



**AGENDA
YORK CITY COUNCIL
COUNCIL MEETING
TUESDAY, OCTOBER 4, 2022
6:00 PM**

- 1. WELCOME AND CALL TO ORDER** **MAYOR MIKE FUESSER**
 - 2. PRAYER** **MAYOR PRO TEM ED BROWN**
 - 3. PLEDGE OF ALLEGIANCE** **MAYOR MIKE FUESSER**
 - 4. PRESENTATION**
 - 4.1. Retirement of Cindy Spear, WWTP Superintendent
 - 4.2. New Employees
 - 5. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**
 - 6. CITY MANAGER'S REPORT** **CITY MANAGER SETH DUNCAN**
 - 6.1. City Park Phase II Grant Award
 - 7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - 7.1. Council Meeting, September 6, 2022, Council Work Session, September 20, 2022, and Special Call Meeting, September 20, 2022.
 - 8. MONTHLY FINANCIAL REPORT** **FINANCE DIRECTOR BARBARA DENNY**
 - 9. OLD BUSINESS**
 - 9.1. ORDINANCES:
 - First Reading, Ordinance 22-678, Annexation-Rezoning Pinckney Road PUD
 - Second Reading, Ordinance 22-682, Sale of Property on Rose St. to Tailored Nest Realty, LLC
 - 9.2. DERELICT STRUCTURE PROCEEDINGS CONTINUATION
 - 5 Springdale Drive
 - 9 Springdale Drive
 - 10. NEW BUSINESS**
 - 10.1. ORDINANCE:
 - Ordinance 22-683, BZA Notification Requirements
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10.2. EVENT APPLICATIONS:

- Veterans Day Parade – American Legion Post 66
- Running of the Turkeys – Trinity United Methodist Church
- 2023 Silver in the City – Palmetto Airstream Club

10.3. DISCUSSIONS:

- YPD Recruitment and Retention Phase I
- Duke Energy Park & Plug Agreement
- H-Tax Event Grants
- Engineer Selection Wastewater Treatment Plant Remediation – Davis & Floyd
- On-Demand Mapping Services – Keck & Wood

11. MAYOR'S REPORT

MAYOR MIKE FUESSER

- Proclamation: Colonial Heritage
- October 15 City Clean Up Day

12. ADJOURN

PROCLAMATION

WHEREAS, Cindy Spear, retired on October 3, 2022 after more than 33 years of service to the Citizens and City of York; and

WHEREAS, Ms. Spear graduated from Pascagoula High School in Pascagoula, MS, attended Mississippi State University as a Chemical Engineering major and has completed numerous trainings to become a Class A Biological Wastewater Operator, Class B Physical/Chemical Wastewater Operator, and Class A Water Treatment Operator; and

WHEREAS, Ms. Spear has served with distinction the City of York and Citizens of York as the Wastewater Treatment Plant Superintendent and Chief Operator for more than 24 years after previously serving as the Lead Operator, Pre-Treatment Coordinator, and Laboratory Technician; and

WHEREAS, Ms. Spear was responsible for overseeing the daily operations of the City's Wastewater Treatment Plant for more than three decades, haven overseen several expansions and upgrades during that time; and

WHEREAS, Ms. Spear dedicated her life to her profession and the protection of the Fishing Creek water system by performing her tasks with focus, precision, and dedication, and proved that a "person with the right aptitude, attitude, and desire to learn could potentially become a very steadfast and loyal employee"; and

WHEREAS, Ms. Spear has unknowingly touched the lives of countless families throughout the City of York and served as a shining example of devotion, leadership, friendship, and loyalty for others to follow.

NOW THEREFORE, I, Michael D. Fuesser, Mayor of the City of York, South Carolina, joined by the City Council of City of York, do hereby recognize and congratulate Cindy Spear on her retirement and thank her for her dedicated and outstanding service to our community.

IN WITNESS THEREOF, I hereunto set my hand this 4th day of October, 2022.

Michael D. Fuesser
Mayor

MEMORANDUM

TO: Mayor and Council

FROM: Seth Duncan, City Manager

SUBJECT: Manager's Report

DATE: October 4, 2022

City Park Phase II Grant Award

I am pleased to inform Council that we have officially been awarded a Land and Water Conservation Fund grant in the amount of \$150,000 for York City Park Phase II. The grant will aid in completing the remain pieces of the park including the building of restrooms, a stage/amphitheater, a new gate and some additional landscaping. The grant period is from October 1, 2022 through September 30, 2024. Total funding for the project is expected to be \$300,000.

Federal (LWCF)	\$150,000
State Aid (PRT)	\$100,000
<u>Local</u>	<u>\$ 50,000</u>
	\$300,000

Special thanks to Grazier Rhea with the Catawba COG who played an important role in grant preparation and submission, and Tripp Barrineau with Keck & Wood for his continued work on the City Park project. Now that we have been fully awarded the grant, Parks & Recreation Director, Chris White, will oversee the design and construction.

Since 2019, the City of York has received more than \$6.4 million in grants and state aid.

City Council Meeting September 6, 2022

Date and time: Tuesday, September 6, 2022, 06:00 PM

Members Present:

Mayor Mike Fuesser
Councilmember Matthew Hickey
Councilmember Marion Ramsey

Councilmember Stephanie Jarrett
Councilmember Charles Brewer
Councilmember Kellie Harrold (arrived at 6:02pm)

Members Absent:

Mayor Pro Tem Ed Brown

Staff Present:

City Manager Seth Duncan
Finance Director Barbara Denny
HR Manager Sarah Ramirez

Police Chief Brian Trail
Fire Chief Michael Regal
Planning Director David Breakfield

Others Present:

(See Sign-in Sheet)

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1. Welcome and Call To Order Mayor Mike Fuesser
 2. Prayer Councilmember Matthew Hickey
 3. Pledge of Allegiance Mayor Mike Fuesser
 4. Presentations
 - 4.1. New Employee Introductions
City Manager Seth Duncan introduced Sarah Ramirez as the City's new Human Resources Manager. Afterwards, Chief Brian Trail introduced a new School Resource Officer Tim Ely, and Reserve Officer Nate Bourdeu.
 - 4.2. Walk Out of the Dark, American Foundation for Suicide Prevention
Ms. Kate Brunnelson provided a short presentation to Council regarding the work they do. The state chapter of the American Foundation for Suicide Prevention provides resources to better reach communities. Following Ms. Brunnelson's presentation, Mayor Fuesser delivered a Proclamation – 2022 Nation Suicide Prevention Week.
 5. Public Hearings
 - 5.1. Ordinance 22-678, Annexation and Rezoning Pinckney Road PUD
Al Hazelton made a statement that he believed there was not a valid petition for annexation, therefore there was no basis for 2nd Reading and there should not have been a 1st Reading. He also stated that the moratorium ordinance should be applied to this project.

City Council Meeting September 6, 2022

Robert Stuck made a statement that he would like to see the land preserved for future generations and urged Council to further review the project and consider the ramifications.

Steve Hamilton stated that the ordinance should be revisited and the City of York should consider the great conservation opportunity that Flying King Ranch and surrounding areas could be. He further stated that the land could be used for an Anne Springs Greenway-like projects and conservation.

Nisa Smith stated that she recently bought property near the project and that she bought the property because of the rural qualities and does not want to have neighbors.

With no other speakers, Mayor Fuesser ended the Public Hearing.

5.2. Ordinance 22-679, Fiscal Year 2022-2023 Budget
No public comments.

5.3. Ordinance 22-680, 2022 Utility Rates
No public comments.

5.4. Ordinance 22-681, Moratorium-Residential Subdivision
John Hyatt stated that he is overall pro-growth, but wants to make sure the growth is quality growth and that the infrastructure can support it. He also shared his concerns with the environmental repercussions of this growth.

5.5. City of York CDBG Application – Railroad Ave. Sidewalk Project
Brandy Faile shared a statement with Council in support of the project as it was her brother that was struck and killed by a driver while walking on Railroad Ave. She also stated that she has seen others nearly hit by cars and trucks as well.

6. Comments from the Public on Agenda Items:
Jan Ramsey stated that she believes in growth, but feels there is too much, schools are at max capacity, York is a historic town and would like to preserve that, and wants controlled growth.

7. City Manager's Report

7.1. H-Tax Event Grants

City Manager Duncan reported on the recently updated H-Tax Event Grants. The City is excited to once again offer Hospitality Tax Event Grants to organizations and entities that desire to help drive tourism to the City of York. The grant applications window is now open and eligible entities are encouraged to apply for up to \$5,000 in H-Tax Event Grants. The City will accept applications until 4:00PM on September 30th. Council will be presented with funding recommendations in October.

8. Approval of Minutes of Previous Meetings

8.1. Council Meeting, August 2, 2022, Council Work Session, August 15, 2022, and Special Call Meeting, August 15, 2022.

City Council Meeting September 6, 2022

Councilmember Ramsey made a Motion to accept the Minutes into the record, which was Seconded by Councilmember Brewer. The Motion passed unanimously.

