



Minutes

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

Mayor McLeer called the meeting to order.

All Councilmembers were present except Councilmember Dearybury.

Staff present: Shawn Bell, Greg Gordos, Russell Haltiwanger, Michael Hamilton, David Holmes, Kate Kizito, Rebecca Mejia-Ward, Ronnie Myers, Eduardo Noriega, Russ Slatton, Sandra Woods

Visitors:13

2. Invocation

Councilmember Cunningham gave the 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.

No one signed up to speak.

5. Presentation

a. Recognize outgoing Councilmembers Cunningham, Dearybury and Mahony

Mayor McLeer thanked Councilmembers Cunningham and Mahony for their service and presented a plaque with their years of service. Councilmember Dearybury could not attend the council meeting but attended the reception prior to the meeting. Mayor McLeer thanked her for her service and presented a plaque to her at the reception.

b. Introduce New Employees

The following new employees were introduced to the Council:

Recreation Department: Lea Burns and CJ Ashley

Police Department: Wesley Ellisor and Lee Mahaffey

Gas Department: 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

Motion by Mayor Pro Tem Clemmer, second by Councilmember Cunningham to approve the October 14, 2021, Regular Council Meeting Minutes.

The motion carried unanimously 6/0.

7. City Administrator's Report - Shawn Bell

a. October Reports

Mr. Bell gave the October report.

8. Unfinished Business -

a. 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 S1, 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.

Motion by Mayor McLeer, second by Councilmember Thomason to Table Z 2021-2 40 S Woods Drive, Rezone to C-2 Commercial District.

The motion carried unanimously 6/0.

b. Z 2021-3 100 Ellison Street, 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 Blackstone, second by Councilmember Mahony to Approve Z 2021-3 100 Ellison Street, Wall Street, Rezone to C-2 Commercial District.

The motion carried unanimously 6/0.

c. 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 R15, 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 Thomason to approve Z 2021-4 100 Quillen Avenue, Rezone to R-12, Residential District.

The motion carried unanimously 6/0.

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

Mr. Bell 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 recommend commercial uses along this corridor. Two rezoning requests and two Board of Zoning applications have been submitted within this overlay in the last two years.

Structures constructed prior to the overlay's effect include Bojangles restaurant and the U.S. Post Office building. Structures 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 Cunningham, second by Councilmember Blackstone to approve TX 2021-2 Amend Section 5:12 - GCO, Gateway Corridor Overlay District on second reading.

The motion carried unanimously 6/0.

9. New Business -

a. 2021-11 Business License Standardization

Mr. Bell stated this ordinance is 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.

A Council work session was held on October 28th to review the South Carolina Business License Tax Standardization Act which becomes effective January 1, 2022. The Act mandates that the city adopts 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. 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.

Motion by Mayor Pro Tem Clemmer, second by Councilmember Cunningham to approve 2021-11 Business License Standardization.

The motion carried unanimously 6/0.

b. R 2021-10 American Rescue Plan Act (ARPA) Funding Request #1

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 APRA 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.

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 government support in their response to the economic impacts of COVID-19. The funds will be distributed in two tranches; the first tranche is 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.

Motion by Mayor McLeer, second by Mayor Pro Tem Clemmer to approve R 2021-10 American Rescue Plan Act (ARPA) Funding Request #1.

The motion carried unanimously 6/0.

10. Executive Session -

Motion by Mayor Pro Tem Clemmer, second by Councilmember Blackstone to meet in Executive Session -.

The motion carried unanimously 6/0.

Note: Councilmember Cunningham left the meeting at this time.

- 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.

Motion by Councilmember Mahony, second by Councilmember Blackstone to come out of Executive Session.

The motion carried unanimously 5/0.

Mayor McLeer stated no votes were taken while in the Executive session.

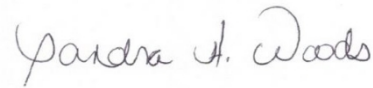
Motion by Mayor McLeer, second by Councilmember Thomason to approve Ordinance 2021-12 Development Agreement with Fox Tail Developers, LLC. on first reading.

The motion carried unanimously 5/0.

11. Adjourn

Motion by Councilmember Thomason, second by Councilmember Blackstone to Adjourn the meeting.

The motion carried unanimously 5/0.

A handwritten signature in cursive script that reads "Sandra H. Woods". The ink is dark and the signature is written on a light-colored background.

Sandra H. Woods, CMC
City Clerk