



Agenda

**Regular City Council Meeting
Councilmember Installation Service
300 Wall Street, Fountain Inn, SC
Wednesday, December 1, 2021 - 6:00 PM**

1. Call to Order - Mayor McLeer
2. Invocation
3. Pledge of Allegiance
4. Council Installation - Councilmember Ward 1 - Jason Sanders, Councilmember Ward 3 - Joey Garrett, and Councilmember Ward 5 - John Don
5. Appoint Mayor Pro Tempore
6. Public Forum - Persons wishing to speak may signup 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.
 - a. Michael Hixson, 120 Lawrence Avenue - Annexation of Lot 0556010100400 Hinson Property
7. Presentation
 - a. Kate Kizito - Main Street SC
8. 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, 28, 2021 Council Workshop and November 10, 2021 Regular Council Meeting Minutes
9. City Administrator's Report - Shawn M. Bell
 - a. November Reports

10. Unfinished Business -
 - a. Second Reading, Z 2021-2 S Woods Drive
 - b. Second Reading, Ordinance 2021-11 Business License Standardization
 - c. Second Reading, Ordinance 2021-12 Development Agreement with Fox Tail Developers
11. New Business -
 - a. First Reading, AX 2021-5 Lafayette Avenue
 - b. First Reading TX 2021-3 to amend Article 5, District Regulations of the City of Fountain Inn Zoning Ordinance; to amend Section 5:6 - C-2, Commercial District and various provisions relating thereto
12. Executive Session -
 - a. Discussion of matters relating to the proposed location, expansion. or the provision of services related to Project Buffalo

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



Minutes

**Fountain Inn, South Carolina
City Council Workshop
200 North Main Street, Council Chambers
Thursday, October 28, 2021 - 6:00 PM**

1. Call to Order- Mayor McLeer

Mayor McLeer called the meeting to order.

All Council members were present.

Staff Attendance: Shawn Bell, Kate Kizito, Rebecca Mejia-Ward, Naomi Reed, and Sandra Woods

Visitors: 1

2. Invocation

Mayor McLeer gave the invocation.

3. Pledge of Allegiance

4. ARP Funding and Business License Standardization

a. Presentation

ARP Funding Recommendation:

Shawn Bell stated that the ARP Funding allocation for the City of Fountain Inn is \$5,197,989. Funds will be distributed in two tranches: 50% - October 2021 and 50% in 2022.

Naomi Reed reviewed the eligible uses for the funding and Rebecca Mejia-Ward reviewed the ARP Premium Pay Recommendation.

A resolution will be presented to the council at the next council meeting to approve the funding recommendations.

Note: Councilmember Thomason left the meeting after the ARP presentation.

Business License Standardization:

Naomi Reed reviewed the 2020 Business License Standardization Act timeline that was passed by the SC General Assembly.

5. Adjourn

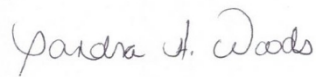
Motion by Councilmember Cunningham, second by Councilmember Blackstone to adjourn the meeting.

Roll Call Vote:

Aye: Mayor McLeer, Councilmember Mahony, Mayor Pro Tem Clemmer, Councilmember Dearybury, Councilmember Cunningham, Councilmember Blackstone

Nay: None

The motion carried unanimously 6/0.



Sandra H. Woods
City Clerk CMC



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.

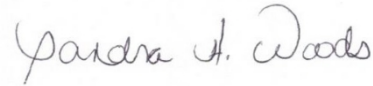
Motion by Mayor McLeer, second by Councilmember Thomason to approve Ordinance 2021-12 Development Agreement with Fox Tail Developers, LLC. on first reading.

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 dark ink that reads "Sandra H. Woods". The signature is written in a cursive style with a large initial 'S'.

Sandra H. Woods, CMC
City Clerk

CITY ADMINISTRATOR REPORT



Agenda Date: December 1, 2021

To: Mayor and City Council

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

Administration

- Woodside Streetscape
 - Utilities should be certified by the end of November/beginning of December
 - Proposed Let Date: March 2022
- Woodside Connector
 - \$400,000+ budget shortfall
 - Proposed Let Date: On hold
- New FING/Public Works Facility
 - Staff and architects are still working on concept plans and estimates
- Main Street Streetscape (Jones to 418)
 - Cotransco is working on survey and design

Special Events

- Public Information
 - Social Media
 - Impressions: 363,146 (68.6% increase)
 - Engagements: 26,298 (108.6% increase)
 - Post Link Clicks: 4,561 (353.4% increase)
 - Website
 - 36,873 views on the City website; compared to 231,466 views for the month of October
 - Newsletter
 - Over 3,049 people have read the newsletter
- Upcoming Events
 - 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
 - Carriages – 70% sold out; Horse Drawn Trolley – 35% sold out; & Polar Express – 91% sold out
- 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

Natural Gas

- Gas Prices/Rates
 - The price of natural gas for December settled at \$5.447 per Dekatherm, which represents a \$0.76 decrease over November's price

Public Works

- Sanitation
 - Garbage and recycling are on schedule
 - Yard debris is behind, but we will have all vehicles back in running order shortly and should have it back on schedule soon
- Facilities Maintenance
 - New flooring has been installed in City Hall; will be adding baseboards in December and updating the pictures in the common areas
 - New City Council/Judicial dais is being constructed... framing is complete
 - Plan is to have it installed at Municipal Court Building by the January 2022 City Council meeting
- Utilities
 - RIA Sewer Rehab project completed
 - Planning on applying for another RIA grant in Spring 2022 to continue to rehabilitate our system
 - System still has approximately 73,000 liner feet of clay pipe to be lined

Younts Center

- Rick Alviti (Elvis Tribute)
 - Saturday, December 4 at 7:30 p.m.
- The Nutcracker
 - Saturday, December 11 at 2:00 p.m. and 7:00 p.m.
 - Sunday, December 12 at 2:00 p.m.
- Christmas with The Ball Brothers
 - Saturday, December 18 at 7:30 p.m.

- Triumphant Quartet
 - Saturday, February 26 at 7:30 p.m.

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 November 2021

- (1) The Fire Department responded to 212 calls so far this month.
- (2) A total of \$1193.13 was spent on vehicle maintenance.
- (3) The cost of fuel was \$1554.34
- (4) EMT training has resumed.
- (5) We are down one firefighter.
- (6) A Sharp LCD Monitor and stand was donated to the fire department.
- (7) The Fire Department is a Child Safety Seat Inspection Station.
- (8) Budget in good shape.

**CITY OF FOUNTAIN INN
DETAIL ACCOUNT INQUIRY BY FUND**

FY 2021-2022

PERIOD: 11/01/2021 TO 11/23/2021

100-422-435-001 VEHICLE MAINTENANCE			BUDGET	PERIOD TO DATE	ENC AMT	REM BAL	
			35,000.00	1,193.13	6,183.03	20,261.13	
DATE	MOD	REFERENCE	JE # or VOUCHER#	CHECK#	DEBIT	CREDIT	BALANCE
		BALANCE FORWARD					7,362.71
11/04/2021	AP	AUTOMOTIVE SERVICES OF FOUNTAIN INN	160131	985	20.00		7,382.71
		NOTES: BRUSH 1 PATCH TIRE					
11/12/2021	AP	MM FIRE APPARATUS REPAIR, INC. 21-2019	160325		700.00		8,082.71
		NOTES: PUMP TEST 2021 - ENGINES 3-5 & PLATFORM 29					
11/19/2021	AP	B. W. BURDETTE & SON 690083	160440		3.79		8,086.50
		NOTES: RIVETS					
11/19/2021	AP	MM FIRE APPARATUS REPAIR, INC. 21-2061	160518		285.00		8,371.50
		NOTES: ENGINE 5 DIAGNOSTIC CHECK					
11/19/2021	AP	O'REILLY AUTO PARTS 4562-222479	160526		68.00		8,439.50
		NOTES: WASH BRUSH, RAIN-X, ANTI FOG					
11/19/2021	AP	O'REILLY AUTO PARTS 4562-222485	160527		55.07		8,494.57
		NOTES: TIRE SHINE, CAR CLEANER & DEF					
11/19/2021	AP	SPARTAN FIRE AND EMERGENCY 005019	160546		61.27		8,555.84
		NOTES: ENG 5 CAP, DEF TANK, NON LOCKING					
SUBTOTALS FOR ACCOUNT 100-422-435-001 :					1,193.13	0.00	
					1,193.13	0.00	



