



**City of Fountain Inn
Council Meeting Minutes**

February 13, 2020 - 6:00 PM - 200 N. Main Street, Council Chambers

The following members of City Council were in attendance: Mayor George Patrick (GP) McLeer, Mack Blackstone, Phil Clemmer, Anthony Cunningham, Anjeanette (AJ) Dearybury, John Mahony and Jay Thomason

Others Present: Russell Alexander, Shawn Bell, Roger Case, Tammy Finley, Greg Gordos, Michael Hamilton, David Holmes, Ronnie Myers, Edwardo Noriega, Naomi Reed, Sandra Woods, Nancy Yeargin

Visitors: 46

Call to Order – Mayor McLeer

Invocation – Pastor, Shawn Hevener, Presbyterian Fellowship of Fountain Inn

Pledge of Allegiance

Presentations:

Introduction of new employees:

Felicia Miller – Police Department Records Division

Steven Piercy – Patrol Division

Jared Atwood and Chops - K-9 Division

Jenny Boulware – SC Main Street

Public Forum- Persons wishing to speak must sign up 15 minutes prior to the commencement of the meeting. Signups will be on a first come, first served basis. Your remarks will be limited to 3 minutes.

Chris Ellisor – 308 Fairview Street – Annexations

Richard Matthews – 400 North Main Street, FI Chamber of Commerce Chair – Annexation – Wilson Bridge Road and H4431

Valerie Waddell – Annexation - 105 Wilson Bridge Road

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

January 9, 2020 Council Meeting Minutes and January 11, 2020 Council Retreat Minutes
Preliminary December 2019 Financial Report

Motion made by Councilmember Clemmer, second by Councilmember Thomason to approve the consent agenda as presented. The motion carried unanimously 7/0.

City Administrators Report
(attachment 1)

Unfinished Business

AX – 2020-001 Fountain Inn Drive - Second Reading

Mr. Bell stated AX 2020-001 would annex 1.01 acres along Fountain Inn Drive into the City limits of the Fountain Inn; zone TMS# 0556010101519 to R-12, Residential District and assign parcel to Council Ward 1.

The Planning Commission voted unanimously (5-0) in favor of the annexation and zoning at the January 6, 2020 meeting.

Motion by Councilmember Mahony, second by Councilmember Cunningham to approve AX-2020-001 on second reading. The motion carried unanimously 7/0.

AX – 2020-002 Wilson Bridge Road – Second Reading

Mr. Bell stated AX 2020-002 annexes 94.9 acres along Wilson Bridge Road into the City limits of Fountain Inn; zones TMS #0336000100301 to Flexible Review District (FRD) and a part of TMS #0336000100500 to S-1 Services District; and assigns the parcels to Council Ward 5.

The Planning Commission voted unanimously (5-0) in favor of the annexation and zoning at the January 6, 2020 PC meeting with the following conditions:

- The single-family residences must have at least two-car garages
- A sidewalk must be installed on Wilson Bridge Road, per existing Land Development Regulations
- The Planning Commissioners must review a traffic study prior to Final Development approval
- Investigate the possibility of a third entrance **onto** North Nelson Drive
- The community needs to have an innovative design
 - Specifically, investigate the possibility of resident access to the pond

The planned project proposes a 312 lot/unit development which includes approximately 35.6 acres (37%) of open space. Amenities will include pocket parks, walking trails, pool, cabana and a small pond. A 50' wooded buffer is provided along Wilson Bridge Road. The developers anticipate making some road improvements along Wilson Bridge Road per SCDOT. The density of the entire project is 3.29 units per acre, which is less dense than R-12 zoning, but denser than R-15. The 312 units will consist of 192 single-family - 60' lot homes. The density is 2.2 units per acre. The Townhomes will consist of 120 units. The density is 4.46 units per acre. The proposed builder is Meritage Homes, who is an active builder in the Upstate, but does not currently have a presence in Fountain Inn. The builder has verified that there will be a minimum of two Fountain Inn Natural Gas burn tips per home and that the community will be managed by a professional HOA Management company

Flexible Review District (FRD) zoning gives staff and the Commissioners much more control as opposed to conventional zoning. In addition to being able to mandate certain conditions, we have the ability to review the housing types, site plan, development schedule, and lighting/landscaping/signage, etc. prior to final approval.