9. Monthly Financial Report

Financial Director Barbara Denny discussed the finances for the period ending July 31st. She stated that our finances are doing well and that we are coming to the end of our Fiscal Year. Ms. Denny commended department heads for doing a good job managing spending during the year.

10. Old Business:

10.1. Ordinances:

- Second Reading, Ordinance 22-678, Annexation-Rezoning Pinckney Road PUD
Upon recommendation of City Manager Duncan to Table the Ordinance, Councilmember Hickey made a motion to Table Ordinance 22-678, which was followed by a Second from Councilmember Ramsey. The Motion was adopted unanimously.
- Second Reading, Ordinance 22-679, Fiscal Year 2022-2023 Budget
Councilmember Hickey made a Motion to approve Second Reading of Ordinance 22-679, which was Seconded by Councilmember Ramsey. The Motion was adopted unanimously.
- Second Reading, Ordinance 22-680, 2022 Utility Rates
Councilmember Ramsey made a motion to approve Second Reading of Ordinance 22-680, which was Seconded by Councilmember Hickey. During Discussion, Councilmember Ramsey confirmed the impact of the ordinance on a senior citizen and confirmed that Rock Hill does not intend to increase rates next year. With no other Discussion, the Motion was adopted unanimously.
- Second Reading, Ordinance 22-681, Moratorium-Residential Subdivision
Councilmember Hickey made a Motion to approve Second Reading of Ordinance 22-681, which was Seconded by Councilmember Jarrett. During Discussion, Councilmember asked for clarification regarding which projects would be affected by the ordinance. City Manager Duncan responded by saying that if an application had been submitted prior to First Reading, it would be considered, all others would not be considered until conclusion of the moratorium. With no other Discussion, the Motion was adopted unanimously.

11. New Business

11.1. Ordinances:

- First Reading, Ordinance 22-682, Sale of Property on Rose St. to Tailored Nest Realty, LLC.
Councilmember Ramsey made a Motion to approve First Reading of Ordinance 22-682, which was Seconded by Councilmember Hickey. With no Discussion, the Motion was adopted unanimously.

11.2. Resolutions:

City Council Meeting September 6, 2022

- Resolution 22-08, Railroad Ave Sidewalk Project CDBG Grant Match
Councilmember Hickey made a Motion to approve Resolution 22-08, which was Seconded by Councilmember Harrold. With no Discussion, the Motion was adopted unanimously.

11.3. Event Applications

- Olde York Dash at Du5k – York YMCA
Councilmember Jarrett made a Motion to approve the Special Event Permit for the Olde York Dash at Du5k, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously.
- Nightmare on Congress – J&K Paints & Pixels
Councilmember Ramsey made a Motion to approve the Special Event Permit for Nightmare on Congress, which was Seconded by Councilmember Brewer. With no Discussion, the Motion was adopted unanimously.
- 2022 Christmas Home Tour – Yorkville Historical Society
Councilmember Hickey made a Motion to approve the Special Event Permit for the 2022 Christmas Home Tour, which was Seconded by Councilmember Harrold. With no Discussion, the Motion was adopted unanimously.

11.4. Bids & Solicitations

- Upper & Lower Dam Design, Repair, and Remediation
Councilmember Hickey made a Motion to select Armstrong Glen to perform Upper & Lower Dam Design, Repair, and Remediation, which was Seconded by Councilmember Jarrett. Councilmember Ramsey asked for clarification regarding the location of dam and the lake level. City Manager Duncan explained that the scope of work did include lowering the lower lake by a few feet, but would not affect the upper lake. With no other Discussion, the Motion was adopted unanimously.

11.5. Discussion

- Ratchford Road Elevated Storage Tank
Councilmember Brewer made a Motion to approve the bid from Suez Inc for Ratchford Road Elevated Storage Tank remediation, which was Seconded by Councilmember Harrold. During Discussion, Councilmember Hickey asked if the project was bid out following the City's procurement process. City Manager Duncan replied that the code allows the City to use a previously awarded bid if it is of advantage to the City. Mr. Duncan further stated that the City has been using Suez since the early 2000s for tank maintenance and remediation. Councilmember Ramsey then asked about the warranty and when the other tanks were remediated. Mayor Fuesser asked how long the remediation efforts would take, to which City Manager Duncan said that this scope of work usually takes about two months to complete. With no other Discussion, the Motion was adopted unanimously.
- Catawba COG MOU – Updates to Comprehensive Plan and Land Use Map
Councilmember Ramsey made a Motion to approve the MOU between the City and the Catawba COG with funding to be provided by fund balance, which was Seconded by

City Council Meeting September 6, 2022

Councilmember Jarrett. During Discussion, Councilmember Hickey asked for clarification regarding the timeframe for the COG's work, and that the timeline be more in line with the 180-day moratorium. With no other Discussion, the Motion was adopted unanimously.

- Relocation of Purple Heart Memorial

Councilmember Ramsey made a Motion to authorize the City Manager to take steps to relocate the Purple Heart Memorial to York County Veterans Park, which was Seconded by Councilmember Hickey. During Discussion, Councilmember Hickey sought clarification regarding the desires by stakeholders for relocation to which Mayor Fuessler indicated that there was a strong desire and approval for relocation. City Manager Duncan stated that an agreement between the City and County was still being drafted, and it would contain details related to the relocation efforts, insurance coverage, and that the City would retain ownership of the Memorial. With no other Discussion, the Motion was adopted unanimously.

12. Mayor's Report

Mayor Fuessler made a comment regarding the need to move Council's Work Session from Monday, September 19th to Tuesday, September 20th starting at 5pm. He also noted that a Special Call Meeting might be necessary immediately following the Work Session.

Next Mayor took a moment to thank Council and staff for putting together the Fiscal Year 2022-2023 Budget. Mayor Fuessler spoke briefly of the projects the City will undertake with the new budget and the huge impact it will have on the City.

Lastly, Mayor Fuessler shared his appreciation for the all hands on deck effort to pull off Summerfest.

13. Executive Session to Discuss:

- Receipt of Legal Advice Related to Pending, Threatened, or Potential Claim

Councilmember Ramsey made a Motion to go into Executive Session for Receipt of Legal Advice Related to Pending, Threatened, or Potential Claim, which was Seconded by Councilmember Hickey. The Motion passed unanimously.

Councilmember Hickey made a Motion to exit Executive Session, which was Seconded by Councilmember Ramsey. The Motion passed unanimously.

14. Upon returning to Open Session, Council May Take Action on Matters Discussed in Executive Session

Council took no action following Executive Session.

15. Adjourn

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Councilmember Harrold. The Motion passed unanimously.

Respectfully Submitted,

Seth Duncan
City Manager

DRAFT

City Council Work Session - September 20, 2022

Date and Time: Tuesday, September 20, 2022, 5:00 PM

Members Present:

Mayor Mike Fuesser

Mayor Pro Tem Ed Brown

Councilmember Charles Brewer

Councilmember Kellie Harrold

Councilmember Matthew Hickey

Councilmember Stephanie Jarrett

Councilmember Marion Ramsey

Staff Present:

City Manager Seth Duncan

Finance Director Barbara Denny

Human Resources Manager Sarah Ramirez

Fire Chief Michael Regal

Others Present:

(See Sign-in Sheet)

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1. Welcome and Call To Order Mayor Mike Fuesser
 2. Prayer Mayor Pro Tem Ed Brown
 3. Pledge of Allegiance Mayor Mike Fuesser
 4. Discussions
 - York Police Department Recruitment and Retention
Lt. Kevin Hoffman with York Police Department delivered a presentation to Council regarding ideas to improve recruitment and retention within the York Police Department. The presentation included a comparison between the City's current pay structure and those of surround agencies. Lt. Hoffman presented two potential opportunities for adjustments for Council to consider that would increase the City's ability to compete and retain officers. Phase 1 would adjust most pay grades by one or two grades providing a positive impact for 29 current York Police Department employees. The total cost of Phase I would be approximately \$55,500. Phase II, would implement an incentive program for current and future officers and provide opportunities to continue earning incentives as careers move forward. The total cost of Phase II would be approximately \$88,000. After the presentation, Council discussed the options and costs of each phase.
 - Panhandling Ordinance
 - Loitering Ordinance
 - Camping on Public Property Ordinance

City Council Work Session - September 20, 2022

Councilmember Hickey led a discussion with Council regarding the need for ordinances restricting persons begging, panhandling, or soliciting contributions in a public space or other locations, a loitering ordinance, and camping on public property ordinance. Councilmember Hickey stated that his goal was to begin discussing this issue with Council and working the Municipal Association to see how this type of ordinance could be implemented and enforced. Council generally agreed that more research and discussion was needed due to an increase in homelessness in downtown and camping in certain places. Lt. Dale Edwards shared his insight into the homelessness issue in York as well as Anslee Moss who shared her perspective as a provider of services to the areas homeless population.

