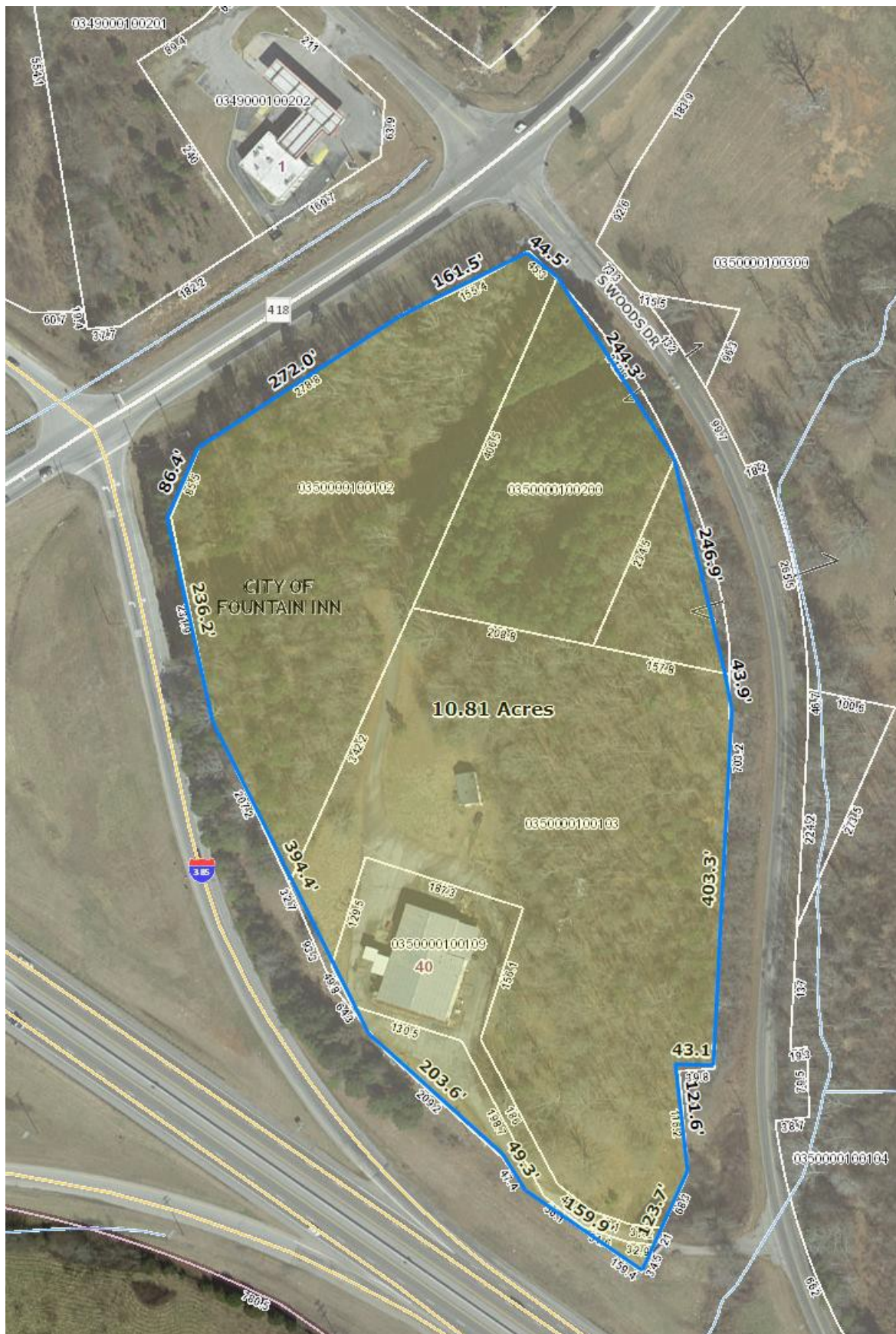
REQUESTED ZONING: C-2, Commercial District

Existing Land Use: Vacant

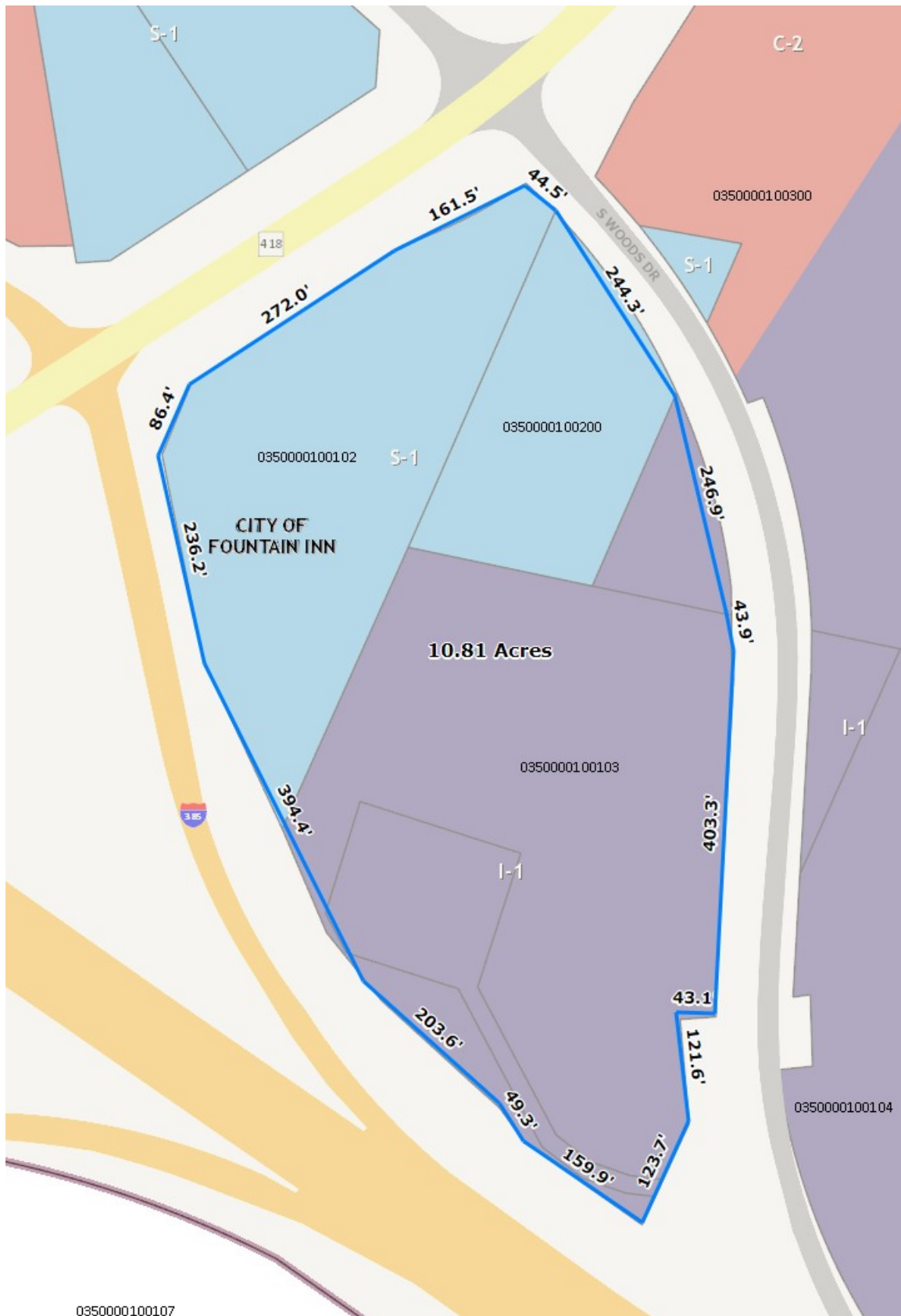
Adjacent Land Use: North: Vacant, Industrial
East: Vacant, Industrial
South: Vacant, Agricultural
West: Commercial

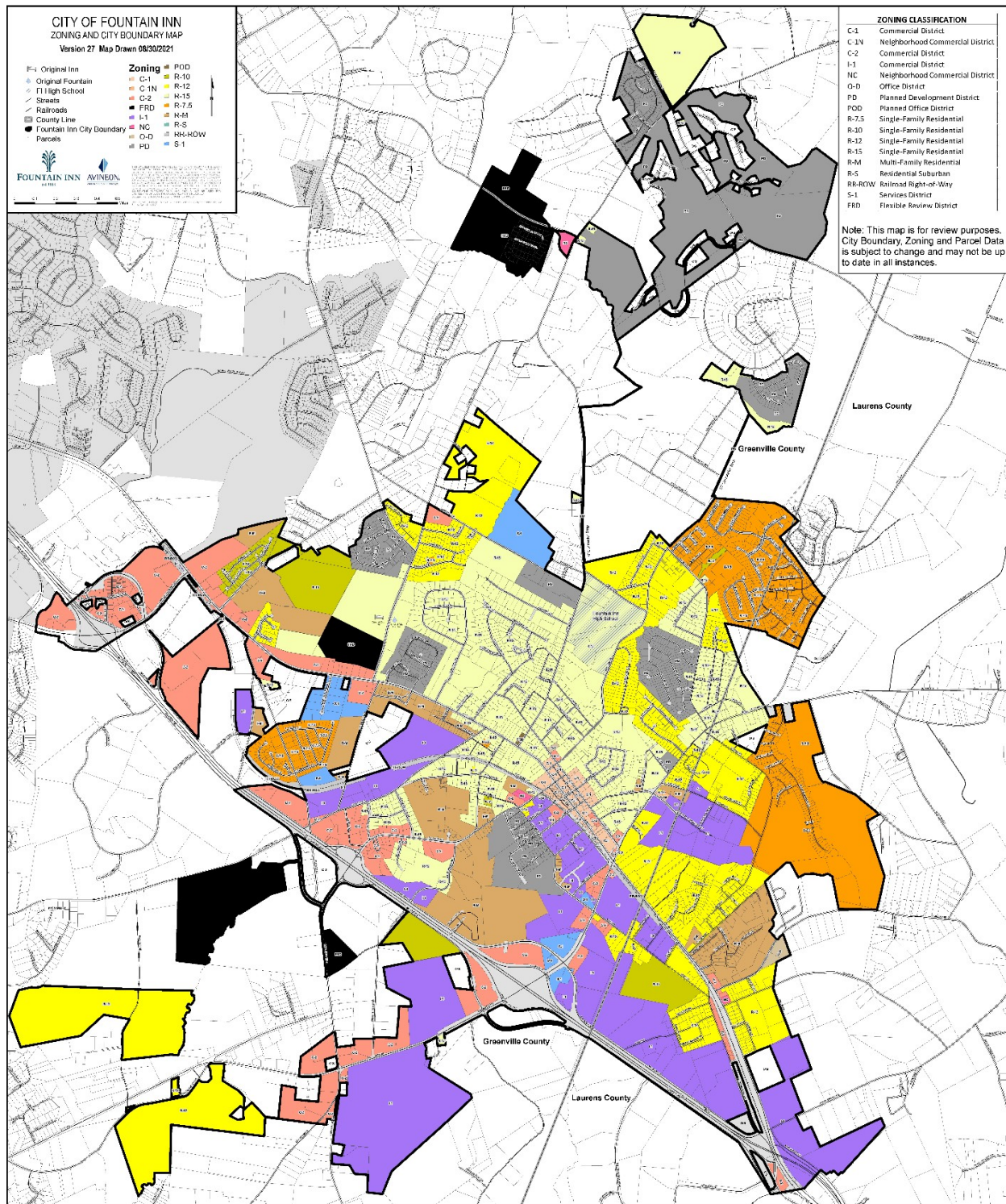
Adjacent Zoning: North: I-1 Industrial; C-2 Commercial
East: I-1 Industrial
South: unzoned (Greenville County)
West: S-1 Service, C-2 Commercial