Fuel Report-Summary by Sub-Agency

By: Actual Transaction Dates 11/1/2021 to 11/30/2021

South Carolina

Report is restricted to City of Fountain Inn

Agency	Level 1	Level 2	Quantity	
T23001	City of Fountain Inn			
	Code Enf		32.78	\$97.38
	POLICE		88.19	\$256.54
	FIRE		494.77	\$1,487.84
	FIRE DEPT		22.50	\$66.50
	GAS		844.48	\$2,486.10
	Gas Dept		158.07	\$466.84
	POLICE		1,543.31	\$4,541.99
	PUBLIC WORKS		39.47	\$114.91
	RECREATION		90.34	\$266.84
	Sanitation		195.85	\$580.85
	SEWER		486.52	\$1,472.09
	SOLID WASTE		307.90	\$914.01
	STREET		96.42	\$295.64
	STREETS		554.85	\$1,670.83
		Total for T23001:	4,955.45	\$14,718.36
		Grand Total:	32.78	\$14,718.36

Fuel Cost # 1554.34

BUDGET REPORT BY ACCOUNT - EXPENDITURE

City Of Fountain Inn

Fiscal Year Start Date: 07/01/2021

FY 2021-2022

Current Period End Date: 11/23/2021

Ideal Remaining Percent: 60 %

Account	Budgeted	Current	Year To Date	Encumbrance	Remaining Balance	PCT
100-422-110-001 Salaries - Fire	1,142,616.24	50,041.22	458,638.84	0.00	683,977.40	60
100-422-130-001 Overtime	6,000.00	515.76	7,390.06	0.00	-1,390.06	-23
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	14,895.98	73,916.52	0.00	114,201.48	61
100-422-220-002 Payroll Taxes - Social Security,	88,396.36	3,752.40	34,590.24	0.00	53,806.12	61
100-422-230-001 State Retirement	217,902.56	0.00	79,163.16	0.00	138,739.40	64
100-422-260-001 Workers Compensation	42,089.96	0.00	19,822.48	0.00	22,267.48	53
100-422-261-001 Workers Comp Deductible	2,500.00	909.54	2,227.05	0.00	272.95	11
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	31.07	399.03	0.00	1,600.97	80
100-422-430-005 Operating Equipment Maintena	16,000.00	1,050.99	7,976.76	0.00	8,023.24	50
100-422-431-001 Station Maintenance	20,000.00	33.19	4,214.82	0.00	15,785.18	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	884.32	5,523.48	0.00	18,476.52	77
100-422-435-001 Vehicle Maintenance	35,000.00	1,193.13	8,555.84	6,183.03	20,261.13	58
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 Iprb Principal	126,000.00	0.00	0.00	0.00	126,000.00	100
100-422-471-006 2019 Iprb 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	593.20	1,777.87	0.00	5,622.13	76
100-422-530-002 Cell Phones	1,500.00	0.00	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	5.00	878.14	0.00	4,121.86	82
100-422-610-001 General Supplies	6,000.00	-345.82	6,705.08	0.00	-705.08	-12
100-422-610-002 Office Supplies/Printing	5,800.00	18.68	499.18	0.00	5,300.82	91
100-422-610-003 Prevention	1,500.00	313.68	585.19	0.00	914.81	61
100-422-622-001 Utilities	15,000.00	440.29	3,039.48	0.00	11,960.52	80
100-422-626-001 Vehicle Gas	18,000.00	0.00	8,207.08	0.00	9,792.92	54
100-422-640-001 Publications Dues/Subscriptior	3,690.00	0.00	908.92	0.00	2,781.08	75
100-422-656-001 Uniforms	16,000.00	811.36	11,252.10	0.00	4,747.90	30
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	0.00	-300.00	0.00	300.00	0
100-422-810-002 Innovapad Expenditures	13,000.00	0.00	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	\$75,143.99	\$740,366.83	\$6,183.03	\$1,361,051.43	65

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 29, 2021

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

- **Gas Supply**
 - The price of natural gas for the month of December settled at \$5.447 per Dekatherm, this represents a decrease over November's price of \$0.76 per Dekatherm.
 - We have finalized the review of the Gas Asset Manager RFP released September 30th. Our consultant, Energy Vision, has analyzed the results and we will have a selection for you to review at January Council meeting.
 - A letter to our largest industrial customer was mailed to inform them of FING's new *Firm Transportation* rates available and encourage them to call so we can further discuss the benefits of gas transportation on their bottom line.
 - 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 filed one of our vacancies, and still have two openings.
- President Biden signed into law the infrastructure legislation which includes a new grant program exclusively for publicly and community owned natural gas utilities: The Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. A below is summary of the program:
 - Total Value of Program: \$1 Billion
 - Program Timeline: Grants awarded from 2022 – 2026
 - Spending Timeline: 10-years from when the funds are granted (e.g., Funds granted in 2022 are available until September 30, 2033)
 - Eligible Distribution Companies: Publicly and Community Owned Natural Gas Distribution Utility
 - Eligible Projects:
 - To repair, rehabilitate, or replace natural gas distribution pipeline systems or portions thereof, or
 - To acquire equipment to
 - Reduce incidents and fatalities, and
 - Avoid economic losses.
 - Grant application considerations will include:
 - The risk profile of the existing pipeline system operated by the applicant, including the presence of pipe prone to leakage.
 - The potential of the project for creating jobs.
 - The potential for benefiting disadvantaged rural and urban communities.
 - Economic impact or growth.

- SC/NC Gas Rates Comparisons

The high cost of natural gas continues to impact our rates; however, our November rate is lower than the October rate by \$0.13/Therm and should continue to go down as gas prices are headed lower and our fixed cost per dekatherm decrease as total volume increases.

NORTH CAROLINA/SOUTH CAROLINA/VIRGINIA GAS RATE COMPARISONS					
November 2021					
COMPANY	SERVICE CLASS	METER CHARGE PER MONTH	AVEWRAGE RATE PER THERM	AVG. USAGE THERMS	TOTAL COST PER MONTH
CITY OF ORANGEBURG, SC	Residential	\$10.00	\$0.94008	75.00	\$80.51
YORK NATURAL GAS, SC	Residential	\$9.25	\$0.96295	75.00	\$81.47
CITY OF DANVILLE, VA	Residential	\$11.15	\$0.94628	75.00	\$82.12
GREER CPW, SC	Residential	\$10.00	\$0.96258	75.00	\$82.19
LANCASTER COUNTY, SC	Residential	\$5.00	\$1.05000	75.00	\$83.75
DOMINION, NC	Residential	\$10.00	\$1.00327	75.00	\$85.25
CHESTER COUNTY, SC	Residential	\$6.50	\$1.07240	75.00	\$86.93
CITY OF MONROE, NC	Residential	\$10.00	\$1.06114	75.00	\$89.59
FORT HILL NATURAL GAS, SC	Residential	\$10.00	\$1.07500	75.00	\$90.63
CLINTON-NEWBERRY, SC	Residential	\$12.00	\$1.06260	75.00	\$91.70
CITY OF LEXINGTON, NC	Residential	\$10.00	\$1.16635	75.00	\$97.48
PIEDMONT, SC	Residential	\$10.00	\$1.18647	75.00	\$98.99
FOUNTAIN INN, SC	Residential	\$8.00	\$1.21680	75.00	\$99.26
GREENVILLE UTILITIES, NC	Residential	\$14.00	\$1.17280	75.00	\$101.96
CITY OF SHELBY, NC	Residential	\$8.50	\$1.29184	75.00	\$105.39
DOMINION, SC	Residential	\$10.90	\$1.44410	75.00	\$119.21
PIEDMONT, NC	Residential	\$10.00	\$1.51642	75.00	\$123.73
GREENWOOD CPW, SC	Residential	\$10.00	n/a	75.00	#VALUE!
PUBLIC SERVICE OF NC	Residential	\$10.00	n/a	50.00	#VALUE!



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

Sanitation

- Garbage and Recycling is on schedule. Yard debris is behind at this moment, but we have all vehicles back in running order and will push to get back on schedule.
- Route Optimization project with Anderson University has commenced. The last day for data collection was 5 November 2021. The Spring class will be working through optimizing our routes in the spring.

Streets and Grounds

- Veteran banners were placed through our downtown area, received a lot of positive feedback. Plan on expanding the number of banners for next November.
- Christmas decorations have been hung through out the city. Will have a meeting in January 2022 to discuss expanding decorations for next Christmas and expanding decorations to main street and city hall.

Utilities

- Completed RIA project which included lining several LF of clay pipe and rehabbing several manholes. Intend on applying for another RIA grant in the Spring to continue rehab of our system, we have approximately 73,000 lf of clay pipe to line.
- Capacity, Management, Operation and Maintenance Program (CMOM) was submitted to REWA on Monday 29 Nov 21.