- Social Districts

Councilmember Jarrett led a discussion with Council around the idea of creating Social Districts in York modeled after a recently passed ordinance in Charlotte. City Manager Duncan shared his research on the topic and recommended that the City might be able to achieve the results intended by defining the footprint of an area that allow open alcoholic consumption during events.

- Duke Energy EV Park & Plug

City Manager Duncan presented to Council the Board of Architectural Review's approved location for the installation of an Electric Vehicle (EV) Park & Plug charging station at City Hall. Council discussed the location and particulars regarding how users will pay for electricity and potential revenue sharing opportunities for the City.

- Fall Clean-up Day – October 15

Mayor Fuesser invited everyone to assist in a fall litter clean-up event planned for Saturday, October 15th. Mayor Fuesser indicated that he would like to see clean-up efforts in all district and asked for Councilmembers to let him know if they wanted to participate and he would make sure they got litter pick-up supplies.

Mayor Fuesser also mentioned that this coming Saturday, the installation of the Gold Star Families Monument dedication would take place at noon.

5. Adjourn

Councilmember Hickey made a motion to adjourn the meeting, which was seconded by Councilmember Ramsey. The motion passed. The meeting was adjourned.

Respectfully Submitted,

Seth Duncan
City Manager

City Council Work Session – September 20, 2022

Date and Time: Tuesday, September 20, 2022, Immediately Following Work Session

Members Present:

Mayor Mike Fuesser

Mayor Pro Tem Ed Brown

Councilmember Charles Brewer

Councilmember Kellie Harrold

Councilmember Matthew Hickey

Councilmember Stephanie Jarrett

Councilmember Marion Ramsey

Staff Present:

City Manager Seth Duncan

Finance Director Barbara Denny

Human Resources Manager Sarah Ramirez

Others Present:

(See Sign-in Sheet from Work Session)

1. Call To Order Mayor Mike Fuesser
2. Executive Session
 - 2.1. Personnel Matters Related to the City Manager

Councilmember Hickey made a Motion to go into Executive Session for Personnel Matters Related to the City Manager, which was Seconded by Councilmember Ramsey. The Motion was adopted unanimously.
3. Upon Returning to Open Session, Council May Take Action on Matters Discussed in Executive Session
 - 3.1. Councilmember Hickey made a Motion to post the City Manager job description starting the following day, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was approved unanimously.
4. Adjourn

Mayor Pro Tem Brown made a Motion to Adjourn, which was Seconded by Councilmember Jarrett. The Motion was adopted unanimously and meeting was Adjourned.

Respectfully Submitted,

Seth Duncan
City Manager

CITY OF YORK GENERAL FUND								
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES								
FOR THE PERIOD ENDING AUGUST 31, 2022								
						% of	Target %	
		Actual		Budget		Budget	of Budget	Comments
Property Taxes		\$ 3,420,198.52		\$ 3,417,600.00		100.08%	91.67%	We MADE budget
Vehicle Taxes		\$ 272,090.33		\$ 310,000.00		87.77%	91.67%	** Will receive 2 more payments
Franchise Fees		\$ 463,771.66		\$ 680,000.00		68.20%	91.67%	**Will receive in October the last quarter
Delinquent Taxes		\$ 206,484.27		\$ 172,000.00		120.05%	91.67%	
Fees in Lieu of Taxes		\$ 157,432.79		\$ 85,000.00		185.22%	91.67%	Collect/Remit by County
State Shared Revenue		\$ 414,963.54		\$ 361,000.00		114.95%	91.67%	
Business Licenses		\$ 734,410.48		\$ 571,000.00		128.62%	91.67%	Fantastic!!
Business Licenses - Insurance		\$ 1,134,082.67		\$ 1,120,000.00		101.26%	91.67%	***\$943K received in June
Building Permits		\$ 272,665.49		\$ 130,000.00		209.74%	91.67%	Yay!!
Court Fines and Fees		\$ 38,422.26		\$ 40,000.00		96.06%	91.67%	
Interest		\$ 6,675.21		\$ 15,000.00		44.50%	91.67%	
Rent		\$ 2,165.00		\$ 2,500.00		86.60%	91.67%	
Garbage Fees		\$ 1,176,422.38		\$ 1,163,000.00		101.15%	91.67%	
Fire Protection		\$ 96,430.42		\$ 104,000.00		92.72%	91.67%	
Recreation Fees/Cons/Supp		\$ 193,194.98		\$ 183,000.00		105.57%	91.67%	Rec Supp \$7k less than budgeted
Recycling Fees		\$ 56,097.10		\$ 59,000.00		95.08%	91.67%	Incl 1/2 of truck lease
Transfer from Utility		\$ 207,166.30		\$ 226,000.00		91.67%	91.67%	
Transfer from Hospitality Tax		\$ 65,083.37		\$ 71,000.00		91.67%	91.67%	
Transfer from A-Tax		\$ 25,000.00		\$ 25,000.00		100.00%	91.67%	
Transfer from Summerfest		\$ -		\$ 5,000.00		0.00%	91.67%	Transferred in Sept
PEBA Pension Credit		\$ 42,193.00		\$ 42,500.00		99.28%	91.67%	
Miscellaneous		\$ 95,427.79		\$ 75,000.00		127.24%	91.67%	SCMIRF accident pymts; BCBS return of Premium
Sale of Fixed Assets		\$ 32,370.00		\$ 25,000.00		129.48%	91.67%	* Fire Truck sold in August \$31k
Capital Lease Proceeds		\$ 104,394.13		\$ -		100.00%	91.67%	Lease 23, 27
Special Duy Revenue		\$ 58,155.00		\$ 60,000.00		100.00%	91.67%	Will exceed
Grant Revenue		\$ 73,351.90		\$ 68,000.00		0.00%	91.67%	*Body Camera grant, Palmetto Pride, V-Safe
ARPA Revenue		\$ 192,983.28		\$ 193,000.00		100.00%	91.67%	Transfer in for Premium Pay, Fire turnout gear
SRO Reimbursement		\$ 182,631.00		\$ 176,000.00		0.00%	91.67%	York School District
SRO State Grant		\$ 254,945.14		\$ 195,000.00		130.74%	91.67%	Received 1st install, now quarterly, 1 more Qtr
		\$ 9,979,208.01		\$ 9,574,600.00		104.23%	91.67%	
Administrative	\$ 578,953.80		\$ 679,135.00			85.25%	91.67%	
Personnel Services		\$ 467,643.04		\$ 564,635.00		82.82%	91.67%	
Operating Expenses		\$ 110,495.88		\$ 111,500.00		99.10%	91.67%	
Capital Outlay		\$ 814.88		\$ 3,000.00		27.16%	91.67%	
COUNCIL	\$ 139,125.32		\$ 192,000.00					
Personnel Services		\$ 70,141.36		\$ 115,000.00		60.99%	91.67%	
Operating Expenses		\$ 68,983.96		\$ 77,000.00		89.59%	91.67%	
Court	\$ 146,897.49		\$ 165,502.00					
Personnel Services		\$ 95,308.03		\$ 112,002.00		85.09%	91.67%	
Operating Expenses		\$ 50,126.17		\$ 53,500.00		93.69%	91.67%	
Capital Outlay		\$ 1,463.29		\$ -		0.00%	91.67%	New computer
Police	\$ 3,529,301.53		\$ 3,693,185.00					
Personnel Services		\$ 2,857,268.34		\$ 3,160,685.00		90.40%	91.67%	