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

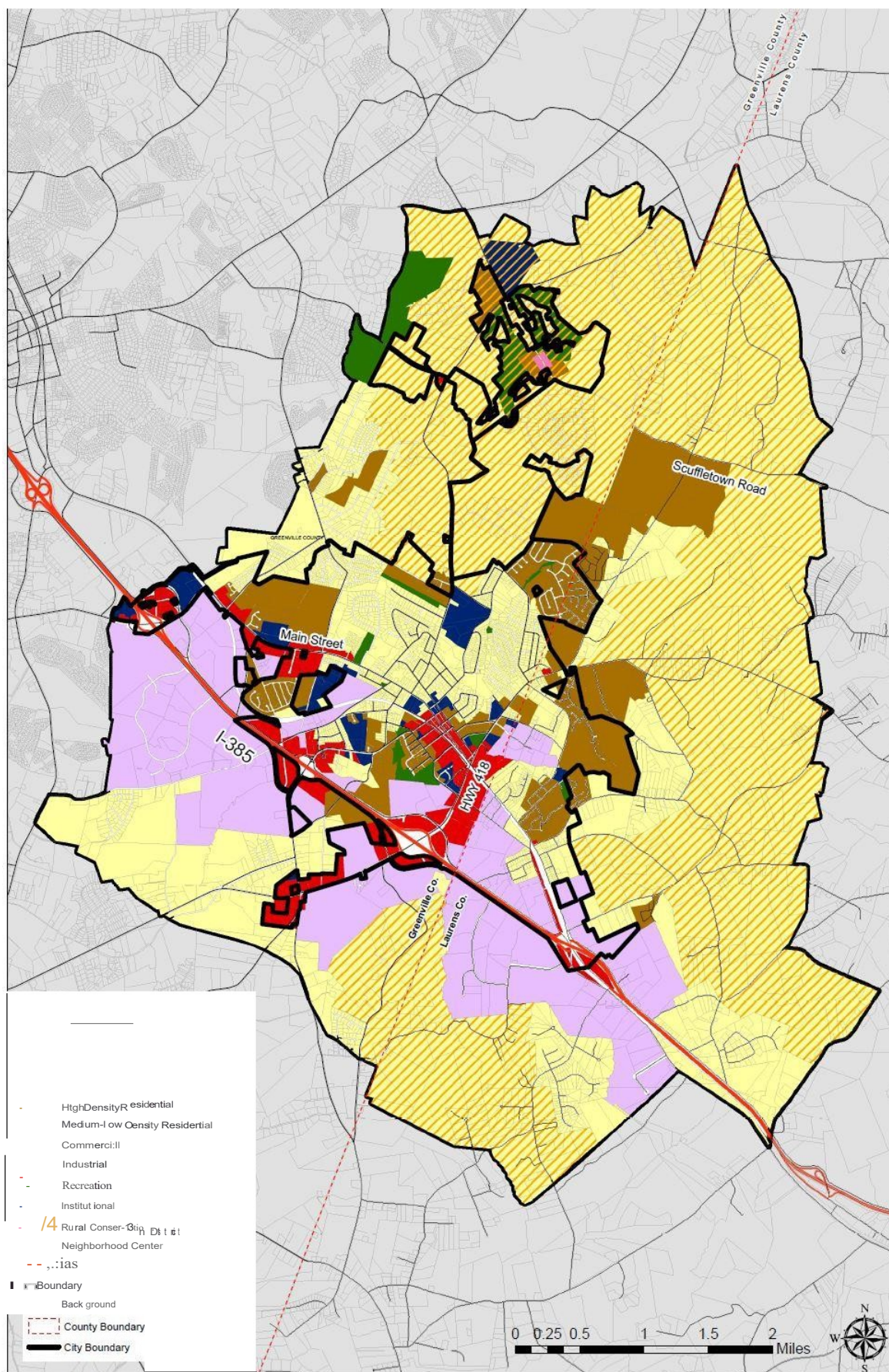


Zoning Map (Subject Area):





Future Land Use Map:



S. Woods Drive facing southeast



FI Frozen Food property (source: Google Maps)



Property facing west from S. Woods Drive (source: Google Maps)



ANALYSIS:

The subject properties are located on South Woods Drive, near the corner of SC-418 and with visibility to Interstate 385. It includes the former location of the Fountain Inn Frozen Food Plant and the half dozen parts of parcel are bound by Woods Dr. and the interstate. The subject properties are heavily wooded and vacant aside from 40 S. Woods and a power line easement bisects the SC-418 frontage from the rest of the site.

The property is currently zoned I-1, Industrial District or S-1 Service District. Properties across the street are zoned S-1, while parcels to the north were recently zoned C-2, Commercial. A request to rezone R-M, Residential Multifamily was denied in early 2021 immediately north. S. Woods Drive is almost exclusively industrial in nature, whereas across the interchange N. Woods Drive has transitioned to multifamily use (e.g. Palisades). All properties within 300' of SC-418 fall within the Gateway Commercial Overlay, requiring additional design standards for development.

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.

Explanation: Commercial districts have been identified in accordance with projected growth and market demand. Firstly, additional commercial development is projected around the Harrison Bridge Road, Fairview Street, and Highway 418 interstate interchanges. Property around the intersection of Milacron Drive (HWY 418) and Fairview Street Ext. has been designated for commercial use. Current land uses for this intersection, its proximity to the interstate and industrial sites, and the site's distance from downtown make this intersection best suited for any sort of commercial travel center or truck stop. Both sides of Highway 418 from Interstate I-385 to just past the intersection with South Main Street have been designated for commercial use with the exception of an entrance for South Carolina Plastics and the United States Post Office. Additionally, commercial future land use projections have expanded along Main Street past highway 418 along S. Main Street for over 900 feet.

The applicant is requesting C-2 Commercial zoning. This zone allows for sales, business services, and residential types including and multifamily structures (single-family detached subdivisions are not permitted). C-2 zoning remains one of the city's broadest zoning categories based on uses allowed. The proposed rezoning would be consistent with the 2017 Master Plan's recommendation for the parcels of land bound by I-385, S. Wood Drive and SC-418.

The applicants have not stated the intended use for the property upon rezoning.

STAFF RECOMMENDATION: Approval

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

November 10, 2021

City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** November 10, 2021**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 2021-3 would rezone 0.94 acres on two parcels from I-1, Industrial District to C-2, Commercial District. Three buildings encompass the mill site.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

The applicant has stated the intended use of the property is a brewery, restaurant, food hall and/or event space. Two of the three buildings would be saved under their proposal.

Impact If Denied:

The various parcels would remain as-is and zoned for industrial use under I-1 Industrial zoning. Restaurants are not permitted under this zone, which is a district for manufacturing plants, assembly plants, and warehouses. The 2017 Fountain Inn Master Plan and the future land use map recommends commercial uses for the parcels.

Impact If Approved:

The property would be zoned C-2, Commercial, allowing a large variety of potential land uses including those proposed by FI Ellison LLC. C-2 zoning allows for off-street parking, whereas C-1 Central Business District should rely on city provided on-street parking.

Financial Impact:

The property is currently vacant and in disrepair. Should the applicant or another landowner restore the structures, several potential new commercial businesses could be added to the City within walkable distance in Main Street and in view of the Fountain Inn Farmer's Market.

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 I-1 Industrial 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 herein is described fully in Docket Number FI-2021-020 and is located 100 Ellison Street and 100 Wall Street, containing approximately 0.94 acres, Greenville County Tax Map 0346000200200 and 0346000200300, 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 Property is hereby rezoned from I-1 Industrial District to C-2, Commercial District.

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

DONE IN REGULAR MEETING THIS 10th DAY OF November 2021.

SIGNATURE OF MAYOR:

George Patrick McLeer, Jr.