Motion by Councilmember Blackstone, second by Councilmember Thomason to approve AX 2020-002 on second reading.

Discussion

For the record, Mayor McLeer stated that council had a joint meeting with the Planning Commission last week. They were able to talk to them directly and openly about Council concerns and he knows that weighs on them...also the concerns raised by the public tonight that the planning commission would take to heart. The product could change a little bit based on what the planning commission does.

Roll Call:

Mahony - Aye
Thomason - Nay
Dearyberry - Aye
McCleer - Aye
Clemmer - Nay
Cunningham - Nay
Blackstone - Aye

The Motion carried 4/3.

New Business

R 2020-001 CDBG and HOME Funds – Program Year 2020 (PUBLIC HEARING)

Imma Nwobodu, Program Director reviewed the 2020 Annual Action Plan with Council.

CDBG funds in the amount of \$109,358 and HOME funds in the amount of \$46,683.

The HOME funds may only be used to increase the supply of affordable housing to modest income persons and CDBG funds may be used to assist low and moderate income persons, reduce or eliminate slum and community blight or meet an urgent community need where no other funding is available.

Staff met with GCRA staff and have agreed to allocate the funds as stated below.

HOME Funds in the amount of \$46,683 shall be used for new construction for eligible low- and moderate-income applicants in the Sanctified Hill communities as well as scattered sites in the City of Fountain Inn.

CDBG funds in the amount of \$10,000 shall be used for special projects/public service activities and \$98,358 shall be used for facility improvement or any other eligible activity in the City of Fountain Inn.

Mayor McLeer asked if anyone from the public wanted to speak. There being no public comment Mayor McLeer closed the Public Hearing.

Motion by Councilmember Clemmer, second by Councilmember Blackstone to approve R 2020-001. The motion carried unanimously 7/0.

R 2020-002 – Adopt Safety and Loss Control Policy Statement

Mr. Bell stated each year the Safety Committee asks Council to approve a resolution approving a Safety and Loss Control Policy.

The policy emphasizes the importance of a safe work environment for employees and the public that it serves

Motion by Councilmember Thomason, second by Councilmember Dearybury to approve R 2020-002 as presented. The motion carried unanimously 7/0.

R 2020-003 – Opposing H4431

Mr. Bell stated that the main topic at the Hometown Legislative Action Day was H4431. Business license taxes are common in South Carolina, with about 234 of the 271 total municipalities levying them on business that do business in a city or town. State law leaves each municipality free to set rates based on its needs.

H4431 changes the basis for calculating the business license tax from gross income to net income. In order to ensure businesses are reporting their net income accurately, cities would have to require businesses to submit more financial information about themselves than they do currently. The bill allows business to avoid the business license tax depending on how they are structured. The difference between a limited liability partnership and a limited liability corporation may mean one pays the tax while the other does not. The bill also gives preferential treatment to businesses located outside of cities. Out-of-town businesses would be allowed to deduct their first \$75,000 of income before paying a business license tax. After that, the out-of-town business would pay no more than \$100 in tax. Lastly, the bill would hand many critical functions of the business licensing process to the Office of the South Carolina Secretary of State, which currently has no role or experience with administering the local business license tax.

Cities and towns are united in adopting standardized practices which streamline the business license process such as adopting a standard due date of April 30; adopting a standard definition of gross income and a standard 12-month period for calculating gross income; adopting a standard business license ordinance with uniform class designations to categorize business by profitability; and being will to accept a standard business license application form.

House Bill 4431 as written would drastically reduce the amount of revenue (at least 15% of the general fund) the City receives on an annual basis. With such a loss in revenue, the City would be forced to raise business license tax rates by a very large percentage or cut services/lay off personnel.

Motion by Councilmember Dearybury, second by Councilmember Blackstone to approve R 2020-003 as presented. The motion carried 7/0.

Z 2020-001 – Whisper Walk

Mr. Bell stated Z 2020-001 would rezone 19.7 acres TMS# 0328000100500 from R-12, Residential District to R-M Residential, Multifamily District.