CITY OF YORK GENERAL FUND								
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES								
FOR THE PERIOD ENDING AUGUST 31, 2022								
			Actual		Budget	% of Budget	Target %	Comments
	Operating Expenses		\$ 427,372.15		\$ 462,500.00	92.40%	91.67%	
	Capital Outlay		\$ 244,661.04		\$ 70,000.00	349.52%	91.67%	Lease 18, 21, 21 & 23 annual pymt
Fire		\$ 1,238,556.76		\$ 1,396,904.00				
	Personnel Services		\$ 873,093.24		\$ 1,054,404.00	82.80%	91.67%	
	Operating Expenses		\$ 156,184.12		\$ 169,500.00	92.14%	91.67%	
	Capital Outlay		\$ 209,279.40		\$ 173,000.00	120.97%	91.67%	Leases 16, 19 & 22 annual pymt
Fire County Suppression		\$ 8,272.91		\$ 9,500.00				
	Operating Expenses		\$ 8,272.91		\$ 9,500.00	87.08%	91.67%	
Planning & Zoning		\$ 440,154.45		\$ 555,441.00				
	Personnel Services		\$ 287,323.96		\$ 440,441.00	65.24%	91.67%	
	Operating Expenses		\$ 98,117.41		\$ 70,500.00	139.17%	91.67%	City Explained \$33k
	Capital Outlay		\$ 54,713.08		\$ 44,500.00	122.95%	91.67%	Lease 22 & 23 pymnt
Recreation		\$ 649,933.40		\$ 767,335.00				
	Personnel Services		\$ 403,372.11		\$ 523,835.00	77.00%	91.67%	
	Operating Expenses		\$ 237,614.19		\$ 238,500.00	99.63%	91.67%	
	Capital Outlay		\$ 8,947.10		\$ 5,000.00	178.94%	91.67%	
Public Works		\$ 963,791.39		\$ 1,167,222.00				
	Personnel Services		\$ 414,255.54		\$ 523,722.00	79.10%	91.67%	
	Operating Expenses		\$ 430,194.73		\$ 487,000.00	88.34%	91.67%	
	Capital Outlay		\$ 119,341.12		\$ 156,500.00	76.26%	91.67%	Leases 14, 17, 20 & 23 annual pymt
Public Works Commercial		\$ 271,144.09		\$ 260,597.00				
	Personnel Services		\$ 64,889.25		\$ 65,597.00	98.92%	91.67%	
	Operating Expenses		\$ 206,254.84		\$ 195,000.00	105.77%	91.67%	
Public Works Recycling		\$ 127,962.53		\$ 119,679.00				
	Personnel Services		\$ 47,880.79		\$ 57,179.00	83.74%	91.67%	
	Operating Expenses		\$ 46,404.49		\$ 28,500.00	162.82%	91.67%	
	Capital Outlay		\$ 33,677.25		\$ 34,000.00	99.05%	91.67%	Lease 20 annual pymt
Non Departmental		\$ 474,582.82		\$ 568,100.00				
	Personnel Services		\$ 216,802.86		\$ 283,500.00	76.47%	91.67%	
	Operating Expenses		\$ 165,970.01		\$ 192,500.00	86.22%	91.67%	
	Capital Outlay		\$ 91,809.95		\$ 92,100.00	99.69%	91.67%	Lease 19 annual pymt
			\$ 8,568,676.49		\$ 9,574,600.00	89.49%	91.67%	
Revenues Over (Under) Expenditures			\$ 1,410,531.52	The large property tax payment will sustain us throughout the rest of the year				

CITY OF YORK UTILITY FUND								
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES								
FOR THE PERIOD ENDING AUGUST 31, 2022								
			Actual		Budget		Target % of Budget	Comments
Gross Revenues								
Water/Sewer Receipts			\$ 2,472,897.60		\$ 2,720,000.00	90.92%	91.67%	Will have 2 more billings
Base Charge			\$ 1,377,576.22		\$ 1,470,000.00	93.71%	91.67%	
DHEC Charges			\$ 69,364.00		\$ 75,000.00	92.49%	91.67%	
Penalty			\$ 92,938.79		\$ 75,000.00	123.92%	91.67%	
Meter Tampering Fee			\$ 2,981.00		\$ -	0.00%	91.67%	
Water/Sewer Taps			\$ 43,022.00		\$ 25,000.00	172.09%	91.67%	Good!
Delinquent Debt Recovery			\$ 8,522.03		\$ 5,000.00	170.44%	91.67%	Via MASC program with SCDOR
Connection Fees			\$ 36,901.01		\$ 30,000.00	123.00%	91.67%	
Hydrant Fees			\$ 8,275.00		\$ 8,000.00	103.44%	91.67%	
Meter Reinstallation			\$ 320.00		\$ -	0.00%	91.67%	
Meter Installation			\$ 83,381.43		\$ 25,000.00	333.53%	91.67%	Good!
Administrative Fees			\$ 44,283.11		\$ 34,000.00	130.24%	91.67%	
Pretreatment			\$ 9,805.62		\$ 20,000.00	49.03%	91.67%	
State Aid-Lake Caldwell			\$ 726,700.00		\$ 750,000.00	96.89%	91.67%	Balance was accrued back to FY21
Hydrant Repair & Maint			\$ 40,851.00		\$ 38,000.00	107.50%	91.67%	
Interest			\$ 1,246.54		\$ 500.00	249.31%	91.67%	
Transfer from Capacity Fees			\$ -		\$ 150,000.00	0.00%	91.67%	
Miscellaneous			\$ 3,290.44		\$ -	0.00%	91.67%	
ARPA Revenue			\$ 20,731.47		\$ 20,000.00	100.00%	91.67%	Transfer in for Premium Pay
Capital Lease Proceeds			\$ 78,745.87		\$ 145,000.00	200.00%	91.67%	Lease 26 (4) Vehicles, still waiting on 1
Grant Revenue			\$ 2,714.23		\$ 4,000.00	67.86%	91.67%	
Total Revenue			\$ 5,124,547.36		\$ 5,594,500.00	91.60%	91.67%	
					\$ -			
Departmental Expenses								
Utility Administration	\$ 4,061,447.83			\$ 4,962,500.00				
Personnel Services			\$ 752,713.79		\$ 905,732.00	83.11%	91.67%	
Operating Expenses			\$ 2,612,993.58		\$ 2,586,768.00	101.01%	91.67%	
Capital Outlay			\$ 695,740.46		\$ 1,470,000.00	47.33%	91.67%	Annual WWTP bond pymnt
Utility Non Departmental	\$ 192,002.31			\$ 632,000.00				
Operating Expenses			\$ 190,540.56		\$ 632,000.00	30.15%	91.67%	
Cap Fees Construction			\$ 1,461.75		\$ -	#DIV/0!	91.67%	
Total Expenditures			\$ 4,253,450.14		\$ 5,594,500.00	76.03%	91.67%	
Revenues Over (Under) Expenditures								
			\$ 871,097.22					
Capacity Fees Revenue			\$ 573,109.50		\$ 150,000.00	382.07%	91.67%	GREAT!

City of York
2021-2022 Capacity Fees

October	<u>\$ 22,841.00</u>
November	<u>\$ 4,896.00</u>
December	<u>\$ -</u>
January	<u>\$ 67,869.50</u>
February	<u>\$ 17,945.00</u>
March	<u>\$ 107,670.00</u>
April	<u>\$ 104,081.00</u>
May	<u>\$ 75,369.00</u>
June	<u>\$ 123,986.50</u>
July	<u>\$ 21,534.00</u>
August	<u>\$ 26,917.50</u>
September	<u> </u>
Total	<u><u>\$ 573,109.50</u></u>

**City of York
Hospitality Tax
Monthly Revenue Projections vs Actual
2021 - 2022**

Month	Projected Revenue	2020 - 2021 Actual Revenue	2021 - 2022 Actual Revenue	Revenue Over / (Under) Projection	
October	47,583.33	52,049.96	51,134.37	3,551.04	FINAL
November	47,583.33	44,440.80	62,874.06	15,290.73	FINAL
December	47,583.33	54,410.58	60,669.25	13,085.92	FINAL
January	47,583.33	52,483.36	47,683.21	99.88	FINAL
February	47,583.33	51,212.28	63,958.90	16,375.57	FINAL
March	47,583.33	59,676.82	64,081.04	16,497.71	FINAL
April	47,583.33	58,999.11	59,019.24	11,435.91	FINAL
May	47,583.33	58,463.25	71,136.32	23,552.99	FINAL
June	47,583.33	53,633.95	63,191.79	15,608.46	FINAL
July	47,583.33	60,238.29	60,246.53	12,663.20	FINAL
August	47,583.33	58,372.83	63,181.21	15,597.88	OPEN
September	47,583.33	55,738.51			
Total	\$ 571,000.00	\$ 659,719.74	\$ 667,175.92	\$ 143,759.25	
***Note Revenue is always a month behind. Eg: October is received in November, therefore, current month amount will be adjusted at month end.					