ATTEST:

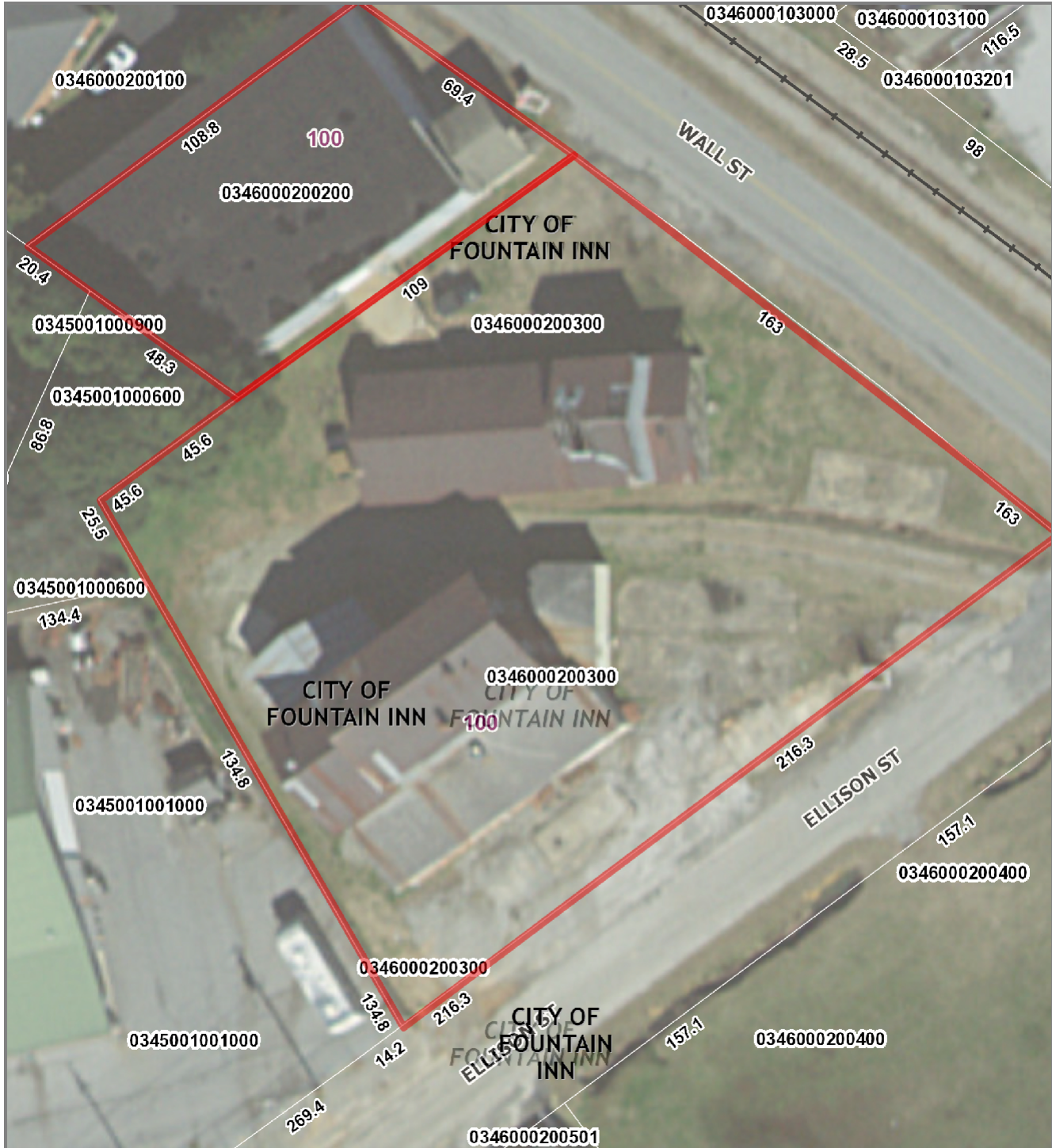
APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____

Fi Ellison LLC



1	Fi Ellison LLC ELLISON	2	Fi Ellison LLC WALL
---	---------------------------	---	------------------------



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. Users of this map are hereby notified aforementioned public primary information sources should be consulted for verification of the information contained in this map. Greenville County assumes no legal responsibility for the information contained in this map.

Map Scale
1 inch = 40 feet
10/8/2021

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT STAFF
SEPTEMBER 13, 2021**

DOCKET NUMBER: FI-2021-020

REQUEST: rezone parcel at corner of Wall Street & Ellison Street

APPLICANT: FI Ellison LLC

PROPERTY LOCATION: 100 Ellison Street, 100 Wall Street

TAX MAP NUMBER: 0346000200200, 0346000200300

ACREAGE: ~ 0.94 ac

EXISTING ZONING: I-1, Industrial District

REQUESTED ZONING: C-2, Commercial District

Existing Land Use: Vacant

Adjacent Land Use: North: Commercial
East: Institutional, Vacant
South: Industrial
West: Residential, Commercial

Adjacent Zoning: North: C-1, Central Business District
East: C-2, Commercial; C-1, Central Business District
South: I-1, Industrial
West: I-1 Industrial, O-D Office, R-12 Residential

Analysis:

This recognizable collection of mill structures is located across from Commerce Park in Fountain Inn's downtown. Two tax parcels lie on Wall Street and Ellison Street respectively; the building's last known use was an auction house although it currently functions as a popular location for photography. The Fountain Inn Master Plan specifically addresses this portion of Fountain Inn and preserving the structures; industrial zones should be converted to mixed use functions over time with Ellison Street serving as an extension of the Central Business District.

The subject property is recommended for Commercial land uses on the Future Land Use Map, as included in this report.

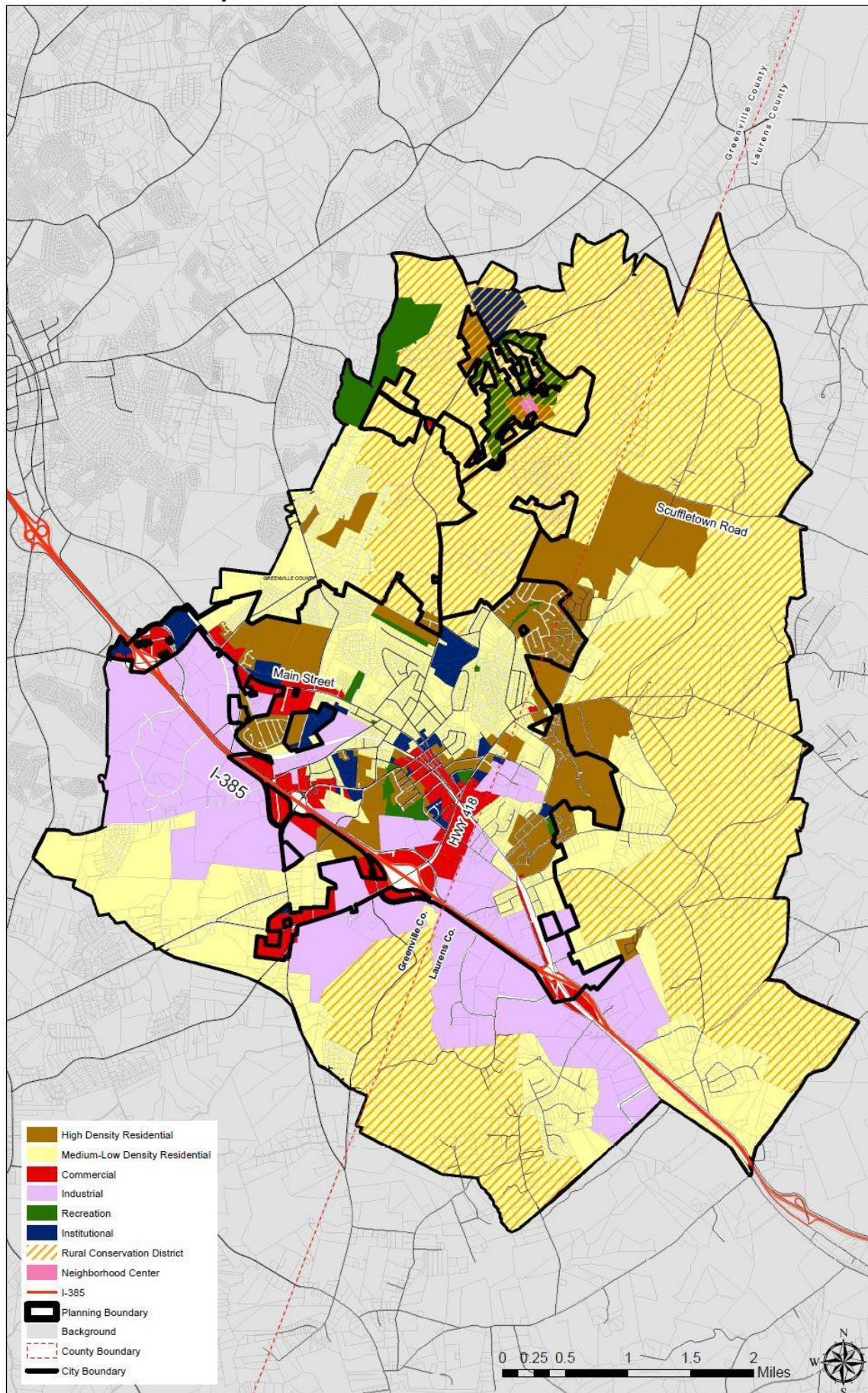
Definition: The commercial designation identifies areas of big box retail stores, restaurants, chain retail centers, and local retailers.