Facilities Maintenance

- New flooring has been installed in City Hall. Will be adding baseboards in December and updating the pictures in the central areas.
- New Dais construction has commenced with the framing completed. Will be building over next couple weeks with hopes to have installed by January 2022 mtg.

Monday, November 29, 2021

Department: (Recreation)

SUMMARY OF MONTHLY EVENTS.

FIHS Community Projects: painting Basketball court at Georgia Street Park, Clean-up at Sanctified Hill Park & Woodside Swamp Rabbit Trail

Great Veteran's Day program at the Activities Center, credit to Beth Anne Zivitski

UPCOMING:

Rudolph Run on Saturday, December 4th (2021 Sponsors: Burdette's Hardware, Capstone Church, Level Digital Entertainment, Palmetto Inflatables, First Team Sports Center, Mack Blackstone, El Patron, CrossFit 44)

Thrive Upstate Christmas Party 12/3 at the Activities Center

Ongoing Projects; Completed Projects:

2021 Pard Grant was approved by the Greenville County delegation community

OBSTACLES-

Not necessary an obstacle, however, Sue Grubbs had knee replacement surgery on November 1st. Heather Johnson (part-time) has done a great job filling in/supplementing the Senior Adult Coordinator position in Sue's absence.

CAPITAL REQUESTS- NONE

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

OPEN POSITIONS:

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

Social Media by the Numbers

Impressions ⓘ

363,146 ↗68.6%

Engagements ⓘ

26,298 ↗108.6%

Post Link Clicks ⓘ

4,561 ↗353.4%

Impressions- the number of times that your content was displayed to users.

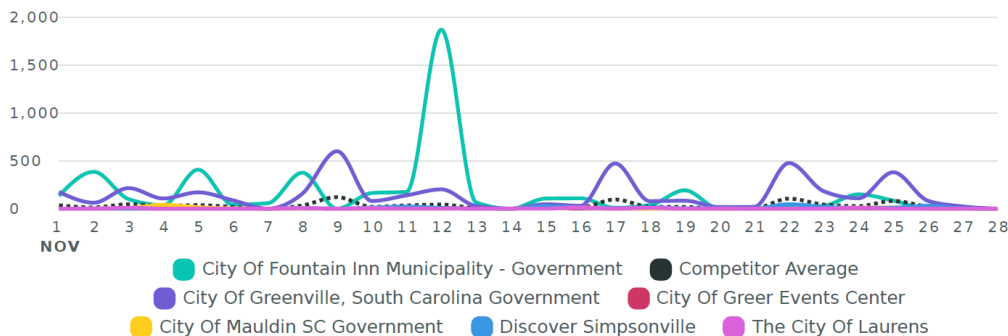
Engagements- the number of times that users engaged with your posts during the reporting period.

Post Link Clicks- the number of times that users clicked on links from your posts during the reporting period.

Engagement

Fountain Inn Compared to Surrounding Municipalities

Lifetime Post Public Engagements, by Day



Lifetime Post Public Engagements, by Page

Totals

Your Average		4,528.00
Competitor Average		883.00
1 City of Fountai...		4,528
2 City of Greenville...		4,005
3 Discover Simpso...		222
4 City of Mauldin S...		115
5 The City of Laure...		47
6 City of Greer Eve...		26

Reactions Comments Shares

Website by the Numbers



Inn the Know Newsletter

Over **3,049** people have read the
newsletter

Views on the Website

36,873

Compared to 31,466 for October 2021

Top Pages on the Website

- Special Events
- Christmas in Fountain Inn
- Civic Alerts (Homepage News)
- Human Resources
- Election Information

Pages Added to the Website

- Christmas in Fountain Inn - <https://www.fountaininn.org/377/Christmas-in-Fountain-Inn>
- Main Street - <https://www.fountaininn.org/382/Main-Street>
- Rudolph Run at Night- <https://www.fountaininn.org/378/Rudolph-Run-at-Night>

Headlines in Response to our Press Releases

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
- Community honors local veterans | | foxcarolina.com

Christmas in Fountain Inn

- Ride in a Horse Drawn Carriage during Christmas in Fountain Inn, SC (kiddingaroundgreenville.com)
- Holiday Guide to Greenville (kiddingaroundgreenville.com)m)
- Here's where to find the best Christmas lights in Greenville, Anderson and Spartanburg (yahoo.com)
- Christmas "Inn" Our Town - www.scliving.coop

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.



November Event Summary

Merry Market

We finished up two weeks of the Merry Market. There was good attendance both weeks, and we were joined by the Chick-fil-A food Truck on Depot Street for both.

Event Rentals

- Ten at the Top rented our Pavillion for Global Wntrepreneur Week.



Upcoming Special Events



Tree Lighting and Firework Display

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



Rudolph Run at Night

Dec. 4th
6 pm
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*

Event Ticket Sales

Carriages- 70% Sold Out

Horse Drawn Trolley- 35% Sold Out

Polar Express- 91% Sold Out

Upcoming Community Events



Christmas Parade

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



A Century of Celebration Display

December
Museum Gallery



REQUEST FOR COUNCIL ACTION
City of Fountain Inn, South Carolina

December 1, 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: December 1, 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 1ST DAY OF DECEMBER 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 questions or comments.

Sincerely,

Cathy G. Cunningham

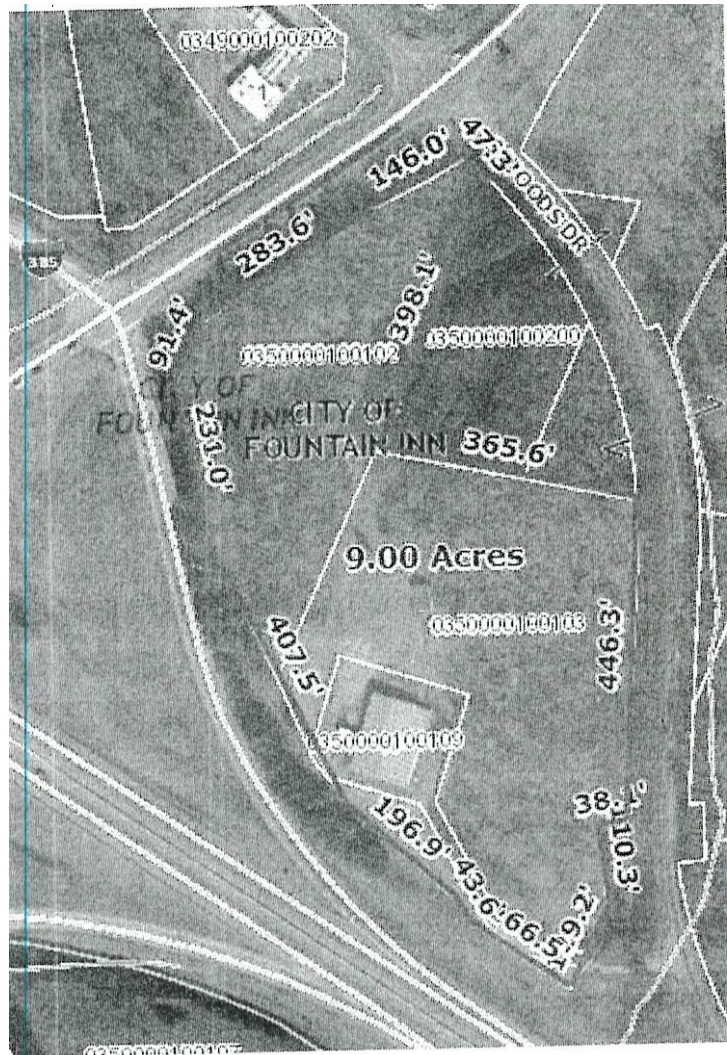
01000P verified
8/06/21 9:13 AM EDT
1SK2-NXMY-OLXZ-XOVU

Cathy G Cunningham
Owner

Michael Cunningham

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

Michael Cunningham
Owner



do1oop verified

9:13 AM EDT
dotloop 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
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