The Planning Commission voted unanimously (5-0) in favor of the rezoning at the February 3, 2020 meeting.

Gray Engineering spoke on behalf of the applicant, stating that the proposed zoning change is in order to construct attached single-family homes (townhomes) on the one tax parcel. R-M

Residential zoning allows for attached single-family dwellings, detached single-family dwellings, and multifamily dwellings.

Motion by Councilmember Clemmer, second by Councilmember Cunningham to approve Z 2020-001 on first reading.

Discussion

Mayor McLeer called for the vote. The motion carried unanimously 7/0.

Note: Councilmember Cunningham left the meeting after the vote.

Fountain Inn Natural Gas Policy Changes

Mr. Bell stated, currently, FING does not charge a credit card processing fee to customers when paying their gas bill. We are proposing to limit the amount paid without a fee to \$1,500; this amount will cover all residential and very small commercial accounts. For amounts larger than \$1,500, the customer can pay the 3% processing fee, or pay by check or automatic draft.

Motion by Councilmember Blackstone, second by Councilmember Mahony to approve the Natural Gas Policy changes as presented. The motion carried 6/0.

Adopt Budget Calendar

Mr. Bell stated the budget calendar includes internal and external deadline which allow citizens, City Council, and staff to be aware of the schedule and the official dates for public input.

The budget process begins with the development of budget goals based on the City's financial plan and continuous feedback received from City Council and citizens. Goals and priorities are set by Council at the annual retreat in January. The City Administrator is tasked with creating a strategic plan for staff to carry out through department initiatives and the annual budget to fulfill the goals and priorities set by the Mayor and Council.

Staff begins a process of fiscal forecasting, making financial assumptions, analyzing revenue and reserves, and discussing management expectations. Departments develop their budgets based on the financial expectations and guidelines provided to them by the City Administrator and Finance Director. Each department's budget is reviewed to highlight changing trends in service levels in addition to making proposals for new services or changes to existing services. Staff will present a proposed budget to Council which includes the proposed tax rate, natural gas and sewer rates, and any recommended fee changes. Council and staff then receive public input through a public hearing and community dialogue. City Council will adopt the budget before the start of the new fiscal year.

Motion by Councilmember Dearybury, second by Councilmember Clemmer to adopt the budget calendar as presented . The motion carried 6/0.

Approve 800 Radios

Mr. Bell stated currently, the Fountain Inn Police Department and the Fountain Inn Fire Department house their communications equipment on the Greenville Water Tower on Hwy 14 near Fitesa Simpsonville. Their equipment doesn't allow for communication with other agencies. Greenville Water is seeking to repaint the water tower and the communications equipment needs to be removed prior to repainting. Greenville Water will not allow communications equipment to be placed back on the repainted tower.

The SC statewide 800 MHz Radio and Mobile Data System, known commonly as Palmetto 800, is a cost-shared public/private partnership between state government, local governments, power utilities and Motorola Solutions, Inc. The goals of the shared Palmetto 800 system are to provide public safety grade statewide coverage, enhance statewide interoperability and provide agencies with a superior communications technology at an economical price to meet their public safety communications needs. The Fountain Inn Police Department is currently the only police department in Greenville County not utilizing this system. All Greenville County Fire Departments will be utilizing this system soon.

The capital outlay is \$234,725.48 and the annual operating cost is \$15,000.

Motion by Councilmember Mahony, second by Councilmember Clemmer to approve the purchase of the 800 Radio system. The motion carried 6/0.

Reappoint Judge Finley

Mr. Bell recommended re-appointing Judge Tammy Finley as Administrative Judge for a term of two years. (2/13/2020 – 2/13/2022)

Motion by Councilmember Mahony, second by Councilmember Dearybury to approve the re-appointment of Judge Finley. The motion carried 6/0.

ZTXT – 2020-002 Amend Chapter 11, Article II to reflect the 2019 Class Schedule for business

Mr. Bell stated ZTXT 2020-001 would amend Chapter 1 – LICENSES AND BUSINESS REGULATIONS to reflect the most recent rate schedule. Specifically, Sec. 11-46. - Classification and rates. should be amended to reflect the 2019 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE as recommended by the Municipal Association of South Carolina (MASC). This document is found as Appendix B.