STAFF RECOMMENDATION: Approval

Zoning Map (Subject Area):



Future Land Use Map:



From Wall street facing southeast



From Ellison Street facing northwest:



Exhibit: Page 33 of the 2017 Fountain Inn Master Plan

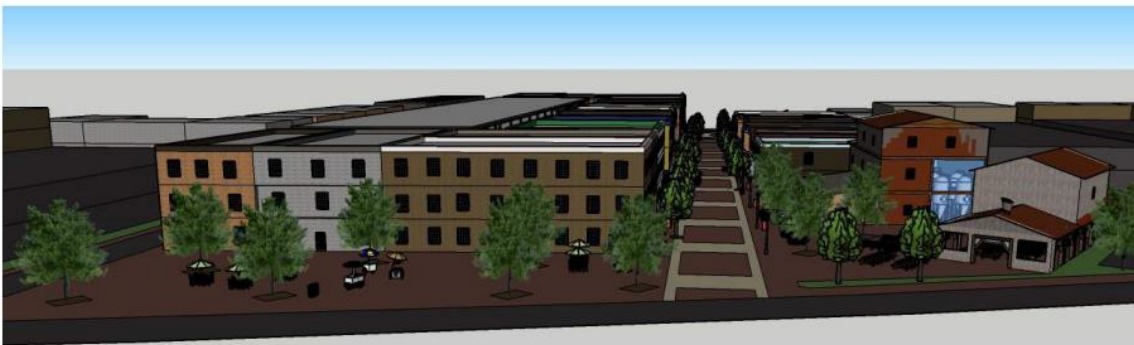
The Central Business District Commercial Area

Definition: The Central Business District (CBD) is an area of commercial use significant in the city's history as the center of rural commerce and character by means of its design and scale. Architectural features which define the scale and design for the CBD are currently defined in the city's C-1 zoning district. Examples include the buildings on the south side of Main Street between Fairview Street and Jones Street. Many good examples also exist on the north side of the same section of Main Street as well.

Explanation: It is proposed that the Central Business District be expanded to include most properties between Wall Street and Woodside Avenue as this area redevelops with a transition of high-density residential as a buffer between the historic mill village and future commercial growth along Woodside Avenue. The intent for this expansion is to connect the properties between the Central Business District and the Woodside mill village and Woodside Park. This will further strengthen the small town feel by eventually moving the heavy industrial work from the center of town and can be partially achieved by utilizing the C-1 zoning district to ensure the CBD design guidelines are utilized in these areas.

Key features: Key features of the expansion feature a focus on pedestrian scale by providing plazas with dining and water features, buildings no taller than three stories, facades utilizing masonry consistent with historic buildings on Main Street and restricting colors to those represented or like colors to those represented herein. Outdoor seating and dining are central to this plan as is a mixture of uses with commercial and office uses recommended on the ground floor and residential uses above the ground floor. It may be reasonable to convert some cross-streets to pedestrian promenades. (i.e. Ellison St.)

Central Business District Expansion



**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

November 10, 2021

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** November 10, 2021**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 2021-4 would rezone 0.63 acres on one parcel from R-15, Residential District to R-12, Residential District. The parcel is located near the corner of Quillen Avenue and Main Street and contains one single-family home. The applicant and landowner stated the intended use of the property is to subdivide from one parcel to two in order to sell and construct a second house. Subdivision would not be permitted under R-15 zoning as the resulting lots would not be over 15,000 square feet.

The Planning Commission voted unanimously (4-0) in favor of the rezoning at the October 4, 2021 meeting.

Staff recommendation was denial of a request to R-10 zoning; at the 10/4/2021 the applicant verbally changed his request to R-12, Residential District (considered a Medium-Low Density classification similar to R-15).

Impact If Denied:

The home at 100 Quillen Avenue would remain zoned R-15, Residential District. The property could not be subdivided as proposed and the northern portion of the lot would remain as yard/open space. Accessory dwellings are permitted but they must be located in the back yard.

Impact If Approved:

The property would be zoned R-12, allowing the lot to be subdivided into two lots of approximately 12,000 sq. ft. The home at 100 Quillen would remain as a house, but another home may be constructed to the north. The land use of the property (single family residential) would not change; no commercial or office use is permitted.

Financial Impact:

A second homeowner may be added to the property; construction of a new building would generate permit fees.

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 R-15, Residential District to R-12, Residential 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-2021-023 and is located at 100 Quillen Avenue, containing approximately 0.63 acres, Greenville County Tax Map 0356000401200, 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 Property is hereby rezoned R-15, Residential District to R-12, Residential District.

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

DONE IN REGULAR MEETING THIS 10th DAY OF 2021.

SIGNATURE OF MAYOR:

George Patrick McLeer

ATTEST:

Sandra H. Woods
City Clerk

APPROVED AS TO FORM:

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____

[illegible]

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. Users of this map are hereby notified aforementioned public primary information sources should be consulted for verification of the information contained in this map. Greenville County assumes no legal responsibility for the information contained in this map.

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM PLANNING & DEVELOPMENT STAFF
SEPTEMBER 13, 2021**

DOCKET NUMBER: FI 2021-023

**APPLICANT/
PROPERTY OWNER:** Joe R. Babb

PROPERTY LOCATION: 100 Quillen Avenue

TAX MAP NUMBER: 0356000401200

ACREAGE: ~ 0.6 ac

EXISTING ZONING: R-15, Residential District

REQUESTED ZONING: R-10, Residential District

Existing Land Use: Residential

Adjacent Land Use: North: Residential
East: Residential
South: Residential, Institutional (office)
West: Residential

Adjacent Zoning: North: R-15, Residential District
East: R-15, Residential District
South: R-15, Residential District
West: POD, Planned Office District

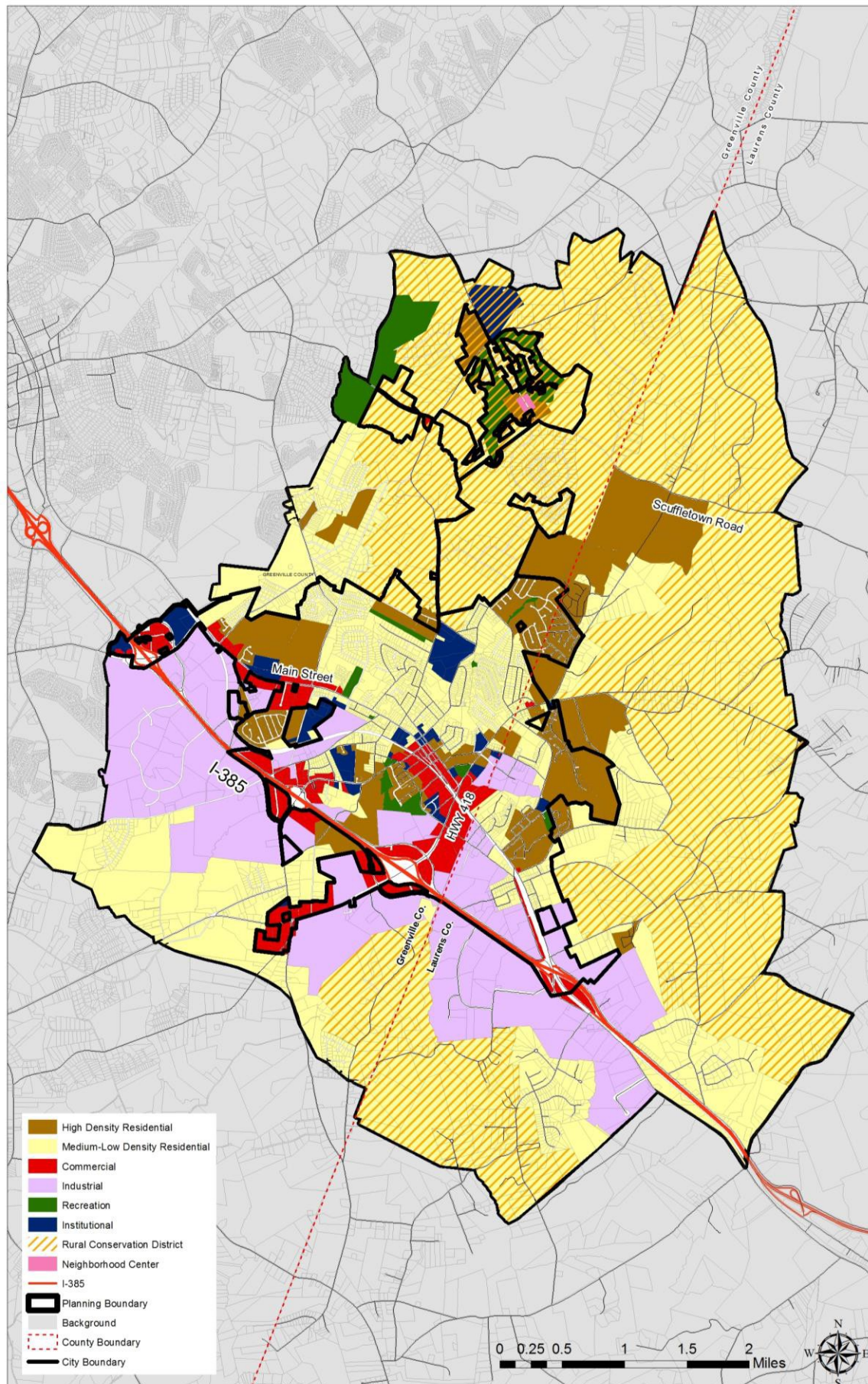
Aerial Map (source: Greenville County GIS):



Zoning Map (Subject Area):



Future Land Use Map:



Northern portion of subject property, facing east



Southern portion of subject property, facing southeast



ANALYSIS:

The subject property is located at 100 Quillen Avenue at the intersection with Main Street/SC-14. The area is residential in nature with charming homes varying in style, size, and architecture. Quillen Avenue now serves as the gateway to Fountain Inn High School at 644 Quillen Avenue.

The property is currently zoned R-15, Residential District as are adjacent properties to the north south, and east. Properties on the opposite side of Quillen are zoned POD, Planned Office District. Tucker Branch is also zoned R-12. The next closest residential zoning category is R-7.5 Residential on Andrews Lane.

The subject property is recommended for Medium-Low Density land uses on the Future Land Use Map, as included in this report.

High Density Residential

Definition: Medium-Low Density Residential is shown as any single-family residentially zoned district that is 3.6 units per acre or less in density. Land used primarily as agriculture is largely associated with a residence and is represented as part of this category.

The applicant is requesting R-10, Residential District zoning. This would be considered High Density Residential per the 2017 Future Land Use Map. The proposed rezoning would be consistent with the 2017 Master Plan's recommendation for the parcel or the area surrounding Main Street Fountain Inn.