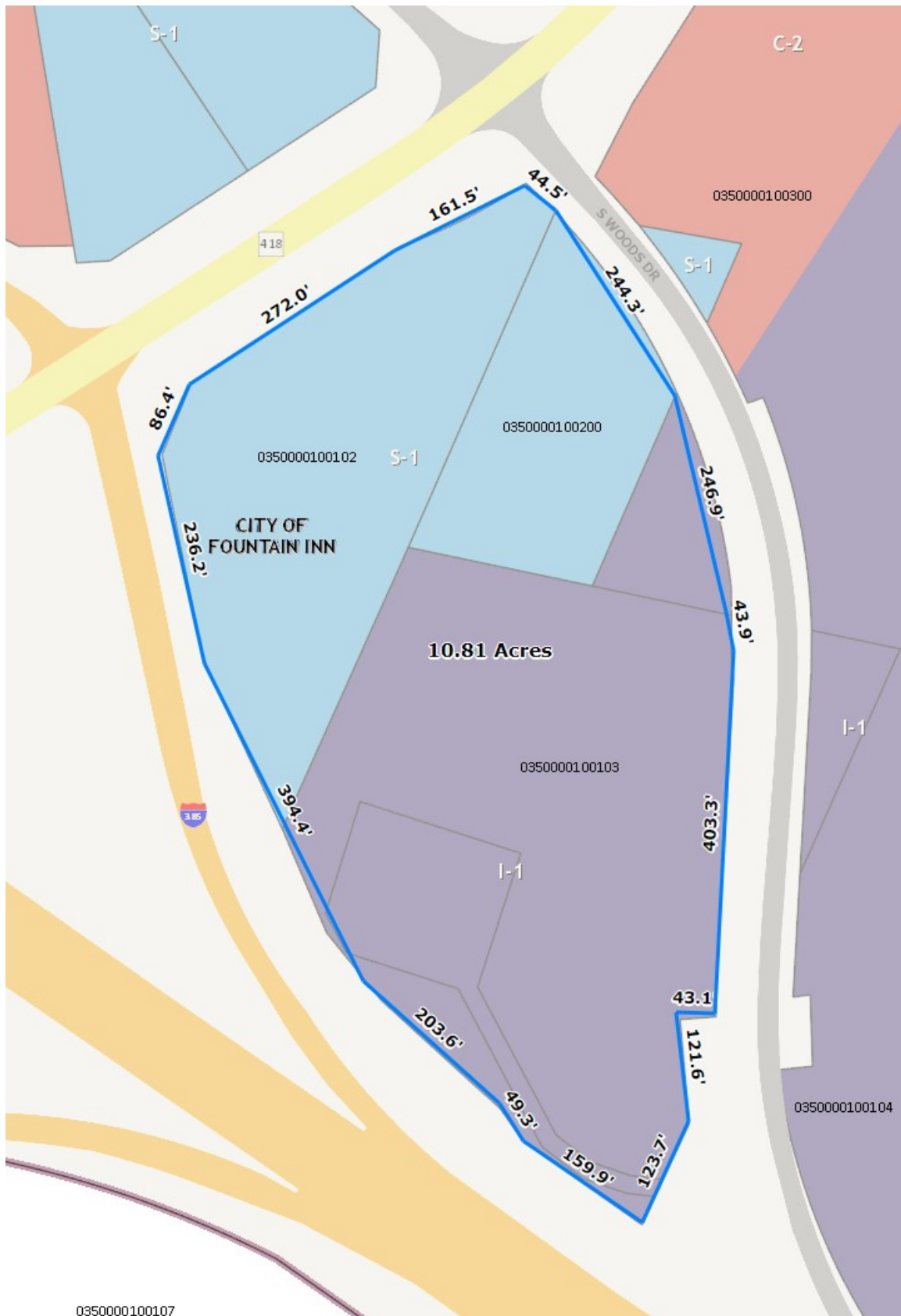
Existing Land Use: Vacant

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

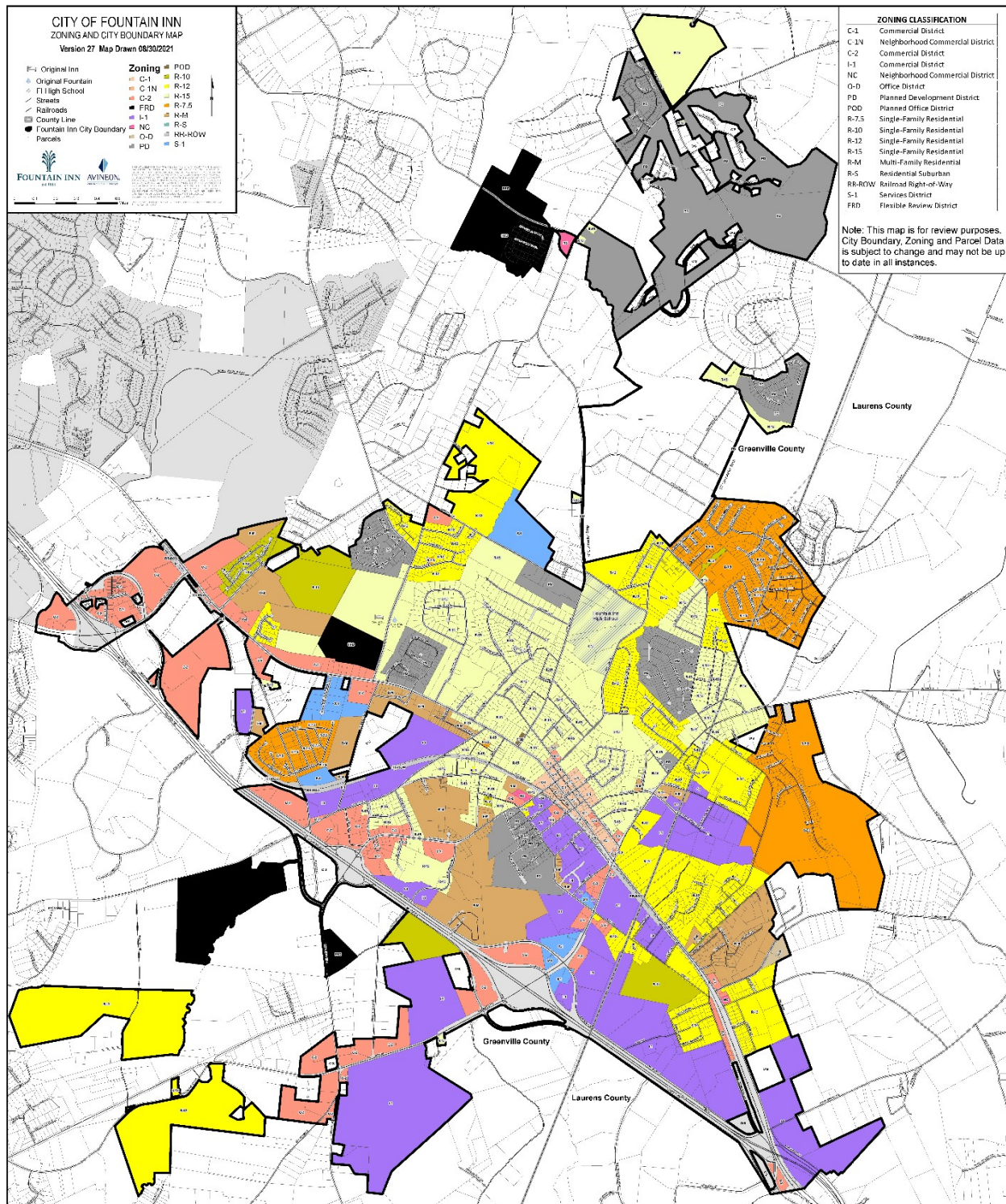
Adjacent Zoning: North: I-1 Industrial; C-2 Commercial
East: I-1 Industrial
South: unzoned (Greenville County)
West: S-1 Service, C-2 Commercial

[illegible]