**City of York
Impact Fees
2021-2022**

<u>Month</u>	<u>Rec Fee</u>	<u>Fire Fee</u>	<u>Muni Fee</u>	<u>Total</u>	
October				\$ -	
November				\$ -	
December				\$ -	
January				\$ -	
February				\$ -	
March	9,068.00	2,272.00	3,152.00	\$ 14,492.00	Final
April	36,272.00	9,088.00	12,608.00	\$ 57,968.00	Final
May	45,340.00	11,360.00	15,760.00	\$ 72,460.00	Final
June	40,806.00	10,719.00	14,902.00	\$ 66,427.00	Final
July	13,602.00	3,408.00	4,728.00	\$ 21,738.00	Final
August	11,335.00	2,840.00	3,940.00	\$ 18,115.00	Final
September	26,584.00	6,662.00	9,238.00	\$ 42,484.00	Open
<hr/>					
	\$ 183,007.00	\$ 46,349.00	\$ 64,328.00	\$ 293,684.00	

***Note- Open means the month has not closed so additional fees may come in*

MEMORANDUM

TO: Mayor and Council
FROM: Seth Duncan, City Manager
SUBJECT: Old Business
DATE: October 4, 2022

ORDINANCES

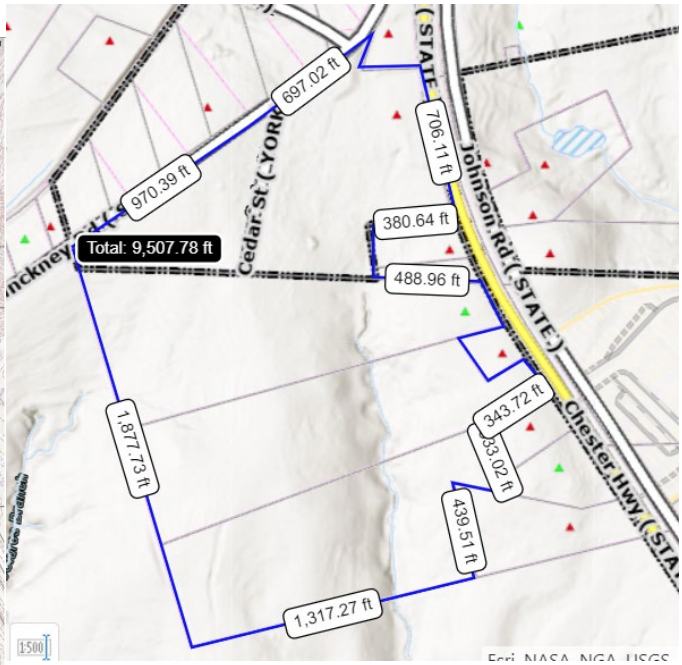
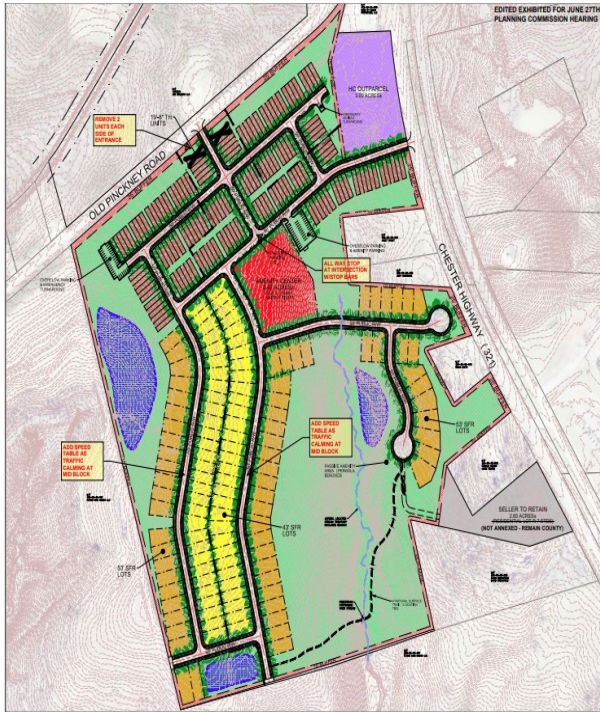
First Reading, Ordinance 22-678, Rezoning/Annexation of parcels along Pinckney Road from HC to PUD – Pinckney Road PUD

The City has received annexation petitions and an application to annex and rezone certain parcels along Pinckney Road and HWY 321 for the purposes of building a Planned Unit Development (PUD). The development will consist of 152 townhomes and 126 single-family home sites, for a total of 278 units. The project which will also include 1 commercial outparcel. Though Council completed First Reading in August, Council will re-consider First Reading of this Ordinance with fully executed annexation petitions. Council will need to take from the Table this Ordinance prior to consideration.

The City's 2019 Comprehensive Plan states that "the City is also encouraged to continue its active annexation program to provide more areas for residential development within the city limits." The Plan also states that the City should "encourage balanced and orderly growth in York through land use planning by encouraging the development of well-designed and compatible commercial and industrial land uses as well as encouraging the development if a well-balanced mix of housing types."

The Planning Commission recommended approval of the [Pinckney Road PUD](#) at its June 27th meeting.

Developer	JS2 Builders, LLC
Builder	N/A
Development	152 – Townhomes 61 – Single-family homes (43' wide lots) <u>65</u> – Single-family homes (53' wide lots) 278 units total Includes 1 commercial parcel
Density	2.37 DUA
Open Space	52.6% (proposed)
Materials	Non-vinyl siding community. Stone, brick, Hardee plank, etc.
Amenities	Pool & Cabana
Request	R7 & Highway Commercial to Planned Unit Development (PUD)



Second Reading, Ordinance 22-682, Sale of Property on Rose St. to Tailored Nest Realty, LLC

Council will consider Second Reading of an Ordinance to sell 1.56 acres on Rose Street to Tailored Nest Realty, LLC for small lot residential development. Tailored Nest Realty, LLC is offering the City \$10,000 for the lot (Tax Parcel 0700604011) which has no known use to the City. The zoning for the area is R7 residential.



Derelict Structure Proceedings Continuation: 5 & 9 Springdale Drive

Council will continue its Derelict Structure Proceedings to review current actions of the owner, Martin Foster, and to seek a solution that will end the blight caused by derelict structures at 5 Springdale Drive and 9 Springdale Drive. Council may take additional action up to and including an order to demolish one or both structures within a specific time period.

First Council Action: October 2021

Public Hearings For Derelict Structures 5.1 Derelict Structure: 5 Springdale Drive The property owner, Martin Foster, agreed to either repair or demolish the structure and report back in 30 days which option he is moving forward with. 5.2 Derelict Structure: 9 Springdale Drive The property owner, Martin Foster, agreed to either repair or demolish the structure and report back in 30 days which option he is moving forward with.

Second Council Action: February 2022

Martin Foster, the property owner for both properties, stated that he did not have the money for the demolition of the structures on these properties. He does have two buyers that are interested in purchasing the properties. The buyers would have to either rehab the structures or demolish them. Councilmember Ramsey made a motion to give Martin Foster a two-month continuation to sell the two properties, which was seconded by Councilmember Brewer. The motion passed.

Additional Council Action: August 2, 2022

Second Reading, Ordinance 22-677, Rezoning Parcel on E. Jefferson St. and Springdale Dr. from R15 to R7. Councilmember Brewer made a Motion to approve on Second Reading of Ordinance 22-667, which was Seconded by Councilmember Hickey. During Discussion Mayor Fuessler asked if this would resolve the derelict structure concern in that area. City Manager Duncan said that he did not know the exact plan going forward, but would speak with Planning Director David Breakfield to get the plan. Councilmember Jarrett asked if the rezoning would allow for single-family home development, to which City Manager Duncan replied that it could, but that R7 also allows for duplex development. Mayor Pro Tem Brown asked for clarification regarding a third structure on the site. After no other discussion, Council approved the Ordinance unanimously.

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CITY OF YORK

ORDINANCE 22-678

AMENDING APPENDIX A, ZONING ORDINANCE AND OFFICIAL ZONING MAP BY
ANNEXING AND REZONING PROPERTY REFERENCED BY YORK COUNTY TAX
MAP ID NUMBERS 0702201001, 2960000072, 2960000036 and 2960000071
FROM COUNTY ZONING AND R7/HC ZONING TO PUD - PLANNED UNIT
DEVELOPMENT

WHEREAS, the York City Council and Planning Commission find that annexation and rezoning applications have been received for property referenced by York County Tax Map Identification #'s 0702201001, 2960000072, 2960000036 and 2960000071 and located near the intersection of Chester Highway and Old Pinckney Road;

WHEREAS, the York City Council and Planning Commission find that the Official Zoning Map may be revised if the proposed change is found to be in compliance with the Future Land Use Map and overall Comprehensive Plan; and

WHEREAS, the York City Council and Planning Commission find that the proposed annexation and rezoning applications substantially comply with the Future Land Use Map and numerous important objectives of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED in Council assembled on the dates hereafter set forth that the York City Council does herewith amend Appendix A, Zoning Ordinance and Official Zoning Map by annexing and rezoning the property identified by York County Tax Map Identification #'s 0702201001, 2960000072, 2960000036 and 2960000071 from County zoning and R7/HC zoning to PUD-Planned Unit Development per the approved conceptual site plan for the project.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Proposed Annexation/rezoning Application

York South Carolina

Page 1

Type of application Annexation: <input checked="" type="checkbox"/> Rezoning: <input checked="" type="checkbox"/>	Fee -\$300.00 paid _____
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To the Honorable Mayor and City Council:

The undersigned hereby respectfully requested that the City of York Zoning Ordinance be amended as described below:

- 1) This is a request for a change in the: (check one)
- ☒ Zoning map (fill in items # 2, 3, 4, 5, 6, and 9 only)
- ☐ Zoning Text (fill in items # 7 and 9 only)
- ☐ Zoning Schedule of district Regulations (fill in items # 8 and 9 only)