The R-15 Residential District allows for lots 15,000 square feet (1/3 ac) and up. The subject property meets this requirement as one parcel. However, if the property were subdivided neither parcel would meet this requirement. Resulting lots if rezoned would be at least 10,000 square feet when surveyed.

Lots smaller than 15,000 sf but with R-15 zoning can be found on this block (314, 316 Main Street) and are directly adjacent to 100 Quillen Avenue.

The proposed rezoning would be a "spot" and is not adjacent to any other parcels zoned R-10 Residential District. However, the minimum parcel size would roughly match several of those on the neighborhood block and R-10 would not allow townhomes or multifamily apartment units. The Commission must decide if the site specifics warrant going against the 2017 Master Plan recommendation. The applicant's request matches city goals for infill development, walkable locations, and housing supply, but does not match any adjacent zoning. A smaller accessory use such as a garage expansion or mother-in-law suite (if legally codified) may be more appropriate use under the existing zoning.

Staff Recommendation: Denial of R-10 request

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

November 10, 2021

Regular City Council Meeting

☐ Ordinance/First Reading ☒ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** November 10, 2021**Ordinance/Resolution Caption:**

An Ordinance to Provide for the Amendment of the Fountain Inn, South Carolina - Code of Ordinances; and Various Matters Related Thereto.

Summary Background:

TX 2021-2 would amend the Zoning Ordinance pertaining to Section 5:12. - GCO, Gateway Corridor Overlay District. The zoning overlay encompasses a geographic area roughly from the municipal cemetery and PD Terry City Park to the Interstate 385 interchange along McCarter Road/418. This overlay was established in 2013 “to encourage well planned, attractive development along Fountain Inn's Highway 418 gateway corridor that promotes safety for all modes of transportation, enhances the historical nature of the community, strengthens and stabilizes property values, creates and upholds a distinctive gateway character, and accommodates future expected growth in a way that is consistent with the SC 418 Corridor Plan and the City's comprehensive plan”.

The corridor was primarily industrial in character and zoning until road improvements and regional growth have put development pressure on this interstate exit. Many parcels along this route are underdeveloped and/or vacant. The 2017 Fountain Inn Master Plan and future land use map recommends commercial uses along this corridor. Two rezoning requests and two Board of Zoning applications have been submitted within this overlay in two years.

Structures constructed prior to the overlay's effect include Bojangles restaurant and the U.S. Post Office building. Structure constructed in the mid-2010's include McDonald's (sign variance) and Zaxby's restaurants. Structures under construction under the overlay's effect include a dollar store and a coffee drive-thru restaurant.

There is concern regarding the proximity of businesses to one another, creating an area without diversity of services, and preserving the intent of the gateway overlay. Land uses would not be prohibited outright if allowed under the base zoning. Recently other Golden Strip municipalities have proposed like measures, in areas of focus such as their city center or pertaining to land uses that concentrate in a single area.

The Planning Commission voted unanimously (4-0) in favor of the text amendment at the October 4, 2021 meeting. A previous discussion regarding changes to the overlay restrictions took place on July 12, 2021 by the commission.

Impact If Denied:

Section 5:12. - GCO, Gateway Corridor Overlay District. would remain as authored in 2013. As development occurs along SC-418, all land uses permitted in the base zoning may be established (if meeting current overlay guidelines).

Impact If Approved:

GCO, Gateway Corridor Overlay District will be amended to reflect 2021 development demands: lighting requirements for businesses are relaxed to reflect current character while linear distance shall separate like uses. Land uses established prior to adoption of this ordinance would not be subject to the amendments therein.

ORDINANCE

TITLE: AN ORDINANCE TO AMEND ARTICLE 5, DISTRICT REGULATIONS OF THE CITY OF FOUNTAIN INN ZONING ORDINANCE; TO AMEND SECTION 5:12. – GCO, GATEWAY COMMERCIAL OVERLAY DISTRICT AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, The City has a Zoning Ordinance that regulates land use and creates therein districts and provides for regulations within those districts; and

WHEREAS, The City Council has determined that the GCO zoning overlay is established to encourage well planned, attractive development along Fountain Inn's Highway 418 gateway

WHEREAS, The City Council has determined that The Gateway Corridor Overlay District creates and upholds a distinctive gateway character, and accommodates future expected growth in a way that is consistent with the SC 418 Corridor Plan and the City's comprehensive plan

WHEREAS, amendment of 5:12.2. Uses Permitted: is intended to allow for the diversity of goods and services in a given area, specifically in the gateway and not exclusive to all commercial corridors of the City

WHEREAS, the Mayor and City Council have reviewed the proposed amendments and have determined that it is in the best interest of the City to adopt them;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, AS FOLLOWS:

Section 1. That the Zoning Ordinance, Article 5, District Regulations, Section 5:6 be amended as shown on Attachment 1 entitled: “AMENDMENT TO ZONING ORDINANCE, Section 5:13. - GCO, Gateway Commercial Overlay District.” to remove lighting requirements for signage and limit selected uses by linear distance.

Section 2. 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 affect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 7. Savings Clause: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended as stated in Sections 1, 2 and 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 8. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this 10th day of October 2021.

SIGNATURE OF MAYOR:

George Patrick McLeer, Jr.

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David W. Holmes
City Attorney

FIRST READING: 10/14/2021
SECOND READING: 11/10/2021

ATTACHMENT 1

AMENDMENT TO ZONING ORDINANCE

SECTION 5:13.

GCO, GATEWAY COMMERCIAL OVERLAY DISTRICT.

Section 5:12. GCO, Gateway Corridor Overlay District.

Purpose and intent: The Gateway Corridor Overlay District has been created to encourage well planned, attractive development along Fountain Inn's Highway 418 gateway corridor that promotes safety for all modes of transportation, enhances the historical nature of the community, strengthens and stabilizes property values, creates and upholds a distinctive gateway character, and accommodates future expected growth in a way that is consistent with the SC 418 Corridor Plan and the City's comprehensive plan.

5:12.1. Location and Applicability: The Gateway Corridor Overlay District is a special public interest district encompassing a particular geographic area that does not coincide with the boundaries of its underlying zoning districts and is identified on Fountain Inn's Official Zoning Map. It includes all properties contiguous to SC Highway 418 lying between the intersection of Interstate 385 and Highway 418 and continuing to Walker Street. The boundaries of the overlay district shall be measured from the edge of the right-of-way to a depth of three hundred (300) linear feet. Unless otherwise noted, the requirements of the Gateway Corridor Overlay District apply to all commercial, service, office, multi-family, and mixed-use development and are in addition to the requirements of the underlying zoning district. Where the requirements of the underlying zoning district and the overlay district are in conflict, the more restrictive requirements will apply.

5:12.2. Uses Permitted: The overlay district provisions apply to any underlying zoning district (but not including single-family residential ~~and industrial districts~~) set forth in this Ordinance that exists within the overlay district. All uses permitted by right in the underlying zoning district shall be permitted by right in the Overlay District, ~~subject to the requirements listed below.~~

~~5:12.2-1. The following land uses shall not be located within 2,000 linear feet of any existing land use of the same designation:~~

- ~~A. Automobile service station~~
- ~~B. Billiard hall~~
- ~~C. Car wash~~
- ~~D. Dollar store~~
- ~~E. Liquor store~~
- ~~F. Mini warehouses~~
- ~~G. Nightclub~~
- ~~H. Pawn shop~~
- ~~I. Truck terminals, freight terminals, passenger terminals~~
- ~~J. Used car lot~~

~~The required separation distance shall be measured in a strait line from the nearest point on the lot line of the property occupied by an existing use to the nearest point on the lot line of the subject property.~~

5:12.3. Uses Permitted by Special Exception: The overlay district provisions apply to any underlying zoning district (but not including single-family residential and industrial districts). Uses permitted by special exception in the underlying zoning district shall be permitted by special exception in the Overlay District.

5:12.4. Nonconforming Uses of Land and Structures: Land uses or structures located in the Gateway Corridor Overlay District that were legally in existence prior to the adoption of this ordinance may be maintained unchanged but are deemed to be nonconforming. Legal nonconforming uses shall conform to Article 7, Section 2 of this Ordinance.

5:12.5. Dimensional Requirements: Dimensions of lots and placement of buildings should promote visual continuity, encourage pedestrian activity and provide safe access. Buildings should face the street and be

arranged so that they create and maintain a consistent uniform streetscape. Step-backs shall be used to permit sunlight and air access to lower-level buildings.

5:12.5-1. *Front Setback.* Front setbacks shall be a minimum of 10 feet and shall not exceed 20 feet.

5:12.5-2. *Side Setback.* Side setbacks shall be a minimum of 5 feet and shall not exceed ~~64 feet on one side and~~ 12 feet on ~~one the other~~ side.

5:12.5-3. *Rear Setback.* Rear setbacks shall not be required except where property abuts a residential use. Then rear setback shall be a minimum of 10 feet and shall be increased by 1 foot per 3 feet of building height above 12 feet.

5:12.5-4. *Lot Width.* Lot width shall be 50 feet at a minimum.

5:12.5-5. *Height Limitation.* Building heights shall not exceed 4 stories or 45 feet except as provided in Article 7, Section 7.

5:12.5-1.1 *Additional height exception.* Hotels and motels may be erected to a height exceeding 45 feet, provided that the use is permitted in the underlying district and the required side and rear yards are increased by at least one foot for each one foot of additional building height above 45 feet. This regulation supersedes the regulation governing the number of stories in the particular underlying zoning district regulations.

5:12.5-1.2 *Step-backs.* Floors above the second floor shall be stepped back a minimum of 5 feet for the third floor (see Figure 1 below), and an additional 5 feet for floors above the third. The maximum step-back under this method shall not exceed 10 feet.