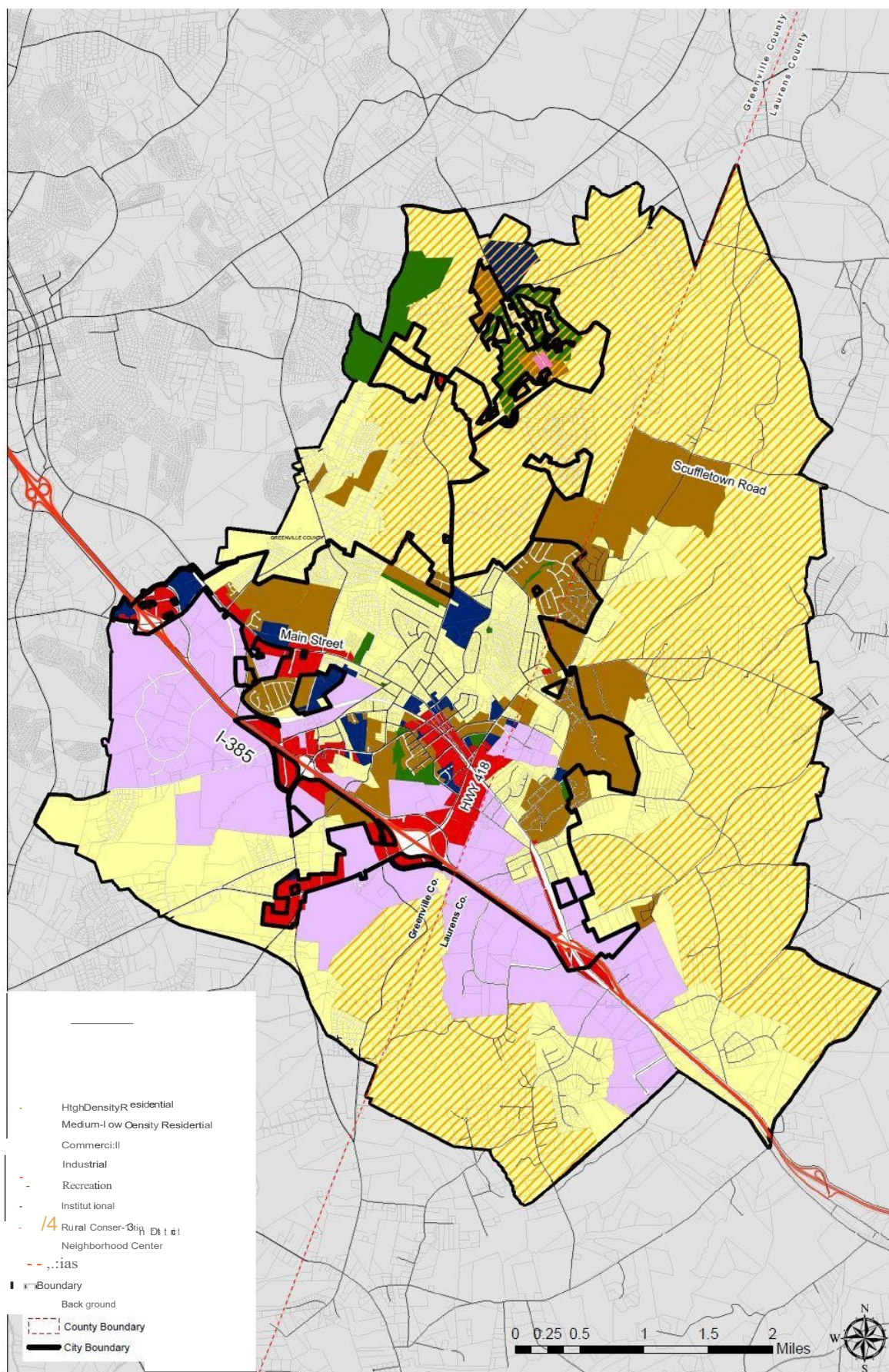
Page 38 of 86



Zoning Map (Citywide):



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 rezoned 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

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.

ORDINANCE

TITLE: AN ORDINANCE TO ADOPT A DEVELOPMENT AGREEMENT WITH FOX TAIL DEVELOPERS, LLC; TO AUTHORIZE THE REIMBURSEMENT OF AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND & 00/100THS (\$200,000.00) DOLLARS FOR PUBLIC SEWER IMPROVEMENTS TO EXPAND THE CITY'S SEWER UTILITY; AND MATTERS RELATED THERETO.

WHEREAS, Fox Tail Developers, LLC, a South Carolina limited liability company ("FTD") owns certain real property within the corporate limits of the City of Fountain Inn ("City"), property generally described as 13.24 acres located at the intersection of Fairview Street Extension and Old Fairview Road and as shown on Greenville County Tax Map #0562010100302 (the "Project Property"); and

WHEREAS, FTD intends to design, develop, construct, and do all other things necessary to provide for Fifty-three (53) residential lots for the construction of single family homes on the Project Property (the "Project"); and

WHEREAS, the Project includes certain public improvements as identified in the Project Development Agreement to be entered into between FTD and City concerning the construction of a sanitary sewer line that has sufficient capacity to serve the Project and other real property within the sewer basin; and

WHEREAS, the City supports opportunities to leverage funds for public infrastructure improvements adjacent to private redevelopments; and,

WHEREAS, the Project will expand the City's existing sewer system to serve property that is currently unserved, provide for the provision of natural gas to the development served by Fountain Inn Natural Gas, increase the tax base as a result of the public improvements being made, and is anticipated to act as a catalyst for high quality development in the surrounding area – all to the benefit of the City and its citizens;

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

Section 1. Adoption of the Development Agreement. The Mayor, on behalf of the City is authorized to enter into the Project Development Agreement between the City and Burdette on terms substantially consistent with that agreement, a copy of which is attached hereto, and incorporated herein by reference as Attachment A (the "Agreement"). Minor changes and

modifications to the Agreement are authorized as may be necessary or appropriate to allow for a final version mutually acceptable to the parties; said minor changes and modifications shall be approved by the City administrator and the City Attorney. Should the City Administrator or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by Council, the matter shall be presented to Council for further review and further action before the final execution, if Council so chooses.

Section 2. Subject to annual appropriation and the terms of the Agreement, City Council authorizes the reimbursement of an amount not to exceed Two Hundred Thousand & 00/100ths (\$200,000.00) Dollars to FTD and payable in installments as the Project construction progresses as set forth in the Project Development Agreement. The reimbursement shall be for public improvements associated with the Project which are to be made by FTD as identified in the Development Agreement.

Section 3. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

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: _____

**REQUEST FOR COUNCIL ACTION**

City of Fountain Inn, South Carolina

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

December 1, 2021

Regular City Council Meeting

☒ Ordinance/First Reading ☐ Ordinance/Second Reading ☐ Resolution/First & Final Reading**Agenda Date Requested:** December 1st, 2021**Ordinance/Resolution Caption:**

An Ordinance to Provide for the Annexation of the Property Described Herein to the City Limits of the City of Fountain Inn; to Establish a Zoning Classification Therefor; to Assign the Annexed Property to a Council Ward; and Various Matters Related Thereto.

Summary Background:

AX2021-5 would annex approximately 93 acres at 110 Lafayette Avenue into the City limits of the Fountain Inn; zone TMS# 0556010100400 to R-12, Residential District and assign the parcel to Council Ward 4.

This tract of land is currently accessible from a dirt road extension of Hellams Street and a residential driveway located on TMS# 0557000101500 (Shellstone Park subdivision).

The applicants, DJ Acquisitions LLC and Doran Companies, are requesting annexation in order to explore developing a residential subdivision. The current property owner is Hinson Dianne T Revocable Trust.

The current zoning is R-S, Residential Suburban in Greenville County. Upon annexation the request is to rezone R-12, Residential, a Medium-Low Density zone per the 2017 Fountain Inn Master Plan. R-12 zoning allows for lots greater than 12,000 sq. ft. or 3.6 units per acre of development (15%-30% open space).

The Planning Commission voted unanimously (6-0) in favor of the annexation and zoning at the November 15, 2021 public hearing. No persons spoke in opposition at the hearing; however, staff has received fourteen phone calls, four emails, and two office visits regarding the notice signs posted near the property between November 15th and December 1st. All parties lived in the Shellstone (County) and Garrett Springs (City) communities.

Impact If Denied:

The parcel would remain in unincorporated Greenville County under R-S Suburban zoning. City of Fountain Inn limits to the north would continue as isolated neighborhoods connected only by a gas line easement, disjointing city services. The property is already served by Fountain Inn Fire.

Impact If Approved:

The large parcel would be added to city limits and rezoned to R-12, Residential District. The city does not have a R-S, Suburban zoning category. Per the applicant, the parcel would be developed as a single-family detached subdivision if approved. Any subdivision must first be approved by the Fountain Inn Planning Commission and meet local Land Development Regulations, including for road access, connectivity, and lot density.

An enclave surrounded by city limits on three sites would be eliminated, creating a more uniform city boundary.

Financial Impact:

Ninety three (93) acres would be added to the limits of Fountain Inn requiring sanitation and police services. Revenue would increase as a result of building permits should a subdivision be developed and meet LDR's.

ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE PROPERTY DESCRIBED HEREIN TO THE CITY LIMITS OF THE CITY OF FOUNTAIN INN; TO ESTABLISH A ZONING CLASSIFICATION THEREFOR; TO ASSIGN THE ANNEXED PROPERTY TO A COUNCIL WARD; AND VARIOUS MATTERS RELATED THERETO.

WHEREAS, DJ Acquisitions Limited Liability Company, on behalf of Dianne Hinson, has filed a proper petition with the City of Fountain Inn using the 100 percent petition method concerning those parcels or tracts of land, which property is contiguous to the City limits petitioning for annexation of said property to the City of Fountain Inn under the provisions of S.C. Code Ann. § 5-3-150(3) and described as follows:

ALL those certain pieces, parcels or tracts of land containing 92.9 acres more or less, situate, lying and being at 110 Lafayette Avenue in the City of Fountain Inn, Greenville County, South Carolina, and described as follows:

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

GREENVILLE COUNTY TMS # 0556010100400

and,

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

WHEREAS, the notice and public hearing requirements of S.C. Code Section 5-3-150 (1) have been complied with;

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

Section 1. **ANNEXATION:** That the property herein described is hereby annexed to and becomes a part of the City of Fountain Inn effective on the date of the passage of this Ordinance, including (any or all) abutting SCDOT (or other public) right of way.