Tax map change	<p>2) Give exact address, and plat map reference for property for which you propose a zoning change: Address <u>Old Pinckney Road & Chester Highway</u> TM#s: 070-22-01-001, 296-00-00-072, 296-00-00-036, 296-00-00-071 District No. _____ Block No. _____ lot (s) _____ _____ _____</p> <p>3) Area of subject property <u>+/- 80.42</u> Sq. ft. <u>or acres</u></p> <p>4) How is this property presently zoned: (check one)</p> <p><input type="checkbox"/> R-15 <input type="checkbox"/> R-7 <input type="checkbox"/> R-5 <input type="checkbox"/> PUD <input type="checkbox"/> MH <input type="checkbox"/> B-1 <input checked="" type="checkbox"/> H-C <input type="checkbox"/> G-1 <input type="checkbox"/> TU <input checked="" type="checkbox"/> R-7 MH <input type="checkbox"/> HD</p> <p>5) What new zoning do you propose for this property: (check one)</p> <p><input type="checkbox"/> R-15 <input type="checkbox"/> R-7 <input type="checkbox"/> R-5 <input checked="" type="checkbox"/> PUD <input type="checkbox"/> MH <input type="checkbox"/> B-1 <input type="checkbox"/> H-C <input type="checkbox"/> G-1 <input type="checkbox"/> TU <input type="checkbox"/> R-7 MH <input type="checkbox"/> HD</p> <p>UNDER ITEM # 9 EXPLAIN WHY THIS AREA SHOULD BE ZONED AS YOU PROPOSED.</p> <p>6) Does the applicant own all of the property proposed for this zoning change: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If NO, give address of the property involved which he does not own and owners name in property owner list on page 2 of this application.</p>
Text Change	<p>7) If this involves a change in the Zoning Text, what section or sections will be affected: _____ *SHOW PROPOSED CHANGE AND REASONS THEREFORE UNDER #9</p>
Schedule change	<p>8) If this involves a change in the Schedule of District Regulations, what columns(s) _____ District(s) _____</p>

9) Explanation Rezone property to PUD to allow for future commercial, attached single family and detached residential development

If more space is need continue on next page

Proposed Annexation/rezoning Application
York South Carolina
Page 2

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rest with the applicant

Date 3/30/2022 Signed [Signature]
Phone 803-627-5310 Address 471 Ferndale Road
McConnells, SC 29726

9) Explanation (Cont.) _____

10) Property Owners within Request:

Property Address	Owner	Owners's address
<u>TM# 070-22-01-001</u>	<u>JS2 Builders LLC</u>	<u>Same As Applicant</u>
<u>TM# 296-00-00-072</u>	<u>Debora A. Lindsay</u>	<u>107 Kimberwicke Drive</u>
		<u>Summerville, SC 29483</u>
<u>TM# 296-00-00-036</u>	<u>Margaret J. Lindsay</u>	<u>515 Georgia Street</u>
		<u>Columbia, SC 29201</u>
<u>TM# 296-00-00-071</u>	<u>Harold D. & Annis L. Wilson</u>	<u>1376 Chester Highway</u>
		<u>York, SC 29745</u>

11) Property Owners Adjacent to the Request:

Owner/Address	Owner/Address
<u>See Attached List of Adjacent Property Owners</u>	_____
_____	_____
_____	_____
_____	_____

DO NOT WRITE IN THIS SECTION-FOR OFFICIAL USE ONLY

Date received by Planning Department _____
Date Advertised - (1st) _____ (2nd) _____
Date posted _____
Date Public Hearing held _____
Date of City Council Action (Approved) _____ (1st) _____ (2nd) _____
Date applicant notified _____

PLANNING COMMISSION RECOMMENDATIONS:

() APPROVED () DENIED () DEFERRED

CITY COUNCIL ACTION:

() APPROVED () DENIED () DEFERRED

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PETITION FOR ANNEXATION OF PROPERTY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF YORK

WHEREAS, Section 5-3-150 of the Code of Laws of South Carolina, 1976, as amended, provides for the annexation of property which is contiguous to the corporate limits of a city by filing with the municipal governing body a voluntary petition executed by the owner(s) of the property requesting annexation; and

WHEREAS, the undersigned owns the below-described properties and the same is contiguous to the corporate limits of the CITY OF YORK; and

WHEREAS, the undersigned is hereby requesting that the below-described properties be annexed to the CITY OF YORK and be zoned Planned Unit Development (PUD);

NOW, THEREFORE, the undersigned does hereby petition the CITY COUNCIL OF YORK to annex the below-described areas into the CITY OF YORK, to wit:

See Attached Exhibit "A" – Legal Description of Property to be Annexed

See Attached Exhibit "B" – Plat of Property to be Annexed

Tax Map No. 296-00-00-071 (Portion Of)

OWNER(S)

Annis L. Wilson

Signature

Annis L. Wilson

Print Name

09-13-22

Date

4109 Griffith Circle

Rock Hill, SC 29732

Address

WITNESS (ES)

[Signature]

(See Additional Sheets for Signatures As Needed)

PETITION FOR ANNEXATION OF PROPERTY
TAX MAP #

OWNER(S)

Harold D. Wilson

Signature

HAROLD D. WILSON

Print Name

9-13-2022

Date

4109 Lynfield Circle

Rock Hill S.C. 29732

Address

Signature

Print Name

Date

Address

Signature

Print Name

Date

Address

WITNESS (ES)

[Signature]

EXHIBIT "A"
LEGAL DESCRIPTION OF REAL PROPERTY
HAROLD DAMERON WILSON AND ANNIS LINDSAY WILSON
TM #296-00-00-071 (PORTION OF)

BEING ALL THAT CERTAIN PIECE, PARCEL, OR LOT OF LAND, LYING IN THE YORK TOWNSHIP, YORK COUNTY, SOUTH CAROLINA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NGS MONUMENT "WHITE ROSE", HAVING SOUTH CAROLINA GEODETIC COORDINATES OF NORTH = 1,149,942.98 iFT AND EAST = 1,928,046.46 iFT (NAD '83(2011)); THENCE S11°46'28"W FOR A DISTANCE OF 7,929.18' TO A #4 REBAR ON THE WESTERN RIGHT-OF-WAY OF US HWY 321, THENCE ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE LEFT HAVING A RADIUS OF 2,902.29' AND A LENGTH OF 210.59', SAID CURVE HAVING A CHORD BEARING OF S29°05'57"E FOR A DISTANCE OF 210.54' TO A #4 REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S75°00'16"W FOR A DISTANCE OF 226.12' TO A #4 REBAR; THENCE S33°28'19"E FOR A DISTANCE OF 240.17' TO AN 18" DEAD TREE; THENCE N56°34'50"E FOR A DISTANCE OF 212.09' TO A #4 REBAR ON THE AFOREMENTIONED RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S33°27'58"E FOR A DISTANCE OF 182.42' TO A #4 REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S56°36'00"W FOR A DISTANCE OF 378.12' TO A ¾" IRON, SAID IRON BEING THE POINT OF BEGINNING (POB);

THENCE FROM THE POB S09°51'26"W FOR A DISTANCE OF 235.02' TO A #4 REBAR; THENCE N80°08'34"W FOR A DISTANCE OF 139.12' TO A #6 REBAR; THENCE S15°15'52"E FOR A DISTANCE OF 442.27' TO A #6 REBAR; THENCE S74°46'14"W FOR A DISTANCE OF 523.12' TO A #4 REBAR; THENCE S77°18'29"W FOR A DISTANCE OF 758.75' TO A ¾" IRON PIPE; THENCE N16°45'18"W FOR A DISTANCE OF 480.08' TO A #4 REBAR; THENCE N71°39'26"E FOR A DISTANCE OF 1,521.53' TO THE POB AND CONTAINING 16.67 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED AS LOT 1-B ON BOUNDARY SURVEY PREPARED BY JASON LEE WYLIE, PLS, TITLED "PLAT PREPARED FOR JSII BUILDERS, LLC" AND DATED MARCH 16, 2022.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PETITION FOR ANNEXATION OF PROPERTY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF YORK

WHEREAS, Section 5-3-150 of the Code of Laws of South Carolina, 1976, as amended, provides for the annexation of property which is contiguous to the corporate limits of a city by filing with the municipal governing body a voluntary petition executed by the owner(s) of the property requesting annexation; and

WHEREAS, the undersigned owns the below-described properties and the same is contiguous to the corporate limits of the CITY OF YORK; and

WHEREAS, the undersigned is hereby requesting that the below-described properties be annexed to the CITY OF YORK and be zoned Planned Unit Development (PUD);

NOW, THEREFORE, the undersigned does hereby petition the CITY COUNCIL OF YORK to annex the below-described areas into the CITY OF YORK, to wit:

See Attached Exhibit "A" – Legal Description of Property to be Annexed

See Attached Exhibit "B" – Plat of Property to be Annexed

Tax Map No. 296-00-00-072

OWNER(S)

Debora A. Lindsay
Signature

Debora A. Lindsay
Print Name

09-08-2022
Date

107 Kimberwicke Dr.
Summerville, SC 29483
Address

WITNESS (ES)

James D. Taylor

(See Additional Sheets for Signatures As Needed)

EXHIBIT "A"
LEGAL DESCRIPTION OF REAL PROPERTY
DEBORAH ADELAIDE LINDSAY
TM #296-00-00-072

BEING ALL THAT CERTAIN PIECE, PARCEL, OR LOT OF LAND, LYING IN THE YORK TOWNSHIP, YORK COUNTY, SOUTH CAROLINA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NGS MONUMENT "WHITE ROSE", HAVING SOUTH CAROLINA GEODETIC COORDINATES OF NORTH = 1,149,942.98 iFT AND EAST = 1,928,046.46 iFT (NAD '83(2011)); THENCE S11°46'28"W FOR A DISTANCE OF 7,929.18' TO A #4 REBAR ON THE WESTERN RIGHT-OF-WAY OF US HWY 321, SAID POINT BEING THE POINT OF BEGINNING (POB);

THENCE FROM THE POB ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE LEFT HAVING A RADIUS OF 2,902.29' AND A LENGTH OF 210.59', SAID CURVE HAVING A CHORD BEARING OF S29°05'57"E FOR A DISTANCE OF 210.54' TO A #4 REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S75°00'16"W FOR A DISTANCE OF 226.12' TO A #4 REBAR; THENCE S75°05'21"W FOR A DISTANCE OF 1,559.36' TO A #4 REBAR; THENCE N16°44'07"W FOR A DISTANCE OF 756.02' TO A 30" OAK TREE; THENCE S87°35'57"E FOR A DISTANCE OF 1,350.49' TO A ½" IRON; THENCE S87°14'13"E FOR A DISTANCE OF 491.84' TO THE POB AND CONTAINING 19.31 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED AS LOT 3 ON BOUNDARY SURVEY PREPARED BY JASON LEE WYLIE, PLS, TITLED "PLAT PREPARED FOR JSII BUILDERS, LLC" AND DATED MARCH 16, 2022.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PETITION FOR ANNEXATION OF PROPERTY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF YORK

WHEREAS, Section 5-3-150 of the Code of Laws of South Carolina, 1976, as amended, provides for the annexation of property which is contiguous to the corporate limits of a city by filing with the municipal governing body a voluntary petition executed by the owner(s) of the property requesting annexation; and

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WHEREAS, the undersigned is hereby requesting that the below-described properties be annexed to the CITY OF YORK and be zoned Planned Unit Development (PUD);

NOW, THEREFORE, the undersigned does hereby petition the CITY COUNCIL OF YORK to annex the below-described areas into the CITY OF YORK, to wit:

See Attached Exhibit "A" – Legal Description of Property to be Annexed

See Attached Exhibit "B" – Plat of Property to be Annexed

Tax Map No. 296-00-00-036

OWNER(S)

Margaret Jane Lindsay

Signature

Margaret Jane Lindsay

Print Name

8 Sept 22

Date

Address

WITNESS (ES)

Eliza Ward

(See Additional Sheets for Signatures As Needed)

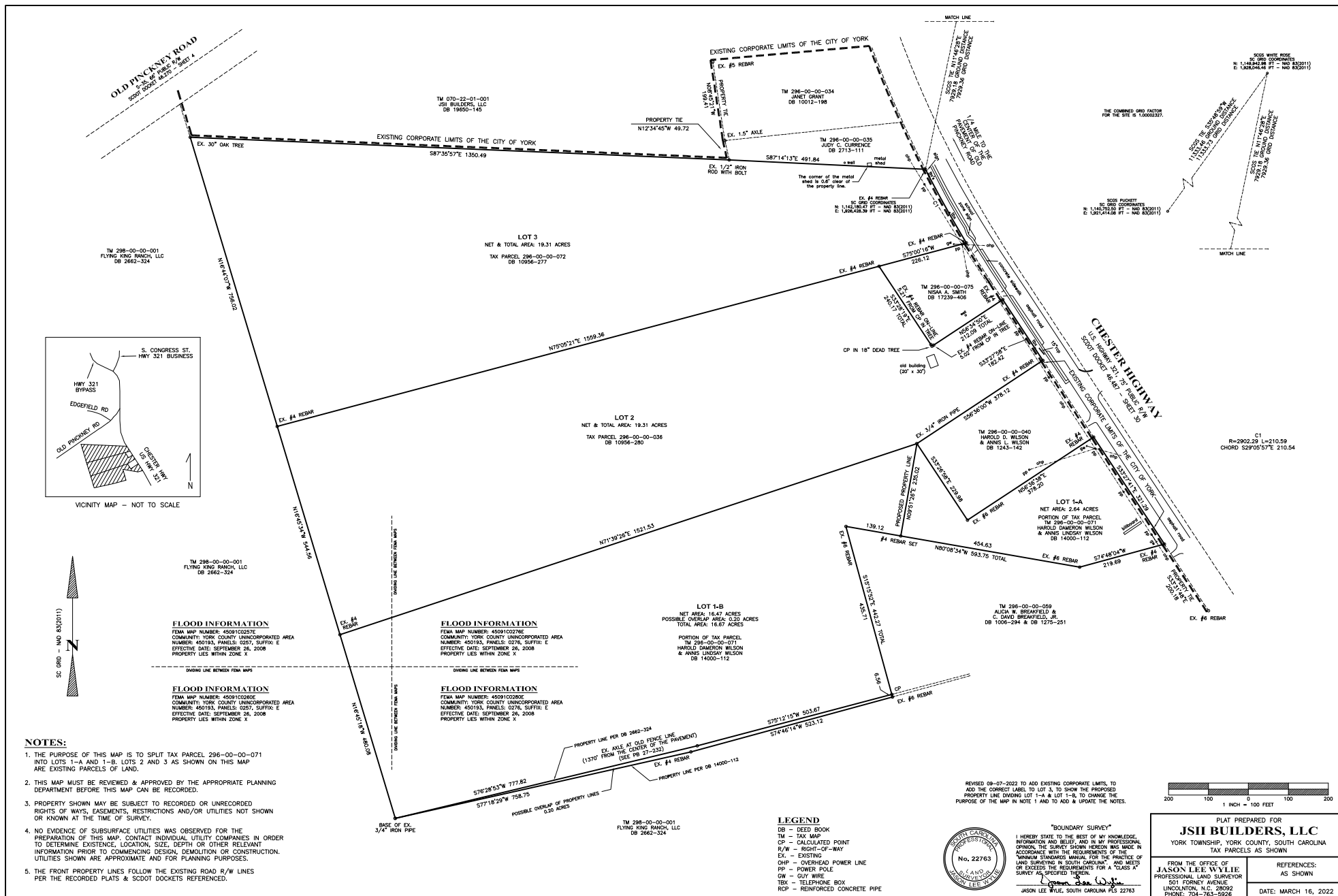
EXHIBIT "A"
LEGAL DESCRIPTION OF REAL PROPERTY
MARGARET JANE LINDSAY
TM #296-00-00-036

BEING ALL THAT CERTAIN PIECE, PARCEL, OR LOT OF LAND, LYING IN THE YORK TOWNSHIP, YORK COUNTY, SOUTH CAROLINA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NGS MONUMENT "WHITE ROSE", HAVING SOUTH CAROLINA GEODETIC COORDINATES OF NORTH = 1,149,942.98 iFT AND EAST = 1,928,046.46 iFT (NAD '83(2011)); THENCE S11°46'28"W FOR A DISTANCE OF 7,929.18' TO A #4 REBAR ON THE WESTERN RIGHT-OF-WAY OF US HWY 321, THENCE ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE LEFT HAVING A RADIUS OF 2,902.29' AND A LENGTH OF 210.59', SAID CURVE HAVING A CHORD BEARING OF S29°05'57"E FOR A DISTANCE OF 210.54' TO A #4 REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S75°00'16"W FOR A DISTANCE OF 226.12' TO A #4 REBAR, SAID POINT BEING THE POINT OF BEGINNING (POB),

THENCE FROM THE POB S33°28'19"E FOR A DISTANCE OF 240.17' TO AN 18" DEAD TREE; THENCE N56°34'50"E FOR A DISTANCE OF 212.09' TO A #4 REBAR ON THE AFOREMENTIONED RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S33°27'58"E FOR A DISTANCE OF 182.42' TO A #4 REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S56°36'00"W FOR A DISTANCE OF 378.12' TO A ¾" IRON; THENCE S71°39'26"W FOR A DISTANCE OF 1,521.53' TO A #4 REBAR; THENCE N16°45'34"W FOR A DISTANCE OF 544.56' TO A #4 REBAR; THENCE N75°05'21"E FOR A DISTANCE OF 1,559.36' TO THE POB AND CONTAINING 19.31 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED AS LOT 2 ON BOUNDARY SURVEY PREPARED BY JASON LEE WYLIE, PLS, TITLED "PLAT PREPARED FOR JSII BUILDERS, LLC" AND DATED MARCH 16, 2022.