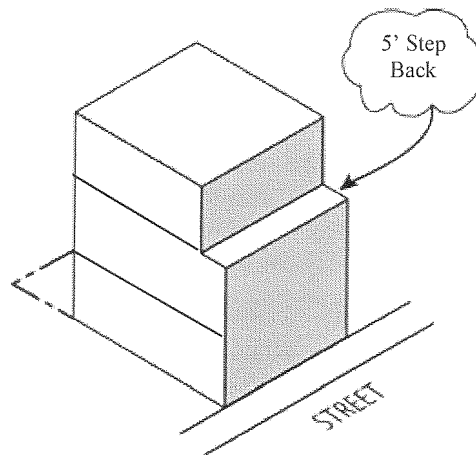


Figure 1

5:12.6. *Parking:* No parking area shall be located along frontage, or otherwise between building and road. Side and rear parking lots should be used when possible to promote pedestrian safety and accessibility and aesthetic continuity. Shared parking is encouraged to promote connectivity.

5:12.6-1. *Off-Street Parking.* Off-street parking shall be provided in accordance with the provisions set forth in Article 7, Section 9 in addition to the following:

5:12.6-1.1 Buildings located on corner lots shall not locate parking between the building and the road (see Figure 2 below).

5:12.6-1.2 Buildings located on corner lots shall not locate drive through lanes between the building and the road (see Figure 3 below).

5:12.6-1.3 A maximum of 20% of required parking or one double row, whichever is greater, may be located in one side yard (see Figure 2 below).

5:12.6-2. *Roadside Buffer*. A buffer yard shall be provided between all parking areas and the public right of way in accordance with Article 7, Section 9.12.

5:12.6-3. *Shared Parking*. Shared use of parking may occur when two or more uses on the same or separate sites face parking demands at different times. If two or more properties share parking, the Zoning Administrator may authorize a 25 percent reduction from the minimum number of parking spaces required for each property if there is a written agreement between adjoining landowners for shared parking as specified herein.

5:12.6-4. *Accessibility*. Parking shall be provided according to current standards required by the Americans with Disabilities Act.

5:12.6-5. *Pedestrian Safety*. Parking lots shall be designed to allow pedestrians to safely walk from their vehicles to building entrances and to any common areas by providing clearly defined and appropriately placed sidewalks, walkways, or pathways and marked cross walks.

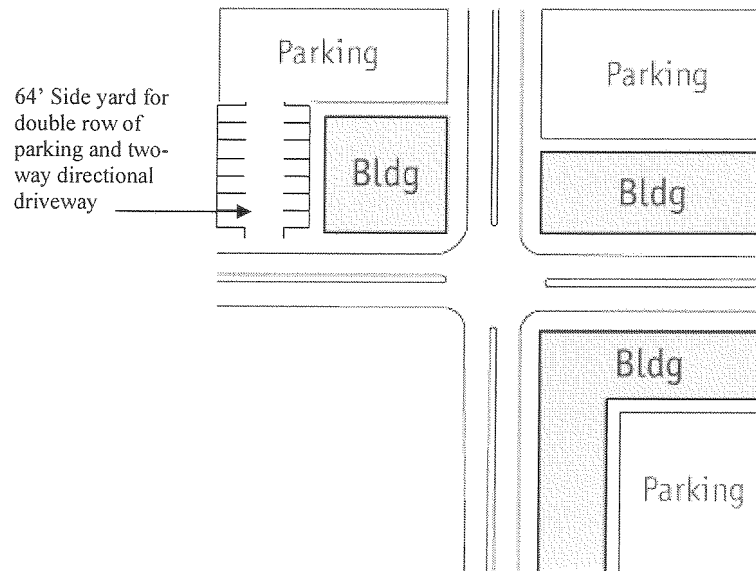


Figure 2

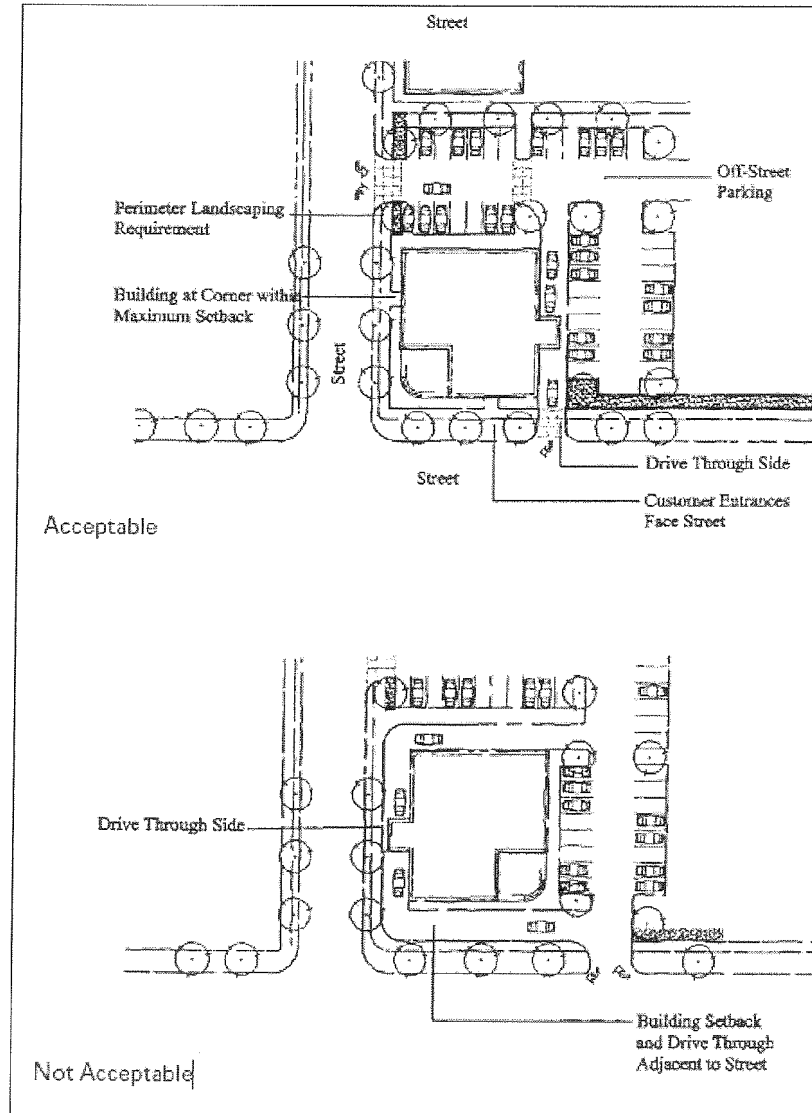


Figure 3

5:12.7. Landscaping: Parking lots are frequently used public spaces that should be treated as such by providing adequate shade and aesthetic dimension to promote users' safety and enjoyment. Landscaping as a screening device limits the negative impacts experienced by adjacent residential lots. Additionally, parking lot landscaping serves to minimize the storm water runoff created by large concentrated areas of asphalt.

5:12.7-1. Parking Lots. All developments with parking lots exceeding 10 spaces shall provide o of this Ordinance.

5:12.7-2. Rear and Side Screening. All non-residential lots abutting residential lots shall provide a buffer transition yard in accordance with Article 5, Section 11 of this Ordinance (see Figure 4 below).

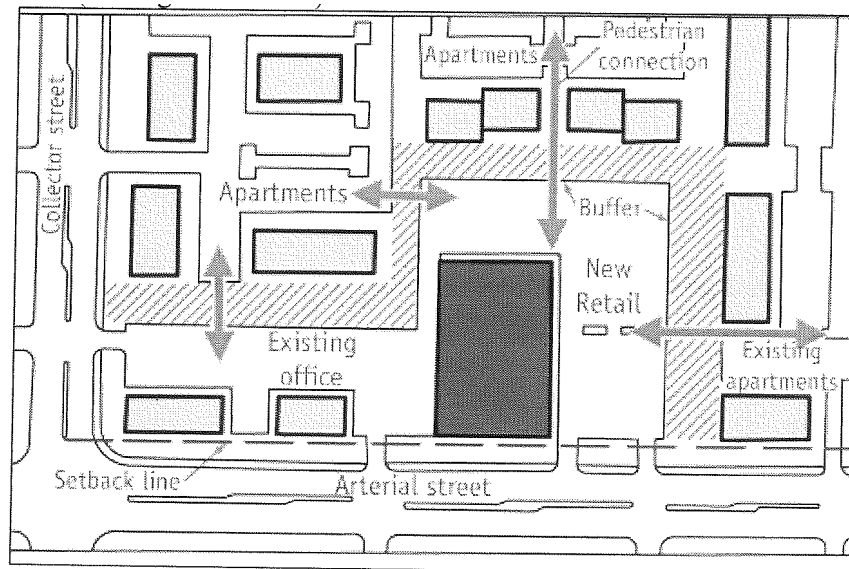


Figure 4

5:12.8 Vehicular and Pedestrian Connections between Sites: Well designed commercial corridors include vehicular and pedestrian connectivity between sites to create safe and comfortable access for users, reduce traffic congestion, improve safety, and to encourage the cohesive development of properties along the corridor.

5:12.8.1 All sites and developments shall be designed to provide private drive or public road connections to existing private drives or public roads on adjacent sites, or stub-outs to abutting properties if connections are not feasible.

5:12.8.2 Sidewalks shall be provided along both sides of internal public roads and private drives.

5:12.8.3 Sidewalks shall be provided to connect existing public roads and private drives to customer entrances.

5:12.9. Open Space: Open space is encouraged. However, in an effort to limit spacing between buildings and promote a walkable environment, the open space requirement for new developments is relatively low.

5:12.9-1. 10 percent of each property shall be preserved as open space (includes buffer yards, landscaped islands, accessible roof gardens, and detention areas).

5:12.10. Signage: To create a cohesive, aesthetically pleasing façade, permitted signage will be restricted to two signs per business: one wall sign or canopy sign, and one freestanding sign or decorative post sign. The use of these signage forms will help promote an inviting, pedestrian-friendly environment, while still allowing businesses to express individuality and creativity with their designs.

5:12.10-1. Materials. Sign materials shall be consistent with and integrated into the overall design of the structure(s).