Section 2. **ZONING CLASSIFICATION:** The property herein described is hereby assigned the zoning classification of R-12, Residential District.

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

Section 4. **FLOOD RATE INSURANCE MAPS:** In accordance with the provisions of 44 CFR §64.4, in the event that the newly annexed area was previously located in a community participating in the NFIP Program, pending formal adoption of the amendment to its

flood plain management regulations, the City hereby certifies that within the newly annexed area the flood plain management requirements previously applicable in the area remain in force. In the event that the newly annexed area was previously located in a community not participating in the NFIP Program, upon annexation, and pending formal adoption of the amendments to its flood plain management regulations, the City certifies that it shall enforce within the newly annexed area, existing flood insurance policies which shall remain in effect until their date of expiration may be renewed, and new policies may be issued.

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

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

DONE IN REGULAR MEETING THIS ____ DAY OF _____ 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: 12/1/2021
SECOND READING:

EXHIBIT A

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING IN THE STATE OF SOUTH CAROLINA, COUNTY OF GREENVILLE, NEAR THE TOWN OF FOUNTAIN INN, OR DURBIN CREEK, CONTAINING 93 ACRES, MORE OR LESS AS SHOWN ON A PLAT MADE BY W.J. RIDDLE ON SEPTEMBER 10, 1942 AND BEING MORE PARTICULARLY DESCRIBED IN ACCORDANCE WITH SAID PLAT, TO WIT:

BEGINNING AT A STONE AT THE JOINT CORNER OF PROPERTY OF F.A. THOMASON AND MARY K. TEMPLETON, AND RINNING THENCE WITH THE TEMPLETON LINE N. 66 W. 245 FEET, CROSSING A BRANCH, TO AN IRON PIN THENCE N. 86 W. 1617 FEET, CROSSING A ROAD TO AN IRONP IN ON THE SIDE OF THE ROAD IN THE LINE OF PROPERTY OF HAMP BRYSON; THENE WITH THE LINE OF SAID PROPERTY N. 23-30 E. 2344 FEET TO AN IRON PIN; THENCE S. 35-45 E. 575 FEET TO AN IRON PIN NEAR A BRANCH; THENCE WITH THE BRANCH AS THE LINE, THE TRAVERSES OF WHICH ARE DUE EAST 160 EAST, N. 88-30 E. 180 FEET; N. 63 E. 330 FEET TO A POINT NEAR DURBIN CREEK; THENCE CONTNUING WITH DURBIN CREEK AS THE LINE; THE TRAVERSES OF WHICH ARE S. 66-30 E. 363 FEET; S. 71 E. 980 FEET; AND S. 84-30 E. 85 FEET TP THE MOUTH OF A BRANCH IN LINE OF RACE MILLER; THENCE WITH THE BRANCH AS THE LINE, THE TRAVERSES OF WHICH ARE S. 72-30 W. 310 FEET AND S. 38-45 W. 468 FEET TO AN IRON PIN NEAR A BRANCH; THENCE S. 23- E. 105 FEET TO A SWEET GUM; THENCE S. 40-40 1326 FEET TO THE BEGINNING.

AGENDA
FOUNTAIN INN PLANNING COMMISSION
(SPECIAL CALLED HEARING)
City Hall Council Chambers
Monday, November 15, 2021
6:00 PM – 200 N. Main Street

Call to Order Erik Stoddard

Approval of Minutes (October 4, 2021)

FI-2021-028 Public Hearing

Request: Annex and Rezone to R-12, Residential District
Tax Map: 0556010100400
92.9 ac
110 Lafayette Avenue

Applicant: DJ Acquisitions, LLC

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

Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-030 Public Hearing

Request: Annex and Rezone to FRD, Flexible Review District
Tax Map: 0335000100602
13 ac
Wilson Bridge Road

Applicant: Gray Engineering obo Fausto Mancero

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

Public Comment Period

Adjourn Public Comment Period

Board Discussion

FI-2021-029

Variance from Land Development Regulations

Request: **Tax Map: 0562010101504**
 4.63 ac
 Triangle Pine Road

Sidewalks at least five feet in width shall be provided along all sides of the land development which abuts a public or private right-of-way
The Fountain Inn Planning Commission may waive this requirement as part of the development plan if it finds that the sidewalks will not be used (present or future).

Board Discussion

New Business

Text Amendment

amend *Land Development Regulations, Section 9.4. - Sidewalks*

Board Discussion

New Business

Text Amendment

amend *Zoning Ordinance, Section 5.6. - C-2, Commercial District.*

Board Discussion

Executive Session

For the receipt of legal advice relating to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege.

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

Adjourn

**STAFF REPORT
TO THE FOUNTAIN INN PLANNING COMMISSION
FROM FOUNTAIN INN PLANNING & ZONING STAFF
November 15, 2021**

DOCKET NUMBER: FI-2021-028

APPLICANT: DJ Acquisitions, LLC
CURRENT OWNER: Diane Hinson Revocable Trust

PROPERTY LOCATION: 110 Lafayette Avenue

TAX MAP NUMBER: 0556010100400

ACREAGE: ~92.9 ac

EXISTING ZONING: R-S, Residential Suburban (Greenville County)

REQUEST: ANNEXATION
REQUESTED ZONING: R-12, Residential District

Existing Land Use: Vacant

Adjacent Land Use: North: Residential; Vacant
East: Residential
South: Residential
West: Vacant; Residential

Adjacent Zoning: North: R-S, Residential Suburban (Greenville County); FRD, R-15, Residential (Fountain Inn); PD, Planned Development
East: unzoned (Greenville County, Laurens County)
South: R-7.5, Residential District (City of Fountain Inn)
West: R-S, Residential Suburban (Greenville County)

ANALYSIS:

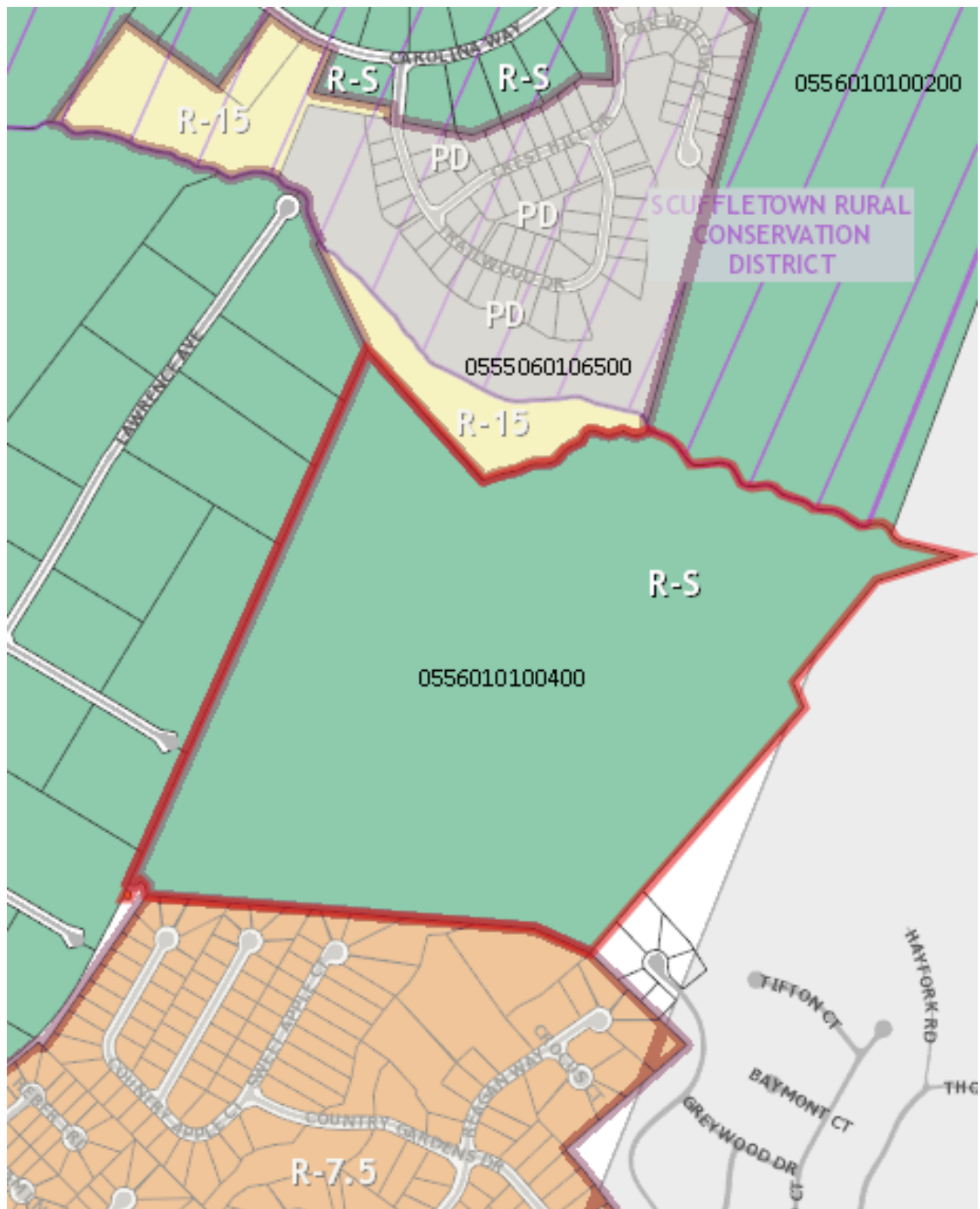
The subject property is colloquially known as the Hinson tract, ninety-three acres sandwiched between two subdivisions in the City of Fountain Inn. Access is either found as a private residence off Lafayette Drive or along a dirt road extension of Hellams Street.