The Business License code section was recently updated in 2019 to conform to match other municipalities across the state. This latest update merely changes the class schedule, or the rate at which business license fees are calculated.

The City of Fountain Inn believes that it is in the best interests of the municipality to remain uniform with municipalities across the state in its business license procedures.

Motion by Councilmember Dearybury, second by Councilmember Blackstone to approve ZTXT-2020-002 on first reading. The motion carried 6/0.

Vero Networks

City Attorney David Holmes explained that Vero networks contacted him to install fiber optic cable that will go through the city of Fountain Inn. They will not be serving any customers, but under the law they have to obtain city councils consent to construct it. Since we allow other fiber optic and other different cables in the city we would need to allow this one. There is a statute that says you can assess a consent fee and the statute states what the fee is by population. The proposed resolution states they have the consent to build the fiber. Vero Networks has been communicating with Mr. Case and there is a map showing where the fiber optic cable will go. SCDOT roads allow them to place the cable. By statute Vero Networks will pay the city \$750 per year.

Motion by Councilmember Thomason, second by Councilmember Blackstone to approve R 2020-004 Vero Networks. The motion carried 6/0.

Soil and Sediment Sampling at Sanctified Hill Park

Mr. Bell asked Council to authorize Cardno to perform soil and sediment sampling at Sanctified Hill Park for an amount not to exceed \$15,750.

The City received a Phase I environmental assessment of Sanctified Hill Park on May 3, 2019. The environmental consultants hired by GCRA, Cardno, suggested an Electromagnetic (EM) evaluation and a Ground Penetrating Radar (GPR) evaluation to complete a geophysical evaluation of the suspected landfill. The City received the results of this testing on June 12, 2019 but the consultants then suggested a well survey be performed. The well survey was completed to identify public and private wells in the immediate area around the park to determine if there was a potential public health risk nearby in the event contaminated groundwater was present beneath the park property. Based on research documentation and field reconnaissance, Cardno identified 14 reported locations for drinking water and/or irrigation water wells within a half mile of the park. However, they believe the reported locations are relics of previous reporting, and not indicative of active wells. Cardno suggested the next step would be to test the soil and sediment at the park.

The purpose of the soil and sediment sampling is to determine if surface and subsurface soils, and sediments in the adjoining creek have been negatively impacted by previous dumping/landfilling activities on the site. Sampling results will be compared to EPA and DHEC regulatory standards to determine if a public health risk exists to those utilizing the park in its current condition.

Motion by Councilmember Dearybury, second by Councilmember Blackstone to approve the Soil and Sediment sampling. The motion carried 6/0.

Executive Session:

1. For the receipt of legal advice concerning a pending claim against the city and other matters covered by the attorney client privilege related thereto, and the discussion of the City's position with regard to that claim.
2. For the discussion of benefit claims that may be due to several employees and to receive legal advice concerning the claims.
3. For the discussion of a potential contract concerning natural gas service in Laurens County.
4. For the receipt of legal advice concerning a 2007 sanitary sewer development agreement.

Upon returning to open session, council may take action on items discussed during Executive Session.

Motion by Councilmember Clemmer, second by Councilmember Blackstone to meet in executive session. The motion carried 6/0.

Motion by Councilmember Mahony, second by Councilmember Thomason to come out of executive session. The motion carried 6/0.

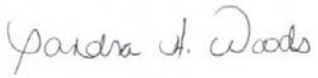
Back in regular session.

Mayor McLeer stated Council needs to take action on one items discussed during executive session pertaining to benefit claims with employees.

Motion by Councilmember Clemmer, second by Councilmember Blackstone to take action on the item pertaining to benefit claims with employees. The motion carried 6/0.

Motion by Councilmember Thomason, second by Councilmember Blackstone to adjourn the meeting. The motion carried unanimously 6/0.

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A handwritten signature in cursive script that reads "Sandra H. Woods". The ink is dark and the handwriting is fluid and legible.

Sandra H. Woods, CMC
Municipal Clerk