5:12.10-2. Two of the following permanent signs per business shall be permitted:

One from Column A	One from Column B
Wall sign, not exceeding 20 percent of usable wall space with a maximum of 100 square feet	Freestanding sign, not to exceed 6 feet in height as measured above grade and maximum sign face of 24 square feet in area
	OR

Canopy sign, not exceeding 20 percent of canopy face area with a maximum of 12 square feet	
--	--

5:12.10-3. *Illumination.* ~~Signs shall be externally lit, if at all. The lighting of signs must be from the top of the sign and directed downward.~~ Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized. Neon lighting and electronic message signs are exclusively prohibited.

5:12.10-4. *Temporary Signage.* Temporary signage shall not be posted for more than 30 consecutive days and shall not account for more than 10 percent of a building's façade.

5:12.11. *Lighting:* Standards will encourage adequate lighting to promote safety while limiting light pollution and minimizing glare. Light sources shall be used to promote true, "white lighting". Photometric plans shall be required for any newly proposed development to determine if the following standards have been met.

5:12.11-1. *Height.* Parking areas shall be lit to provide safety for the patrons utilizing the lot. Lighting shall be no greater than 20 feet in height and shall be directed to ensure no spillover lighting occurs on adjacent properties or public rights-of-way.

5:12.11-2. *Type.* Each outdoor luminaire shall be a recessed or a full cutoff fixture.

5:12.11-3. *Canopy Lighting.* Canopy lighting shall be recessed within the structure allowing the canopy edge to protrude below the surface area. Outdoor lighting installed on canopies or drive-thru facilities are permitted an average foot candle reading of 20 foot candles under any area that is illuminated.

5:12.11-4. *Prohibited Lighting.* The following lighting fixtures are prohibited: neon lighting, searchlights, laser source lights, flood lights, wall packs, or any similar high-intensity light, except in emergencies by police and fire personnel.

5:12.12. *Architectural Features:* Materials used shall be consistent with existing structures along the corridor as well as those fronting Main Street. The feel of the newly designed corridor should mimic the majority of existing commercial buildings that consist of quality materials, and pedestrian-focused features such as first-level transparency and embellishment, awnings, and overhangs.

5:12.12-1. No street-level building wall shall be blank; building facades facing public streets shall include a minimum of 40 percent embellishment of interest-creating features such as doors, display windows, murals, etc.

5:12.12-2. *Materials.* Exterior finish materials shall be limited to brick, natural stone, stucco, and/or, if approved by the City, wood or a synthetic material closely resembling outright approved materials. No aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, vinyl, or EIFS shall constitute any portion of a building except trim.

5:12.12-2.1 The acceptable exterior finish materials shall also cover a minimum of two feet around the corners of the façade to achieve a fully finished edge (see Figure 5 below).

The masonry
turns the
corner and
continues at
least two feet
on this
building.

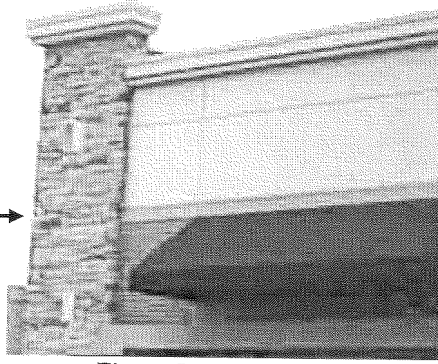


Figure 5

(Ord. No. ZTXT-2013-001, § 1(Exh. A), 5-9-13)

ORDINANCE

TITLE: AN ORDINANCE TO REPEAL CHAPTER 11, ARTICLE II – BUSINESS LICENSES, OF THE CODE OF ORDINANCES FOR THE CITY OF FOUNTAIN INN AND TO ADOPT THE MODEL BUSINESS LICENSE ORDINANCE FOR 2021 REQUIRING BUSINESSES IN THE CITY TO OBTAIN A BUSINESS LICENSE AND TO PAY THE BUSINESS LICENSE TAX, AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, the City of Fountain Inn Code of Ordinances, Chapter 11, Article II concerns Business Licenses; and

WHEREAS, by 2020 Act No. 176, the South Carolina General Assembly adopted the “South Carolina Business License Tax Standardization Act” (hereinafter the “Act;”) which becomes effective on January 1, 2022; and

WHEREAS, the Act mandates that the City adopt in its entirety the requirements of the Act so that the requirement to obtain a business license, the process to obtain a business license and the application for a business license will be standardized statewide; and

WHEREAS, the City is further required to consider and adjust the business license tax rate classifications and rates and rebalance the business license tax rates to ensure revenue neutrality during the 2022 business license cycle such that the mandated adoption of the new rate classification and rates will not result in a revenue windfall relative to the City’s 2020 business license tax revenue; and

WHEREAS, the City Council has determined that the City should adopt and approve the attached Business License Ordinance, together with the schedules, rate classifications and rates attached thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Chapter 11, Article II of the Code of Ordinances entitled “Business Licenses,” including all appendices thereto, is hereby repealed.

Section 2. The City of Fountain Inn does hereby adopt the model business license ordinance that shall become the new Chapter 11, Article II – Business Licenses, including the schedules, rate classifications and rates attached thereto as shown on the attached document entitled “2022 BUSINESS LICENSE ORDINANCE.”

Section 3. 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 amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent

jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its Effective Date.

Section 6. Savings Clause: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. The City Clerk is hereby ordered and directed to cause this ordinance to be published according to law.

Section 8. Effective Date of the Ordinance. This ordinance shall become effective on January 1, 2022.

DONE in Regular Meeting duly assembled this ____ day of December 2021.

SIGNATURE OF MAYOR:

George Patrick McLeer

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____

2022 MODEL BUSINESS LICENSE ORDINANCE

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Fountain Inn, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

“Business” means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

“Charitable Organization” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

“Charitable Purpose” means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

“Classification” means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“Council” means the City Council of the City of Fountain Inn.

“Domicile” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or

other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

"Licensee" means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

"Municipality" means the City of Fountain Inn, South Carolina.

"NAICS" means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

"Person" means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction

project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or

any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be

issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;

- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. 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. 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.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.

- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$ 65.00	\$ 1.30
2	\$ 70.00	\$ 1.40
3	\$ 75.00	\$ 1.50
4	\$ 80.00	\$ 1.60
5	\$ 85.00	\$ 1.70
6	\$ 90.00	\$ 1.80
7	\$ 95.00	\$ 1.90
8.1	\$ 70.00	\$ 1.55
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$150.00 plus \$5.00 -OR- \$12.50 per table	\$ 2.00
9.1	\$ 150.00	\$ 1.55
9.3	\$ 120.00	\$.30
9.41	\$ 100.00	\$ 2.00
9.42	\$ 50.00	\$ 2.00
9.5	\$ 250.00	\$ 1.25

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the Municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 2	90%
2 – 3	80%
3 – 4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000\$ 70.00 PLUS

Each additional 1,000.....\$ 1.55

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies (See S.C. Code § 12-23-210).

8.3 NAICS 517311, 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 and 5242 – Insurance Companies and Brokers:

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) **[Type I and Type II]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine\$12.50 PLUS

Business license\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine\$180.00 PLUS

Business license\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types. (A) Pursuant to SC Code § 12-21-2746, 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; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000\$150.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.00

9.1 NAICS 423930 – Junk or Scrap Dealers [Non-resident rates apply].

Minimum on first \$2,000\$150.00 PLUS

Per \$1,000, or fraction, over \$2,000\$1.55

9.3 NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.

(except auto supply stores - see 4413)

Minimum on first \$2,000\$120.00 PLUS

Per \$1,000, or fraction, over \$2,000\$.30

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales.

Direct retail sales of merchandise. [Non-resident rates apply]

9.41 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000\$100.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.00

9.42 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first \$2,000\$50.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.00

Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

9.5 **NAICS 722410 – Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises).

Minimum on first \$2,000\$200.00 PLUS

Per \$1,000, or fraction, over \$2,000\$1.25

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

Business License Class Schedule by NAICS Code

Appendix B

This appendix will be updated every odd year based on the latest available IRS statistics.

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41 & 9.42
48-49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
713120	Amusement Parks and Arcades (per machine)	8.51
713290	Nonpayout Amusement Machines (per machine)	8.52

713990	All Other Amusement and Recreational Industries (pool tables)	8.60
721	Accommodation	3.00
722	Food services and drinking places	1.00
722410	Drinking Places, bars, lounges, cabarets (Alcoholic Beverages consumed on premises)	9.5
81	Other services	5.00

Note: Class Schedule is based on 2017 IRS data.



November 11, 2021 Regular Council Meeting Agenda Item Summary

Presented By:

Shawn Bell, City Administrator

Staff Recommendation

Naomi Reed, Assistant City Administrator/CFO

Agenda Item Wording

Consideration and approval of Resolution 2021-10 approving the acceptance of the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) allocated as part of the American Rescue Plan Act (ARPA), establishing guiding principles for the use of the ARPA Fund, and to authorize the City Administrator to execute agreements to fund time sensitive eligible expenses not to exceed \$1,720,915 as reflected in Exhibit A.

Background Information

On March 11, 2021, the American Rescue Plan Act (ARPA) (HR 1315) was signed into law by the President of the United States, establishing the Coronavirus State and Local Recovery Funds (SLFRF), which are to be allocated to provide governments support in their response to the economic impacts of COVID-19. The funds will be distributed in two tranches; the first tranche expected to be disbursed within the next 30-45 days, and the second is scheduled to be distributed next year.

The City of Fountain Inn has been awarded a total of \$5,197,989.

The United States Department of Treasury has published an Interim Final Rule on the use of the SLFRF funds, and comments to this ruling were closed on July 16, 2021. The Interim Final Rule defines eligible categories for the use of ARPA funds to include:

- **Support public health expenditures**
- **Address negative economic impacts caused by the public health emergency**
- **Replace lost public sector revenue**
- **Provide premium pay for essential workers**
- **invest in water, sewer, and broadband infrastructure**

City staff has gathered a list of recommendations regarding the use of ARPA funds from all departments. A workshop was held on October 28, 2021, summarizing U.S. Department of Treasury Guidance and to discuss time sensitive eligible projects to be funded with ARPA proceeds.