The applicant is seeking annexation in order to rezone from R-S, Residential Suburban to R-12, Residential District to explore development of a single-family residential subdivision. While the tract is a natural fit for annexation due to its location and the act of annexation's elimination of an enclave (absent of city services), questions regarding ingress/egress and the adjacency to Shellstone subdivision make zoning a key recommendation. The Future Land Use Map recommends high-density for this property and those adjacent to it.

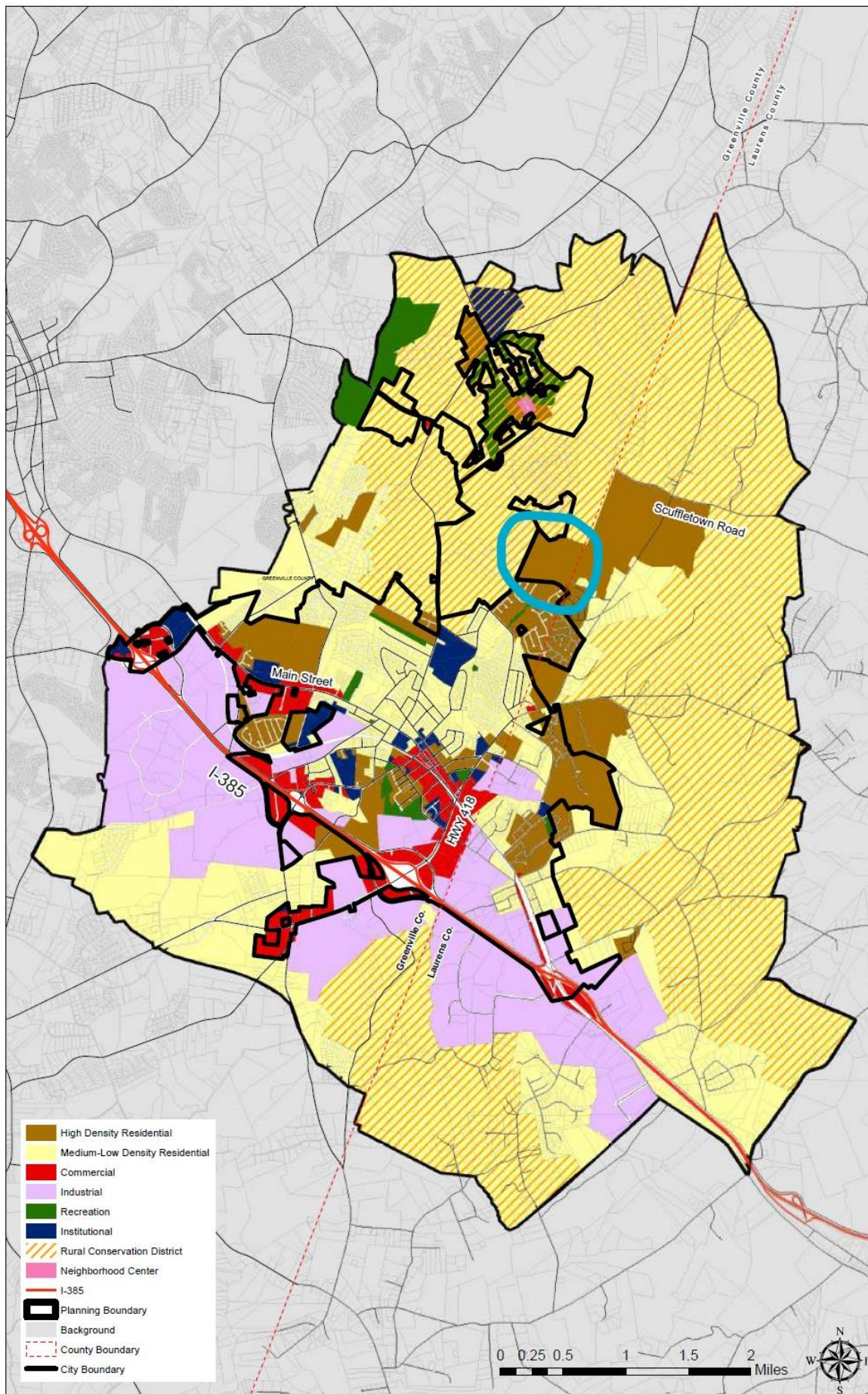
Aerial Map (source: Greenville County GIS):



Zoning Map (source: Greenville County GIS):



Future Land Use Map (source: 2017 Master Plan):



Condition of Lafayette Avenue (2012):



Driveway access to 110 Lafayette Avenue, Shellstone:



ANALYSIS:

110 Lafayette Avenue is a single family home located on nearly one hundred acres. It is accessed off a small single-family lot on Lafayette Avenue in the Shellstone subdivision, a community of large lots outside Fountain Inn municipal limits. County Gardens is immediately to the south, while Timberland Trail is immediately to the north, both in the city. A gas line easement connects these two communities. The Hinson's property at 110 Lafayette is considered a gap or enclave where it is surrounded by the city on at least two sides.

Secondary access of the property can be found on an extension of Hellams Street, but the condition, ownership, and width of Hellams at this location is complex. This road exists on paper but maintenance (county, city, private) is unclear at this time.

TMS #0556010100400 is currently zoned R-S, Residential Suburban outside city limits. Adjacent parcels within the City are zoned with R-7.5 Residential (County Gardens), R-15 (George Bomar Living Trust) or PD, Planned Development (Timberland Trail, Eagle Springs). The City of Fountain does not have a R-S, Residential Suburban zoning category so annexation requires rezoning the property. It is presumed that annexation is a precursor to residential development of the property in the form of a major subdivision. No adjacent properties are zoned R-12, Residential District.

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

High Density Residential

Definition: High Density Residential is equivalent to any multi-family zoning district (up to 14.5 units per acre) or single-family districts zoned R-10, single-family residential (4.4 or units per acre or minimum lot sizes of 10,000 square feet) or R-7.5, single-family residential (5.8 or units per acre or minimum lot sizes of 7,500 square feet)

The applicant is requesting R-12, Residential zoning. This zone is established as areas in which the principal use of land is for single-family dwellings and for related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. The regulations for these districts are intended to discourage any use which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area included in the districts.

Zoning R-12, Residential District would be a downzone in regard to consistency with the Future Land Use Map. The Future Land Use map encourages High Density Residential Uses (R-10, R-7.5, R-M) for this tract.

However, staff agrees that a Medium-Low Density is appropriate when this parcel is considered alone vs. joined with others for consideration of annexation. The property as exists today has poor connectivity and accessibility, with the primary entrance along a Greenville County road in an existing subdivision (Shellstone). TMS# 0557000101500 would also be impacted.

Annexing Tap Map #0557000101400 would extend the city limits of Fountain Inn further to the north, towards existing city subdivisions in the Jones Mill/Scuffletown region. It would "fill-in" an exclave that exists between current city services and more efficiently expand the city limits of the town. A previous annexation uses a thin "10' Connector Strip" along a gas line on this parcel.

STAFF RECOMMENDATION:

Annex and rezone to Residential District. R-15 would best match adjacent parcels in the area.



100 PERCENT PETITION FORM

TO THE MAYOR AND COUNCIL OF THE CITY OF FOUNTAIN INN

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Fountain Inn by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section 5-3-150(3).

The territory to be annexed is described as follows:

Address of Property to be Annexed: 110 Lafayette Avenue, Fountain Inn, South Carolina, 29644

The property is designated as follows on the County tax maps: PIN: 0556010100400

It is requested that the property be zoned as R-12

Deed Book: 2591

Deed Page: 1622

BUSINESS NAME: DJ Acquisitions, LLC

Dianne Hinson Revocable Trust

NAME OF PROPERTY OWNER(S) or MEMBER'S NAMES (LLC),

Dianne Hinson

Dianne Hinson

Print Name(S)

9/30/2021

Date

Contact: Cody Dietrich

7803 Glenroy Road, Suite 200, Bloomington, MN 55439

Mailing Address

952-288-2089

Contact Phone Number

FOR MUNICIPAL USE:

Petition received by _____, Date _____

Description and Ownership verified by _____, Date _____

Recommendation: _____

By: _____, Date: _____

ORDINANCE

TITLE: AN ORDINANCE TO AMEND ARTICLE 5, DISTRICT REGULATIONS OF THE CITY OF FOUNTAIN INN ZONING ORDINANCE; TO AMEND SECTION 5:6. – C-2, COMMERCIAL 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 C-2, Commercial District is established primarily to provide goods and services for the convenience of local residents; and

WHEREAS, The City has experienced significant residential growth in the development of raw land for single-family subdivisions in Residential zoned areas; and

WHEREAS, The C-2, Commercial District allows for any use permitted in the R-M, Multifamily Residential District; and

WHEREAS, the City Council has an obligation to protect valuable remaining commercially zoned parcels for highest and best use; and

WHEREAS, the Fountain Inn Board of Appeals has the ability to permit uses by Special Exception by reviewing evidence submitted on a case-by-case basis by public hearing; and

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 5:6. - C-2, Commercial District.” to remove “Any use permitted in the R-M, Multifamily Residential District; and C-1, Commercial District, excluding Detached single family dwellings.”

Section 2. That the Zoning Ordinance, Article 5, District Regulations, Section 5:6.2. Uses Permitted by Special Exception. be amended as shown on Attachment 1 entitled: “AMENDMENT TO ZONING ORDINANCE, Section 5:6. - C-2, Commercial District.” to add “Attached single-family dwelling, Detached single-family dwelling, Dwelling, multifamily”.

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 affect 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 passage and approval.

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 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 7. 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 _____ day of _____ 2021.

SIGNATURE OF MAYOR

George Patrick McLeer, Jr.

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David Holmes
City Attorney

FIRST READING: 12/1/2021

SECOND READING:

ATTACHMENT 1

AMENDMENT TO ZONING ORDINANCE

SECTION 5:6.

C-2, COMMERCIAL DISTRICT.

Section 5:6. C-2, Commercial District.

This district is established to provide goods and services for the convenience of local residents.

5:6.1. *Uses Permitted.* ~~Any use permitted in the R-M, Multifamily Residential District; and C-1, Commercial District, excluding Detached single family dwellings.~~

Accountant
Air conditioning equipment, sales, and service
Airline or transportation ticket office
Ambulance service
Amusements, commercial
Animal shelters
Antique shop
Apparel store
Appliance sales and repair
Art school
Art shop
Auction house or store
Automobile garage
Automobile parts or accessories
Automobile repairing, excluding body work
Automobile sales area
Automobile service station
Bakery
Bank or savings and loan
Bar
Barber shop
Battery store or shop
Beauty shop
Bicycle repair shop
Billiard hall
Blueprinting or photostatting
Boats, sales or rental
Book store
Bowling alley
Broadcasting studio, radio or TV

Building and loan company
Burglar alarm business
Cafe
Cafeteria
Car wash
Catering establishment
Child care center
[Child care home](#)
Clothing store
Cocktail lounge
Collection agency
Dairy products store
Dance studio
Dancing school
Day nursery
Decoration store
Delicatessen
Dental clinic
Department store
Diaper supply service
Dressmaker
Drive-in business (Theaters, refreshment stands, restaurants, etc.)
Drug store
Electric appliance sales
Employment agency or bureau
Engravers
Farm machinery sales
Feed and seed store
Fireworks sales in a permanent structure
Fireworks stands
Florist
Furniture cleaning
Furniture store
Garden supply store

Gift shop
Golf, driving range, miniature, or pitch and putt
Greenhouse
Grocery store
Gunsmith store
Hardware store
Hobby shop
[Home occupation, subject to requirements in Article 8](#)
Ice skating rink
Interior decorating store
Jewelry store
Laundry or cleaning establishment
Leather goods store
[Library](#)
Linen or towel supply business
Liquor store
Loan company
Locksmith store
Mattress shop
Medical clinic or laboratory
Mission, rescue
Monument and tombstone sales
Motel
Motion picture theater
Motorcycle or motor scooter sales and service
Music school or studio
Music store
Newspaper establishment
Newsstand
Nightclub
Novelty store
Nursery, flower, plant, or tree
Office supply store
Office, business or professional

Optical goods sales
Optician
Paint store
Pawn shop
Pest or insect control business
Pet shop
Photo developing and finishing store
Photography studio
Planned shopping center, according to all conditions outlined in Section 5:6.8
Plumbing shop
Pottery and ceramic store
Printing establishment
Public park and playground
Radio broadcasting studio
Radio or television repair shop
Record recording studio
Recreation building
Restaurant
Roller skating rink
Sandwich shop
Self-service laundry and cleaning
Shoe store
Signs (Subject to provisions of Article 6)
Sporting goods sales
Station, bus or railway
Stationery shop
Swimming pool, commercial
Tailor shop
Television broadcasting studio
Theater (Indoor)
Tire shop (Including retreading or recapping)
Toy store
Used car lot
Utility easement or right-of-way

Veterinary clinic

Veterinary office

Accessory buildings and uses customarily incidental to the above uses

Other uses which are considered to be compatible with the aforementioned uses.

5:6.2. Uses Permitted by Special Exception. The following uses may be permitted by Special Exception by the Board of Zoning Appeals in accordance with the provisions of Article 9.

Attached single-family dwelling

Attached single-family dwelling, three or more units

Armory

Auditorium

Baseball park

Church

Detached single-family dwelling

Dwelling, multifamily

Dwelling, two-family

Educational institution, including private school

Exhibition buildings

Fairgrounds, public

Family care home

Fire station

Funeral Home

Gymnasium

Home for aged persons

Hospital

Library

Museum

Police station

Stadium or ball park

Veterinary hospital

5:6.3. Height Limitation. No structure shall exceed a height of 45 feet, except as provided in Article 7, Section 7.

5:6.4. Dimension Requirements.

5:6.4-1. Front Setback. All buildings and structures shall be set back from all street right-of-way lines not less than 35 feet.

5:6.4-2. *Side Setback.* None is required except on corner lots and lots adjacent to any residential district, in which case all commercial buildings and structures shall be set back not less than 15 feet from property lines. When a side yard is provided it shall be not less than five feet in width.

5:6.4-3. *Rear Setback.* No building shall be located closer than 20 feet to a rear lot line.

5:6.5. *Screening.* A wall, fence, or compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least 6 feet in height, shall be provided along the side and rear lot lines where any commercial use is adjacent to a residential district.

5:6.6. *Off-Street Parking.* Off-street parking shall be provided in accordance with the provisions set forth in Article 7, Section 9.

5:6.7. *Off-Street Loading.* Off-street loading shall be provided in accordance with the provisions set forth in Article 7, Section 10.

5:6.8. *Requirements for Planned Shopping Centers.* Each application for a Zoning Certificate/Building Permit for a planned shopping center shall be approved by the Zoning Administrator except in cases where the shopping center will be in an area zoned for a Planned Development. The application shall be accompanied by the following:

- A. A development plan of the proposed development at a scale of not less than one inch equals 100 feet showing:
 - 1. The location and size of the site;
 - 2. The dimensions of the property;
 - 3. The location and proposed use of buildings, and their general exterior dimensions;
 - 4. A traffic, parking, and circulation plan showing proposed locations, arrangements, and dimensions of parking spaces, loading areas, and drives, and ingress and egress to and from adjacent streets;
 - 5. The proposed location and materials to be used for screening;
 - 6. A title, showing the names of the developers, the date, scale of the plan, and the name of the individual or firm preparing the plan.
- B. A statement, to be filed with the Building Inspector, indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.
- C. A plan showing drainage of the site.

5:6.8-1. *Building Permit.* No building permit shall be issued for any building in a shopping center until a Final Development Plan shall have been approved by the Fountain Inn Planning Commission.

(Ord. of 11-13-06; Ord. No. 2011-001, § 1, 5-12-2011; Ord. No. TX 2021-1, § 1(Att. 1), 6-10-21)