City Council is requested to accept the funding and allocate the amount for the requested projects not to exceed \$1,710,000 for ARPA Funding Request Package #1. The appropriation is recommended to be reflected in an ordinance to amend FY 2021-2022 Budget Ordinance 2021-5. Future appropriations will require a public hearing and approval by City Council as part of the annual budget process.

Previous Relevant Action

Resolution 2021-9 - Resolution to designate a point of contact as it relates to ARPA Funds

Staff Recommendation

Staff recommends Council approve Resolution Number 2021-10; acceptance of the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) allocated as part of the American Rescue Plan Act (ARPA), establishing guiding principles as it relates to premium pay and strict adherence and compliance related to the use of the APRA Funds, and to authorize the City Administrator to execute agreements to fund time sensitive eligible expenses not to exceed \$1,720,915

Attachments

[Resolution 2021-10](#)

[Compliance and Reporting Guidance Version 2.0
amended November 5, 2021](#)

Exhibit A - [ARPA Funding Request Packet for Proposed Projects Not to Exceed \\$1,720,915](#)



RESOLUTION #2021-10 AMERICAN RESCUE PLAN ACT REVENUE - FISCAL YEAR 2022

WHEREAS, on March 11, 2021, the President of the United States signed into law House Bill 1315, the American Rescue Plan Act of 2021, (ARPA), to provide continued relief from the impact of the Covid-19 pandemic; and

WHEREAS, on May 10, 2021, the United States Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds (the “Fiscal Recovery Funds” or CSLFRF), established by ARPA, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments to recover from the COVID-19 pandemic; and

WHEREAS, the City of Fountain Inn has been negatively impacted by the COVID-19 pandemic; and

WHEREAS, the City of Fountain Inn has been awarded a total of \$5,197,989 in funding; such funding is to be received in two tranches, one half within 30-45 days and the remaining funding approximately 12 months later, and

WHEREAS, the City of Fountain Inn has applied for the initial funding as of September 24, 2021; and

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds; and

WHEREAS, the City of Fountain Inn, in response to the pandemic, has had expenditures and anticipates future expenditures consistent with the United States Department of Treasury’s ARPA guidance; and

WHEREAS, ARPA permits the City to use the Fiscal Recovery Funds to cover eligible costs incurred during the period beginning March 3, 2021, and ending December 31, 2024; and

WHEREAS, the City of Fountain Inn must agree to specific Terms and Conditions set forth by the United States Department of Treasury as part of accepting the funds and ensure compliance of the same for subrecipient grantees as outlined in Appendix 1: Expenditure Categories of the Compliance and Reporting Guidance v.2, updated November 5, 2021.

The term “Expenditure Category” refers to the detailed level (e.g., 1.1 COVID-10 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level:

- 1: Public Health
 - 1.1 COVID-19 Vaccination ^
 - 1.2 COVID-19 Testing ^
 - 1.3 COVID-19 Contact Tracing
 - 1.4 Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
 - 1.5 Personal Protective Equipment
 - 1.6 Medical Expenses (including Alternative Care Facilities)
 - 1.7 Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency

- 1.8 Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
- 1.9 Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
- 1.10 Mental Health Services*
- 1.11 Substance Use Services*
- 1.12 Other Public Health Services
- 2: Negative Economic Impacts
 - 2.1 Household Assistance: Food Programs* ^
 - 2.2 Household Assistance: Rent, Mortgage, and Utility Aid* ^
 - 2.3 Household Assistance: Cash Transfers* ^
 - 2.4 Household Assistance: Internet Access Programs* ^
 - 2.5 Household Assistance: Eviction Prevention* ^
 - 2.6 Unemployment Benefits or Cash Assistance to Unemployed Workers*
 - 2.7 Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
 - 2.8 Contributions to UI Trust Funds
 - 2.9 Small Business Economic Assistance (General)* ^
 - 2.10 Aid to Nonprofit Organizations*
 - 2.11 Aid to Tourism, Travel, or Hospitality
 - 2.12 Aid to Other Impacted Industries
 - 2.13 Other Economic Support* ^
 - 2.14 Rehiring Public Sector Staff
- 3: Services to Disproportionately Impacted Communities
 - 3.1 Education Assistance: Early Learning* ^
 - 3.2 Education Assistance: Aid to High-Poverty Districts ^
 - 3.3 Education Assistance: Academic Services* ^
 - 3.4 Education Assistance: Social, Emotional, and Mental Health Services* ^
 - 3.5 Education Assistance: Other* ^
 - 3.6 Healthy Childhood Environments: Child Care* ^
 - 3.7 Healthy Childhood Environments: Home Visiting* ^
 - 3.8 Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^
- Coronavirus State and Local Fiscal Recovery Funds
- Compliance and Reporting Guidance
- 31
- 3.9 Healthy Childhood Environments: Other* ^
- 3.10 Housing Support: Affordable Housing* ^
- 3.11 Housing Support: Services for Unhoused Persons* ^
- 3.12 Housing Support: Other Housing Assistance* ^
- 3.13 Social Determinants of Health: Other* ^
- 3.14 Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
- 3.15 Social Determinants of Health: Lead Remediation ^
- 3.16 Social Determinants of Health: Community Violence Interventions* ^
- 4: Premium Pay
 - 4.1 Public Sector Employees
 - 4.2 Private Sector: Grants to Other Employers
- 5: Infrastructure²⁴
 - 5.1 Clean Water: Centralized Wastewater Treatment
 - 5.2 Clean Water: Centralized Wastewater Collection and Conveyance
 - 5.3 Clean Water: Decentralized Wastewater
 - 5.4 Clean Water: Combined Sewer Overflows
 - 5.5 Clean Water: Other Sewer Infrastructure
 - 5.6 Clean Water: Stormwater
 - 5.7 Clean Water: Energy Conservation
 - 5.8 Clean Water: Water Conservation
 - 5.9 Clean Water: Nonpoint Source
 - 5.10 Drinking water: Treatment
 - 5.11 Drinking water: Transmission & Distribution
 - 5.12 Drinking water: Transmission & Distribution: Lead Remediation

5.13 Drinking water: Source
5.14 Drinking water: Storage
5.15 Drinking water: Other water infrastructure
5.16 Broadband: "Last Mile" projects
5.17 Broadband: Other projects

6: Revenue Replacement

6.1 Provision of Government Services

7: Administrative

7.1 Administrative Expenses

7.2 Evaluation and Data Analysis

7.3 Transfers to Other Units of Government

7.4 Transfers to Non-entitlement Units (States and territories only)

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain Inn.

That the City of Fountain Inn is authorized to accept and receive funding under American Rescue Plan Act (ARPA) and hereby accepts the allocation of \$5,197,989 of Fiscal Recovery Funds from the United States Department of Treasury; and authorize the City Administrator to proceed with projects not to exceed \$1,720,915.

BE IT FURTHER RESOLVED, by the City Council of the City of Fountain Inn, South Carolina

That City Council will adopt an amendment to FY 2021-2022 Budget Ordinance 2021-5 for the revenue and expenditures of the ARPA funds and related projects.

That the City Administrator shall administer the fund in strict adherence to the City of Fountain Inn Financial Policies and the City of Fountain Inn's Procurement Ordinance.

That, expenditures can only be used to cover costs of the City of Fountain Inn incurred by December 31, 2024, and for eligible uses as defined by the American Rescue Plan Act of 2021. Expenditures in this fund will comply with the other related aspects of the American Rescue Plan Act of 2021 and will adhere to additional and amended guidelines as set forth by the federal government in the allocation or distribution of said funds. Appropriations for the fund are deemed to be on a continuing basis and will continue in effect until the purposes have been achieved, said funds are expended, or December 31, 2026 (or consistent with additional guidelines as set forth by the federal government). Until the appropriations are approved by City Council, the funds will remain in the fund balance of the American Rescue Plan Fund.

This resolution shall take effect upon its adoption by City Council.

DONE IN MEETING duly assembled this 10th day of November 2021.

George Patrick McLeer, Jr.
Mayor, City of Fountain Inn

ATTEST:

Sandra H. Woods
City Clerk, City of Fountain Inn

Eligible Employee Tiers

HR Recommendation, UPDATED TIER 3 TO 25% Post Council Worksession

\$562,840.53

Tier 1

(50% of hourly CAP)

Including but not limited to Fire, Gas, Police, Sanitation & Sewer eligible workers. Administrative personnel excluded.

\$170,304.53

Tier 2

(33% of hourly CAP)

Administrative personnel critical to the support of preserving governmental services provided by Tier 1 employees who are relied on to maintain continuity of operations of essential critical infrastructure sectors.

\$37,766.95*

Tier 3

(25% of hourly CAP)

Employees who reported to work providing services not directly related to the Interim rule criteria and subject to administration approval

***Not included in the 733K, but can be paid from reimbursed eligible benefits dollars. See final slide**

Proposed ARPA Funding Request Packet #1

Total Funding: \$5,197,988.79

First Tranche \$2,598,994.40

Eligible Use	Sub-Item	Amount	Total	Expenditure Category
Premium Pay	Eligible Premium Pay	\$733,145.06		EC4
	Additional Position(s)	\$37,766.95		EC1.9
			\$770,912.01	
Revenue Loss	Woodside Streetscape - SCDOT	\$400,000.00		EC6
	Financial ERP Software Upgrade	\$50,000.00		EC6.1
			\$450,000.00	
Relaunch Grants	Aid to Non Profit Organizations	\$100,000.00		EC2.10
	Aid to Tourism Travel and Hospital	\$100,000.00		EC2.11
			\$200,000.00	
Infrastructure	Sewer System Survey	\$300,000.00		EC5.5
			\$300,000.00	
	GRAND TOTAL		\$1,720,912.01	
	<i>Less First Tranche</i>		<i>\$2,598,994.40</i>	
	<i>Balance / Carry Forward</i>		<i>\$878,082.39</i>	