STATE OF SOUTH CAROLINA

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CITY OF YORK

COUNTY OF YORK

)

)

ORDINANCE 22-682

**AN ORDINANCE APPROVING THE SALE, TRANSFER, AND/OR CONVEYANCE OF REAL PROPERTY
OWNED BY CITY OF YORK AND IDENTIFIED AS ROSE STREET 0700604011
TO TAILORED NEST REALTY, LLC**

WHEREAS, City of York (the "Municipality") is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the "Council") is the duly elected governing body of the Municipality;

WHEREAS, the Council is vested with the authority to sell and dispose of real property owned by the Municipality pursuant to Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws, 1976, as amended;

WHEREAS, the Municipality is the owner of that certain parcel of real property located on Rose Street in the Municipality, identified as 0700604011 (the "Property");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that entire parcel of the Property is unusable for municipal purposes, is no longer needed for municipal purposes, or would be of better and higher use and benefit to the Municipality if owned by an individual or entity other than the Municipality, and that as such the Property constitutes surplus property;

WHEREAS, Tailored Next Realty, LLC (the "Buyer") has offered to acquire the entire parcel of the Property from the Municipality for a purchase price of \$10,000 (the "Purchase Price");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that the Purchase Price represents reasonably equivalent value for the Property;

WHEREAS, based upon the foregoing, the Council has determined that the sale, transfer, and/or conveyance of a portion of the Property to the Buyer is equitable to, favorable for, and in the best interests of the citizens of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF YORK DULY ASSEMBLED:

SECTION 1: The Council hereby approves the sale, transfer, and/or conveyance of the Property to the Buyer.

SECTION 2. Such sale, transfer, and/or conveyance shall be completed by Quitclaim Deed via the terms of the Real Estate Purchase & Sale Agreement as provided and attached hereto. The City Manager is hereby authorized and directed to execute any and all deeds, instruments, affidavits, agreements and/or other documents which may be necessary to effectuate the sale, transfer, and/or conveyance of the Property.

SECTION 3. The Council hereby determines that the process by which the reasonably equivalent value of the Property was determined represented a fair and objective methodology. As such, the sale,

transfer, and/or conveyance of the Property is hereby exempted from any potentially applicable requirements under the Municipality's purchasing or procurement code.

SECTION 4. In connection with the sale, transfer, and/or conveyance of the Property, any actions previously undertaken by the Mayor, the City Manager, the Council, or staff in connection with the negotiation thereof prior to the enactment of this Ordinance are ratified and confirmed.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS ____ DAY OF _____, 2022.

Michael D. Fuessler, MAYOR

ATTEST:

Acting Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

Rose Street



Legend

Address

▲ Occupied

▲ Meter

▲ Vacant

1: 2,257



Notes

0700604011

~1.6 acres off of Rose Street.

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
GIS@YorkCountyGov.com

Printed: 2/15/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



CITY OF YORK

10 NORTH ROOSEVELT STREET • P.O. BOX 500
YORK, SOUTH CAROLINA 29745
(803) 684-2341 • (803) 684-1705 FAX
www.yorksc.gov

Inspection Report

Derelict Structure Public Hearing **October 5, 2021**

Building type:	Single Family Dwelling
Location:	5 Springdale Drive
Owner(s) of record:	John Martin Foster

Lienholder(s):	N/A
Tax Map Reference:	0700902003
Date of Inspection:	September 15, 2021

Inspection results/summary:

The structure is heavily damaged and deteriorated per the attached photographs.

Due to the significant damage to and ongoing deterioration of the structure, the City should require that:

1. The referenced structure be declared derelict and unfit for human habitation.
2. The property owner provide a detailed plan for the remediation of the derelict conditions at the site within 30 days of the public hearing.

The Planning Department has notified the property owners of the derelict structure public hearing via regular & certified mail and posting of the property.

C. David Breakfield Jr., MCP, AICP
Planning Director

September 28, 2021



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Inspection Report

Derelict Structure Public Hearing **October 5, 2021**

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Location:	9 Springdale Drive
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Lienholder(s):	N/A
Tax Map Reference:	0700902003
Date of Inspection:	September 15, 2021

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C. David Breakfield Jr., MCP, AICP
Planning Director

September 28, 2021

From: [David Breakfield](#)
To: ["jmfooster@comporium.net"](mailto:jmfooster@comporium.net)
Cc: [Seth Duncan](#)
Subject: Properties on Springdale Dr
Date: Monday, September 26, 2022 4:09:18 PM

Good afternoon Mr. Foster,

A number of months ago, York City Council approved your request for a continuation of derelict structure proceedings regarding your properties on Springdale Drive. I appreciate your recent email dated September 14th providing an update regarding your intentions for the properties. This information has been conveyed to the city manager.

At the request of City Manager Duncan and York City Council, derelict structure proceedings regarding the aforementioned properties will be reconvened at the York City Council meeting at 6 PM on Tuesday, October 4, 2022 at York City Hall.

Please plan to be present at this meeting to provide an update on the remediation of these properties as City Council determines the next step in the enforcement proceedings.

If you have any questions, just let me know.

Respectfully,

David



C. David Breakfield Jr., MCP, AICP

Director of Planning and Development

10 N. Roosevelt St (PO Box 500) York, SC 29745

(803) 684-2341 City Hall | (803) 792-8673 Direct

(803) 628-0562 Fax

Email: dbreakfield@yorksc.gov

The White Rose City

From: Kimberly Womble <kwomble@yorksc.gov>

Sent: Wednesday, September 14, 2022 10:18 AM

To: David Breakfield <dbreakfield@yorksc.gov>

Subject: FW: Properties on Springdale Dr

FYI



Kimberly D. Womble

Planner

10 N. Roosevelt St (PO Box 500) York, SC 29745
(803) 684-2341 City Hall | (803) 792-8665 Direct
(803) 628-0562 Fax

Email: kwomble@yorksc.gov

The White Rose City

From: John Martin Foster <jmfoster@comporium.net>

Sent: Wednesday, September 14, 2022 10:16 AM

To: Kimberly Womble <kwomble@yorksc.gov>

Subject: Re: Properties on Springdale Dr

Ms. Womble:

I apologize for the delay in responding to yours below. I understand that the rezoning has been approved in the last Council meeting, clearing that hurdle

I am dealing with three potential buyers, each of whom would be improving the property. To close on them, I am awaiting an appraisal which should come shortly.

I should mention that pending settlement on one of my court cases may provide the funds to either tear down or improve the property.

Please let me know if I can supply any further information.

On 8/31/22 12:18, Kimberly Womble wrote:

Good afternoon Mr. Foster,

Would you please provide a status report regarding your remediation plans for the structures on Springdale Drive. The City Council is asking for a update before the next meeting.

If you have any questions, just let me know.

Thanks,

Kim



Kimberly D. Womble

Planning Assistant/Business License Clerk

10 N. Roosevelt St (PO Box 500) York, SC 29745
(803) 684-2341 City Hall | (803) 792-8665 Direct
(803) 628-0562 Fax

Email: kwomble@yorksc.gov

MEMORANDUM

TO: Mayor and Council
FROM: Seth Duncan, City Manager
SUBJECT: New Business
DATE: October 4, 2022

ORDINANCE

First Reading, Ordinance 22-683, BZA Notification Requirements

Council will consider First Reading of an Ordinance to amend the notification requirements for business before the Board of Zoning Appeals to utilize standard First-Class Mail instead of more costly Certified Mail. First-Class Mail includes postcards, letters, large envelopes, and small packages. State law only requires notification of the meeting to be mailed to adjacent owners or tenants and does not specify Certified Mail. Certified Mail is a more costly option (\$7.82 versus \$0.60) and cost the City more than \$680 when notifying 87 adjacent property owners for the Cannon Village project.

Public notice on appeals. ...Property owners or tenants adjacent to appeal/variance/special exception request shall be notified of the respective board of zoning appeals case by ~~certified mail (return receipt—restricted delivery)~~ **First-Class Mail**. In cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice visible from each public thoroughfare that abuts property...

The Planning Commission has provided a positive recommendation for this change. If approved, Second Reading and a Public Hearing will be scheduled for Tuesday, November 1st.

EVENT APPLICATIONS

Veterans Day Parade – American Legion Post 66

American Legion Post 66 will host the annual Veterans Day Parade & Celebration on November 12th in downtown York. The event will take place from 10am to 11am on N. Congress St. Parade organizers anticipate about 200 people to line the parade route which will stretch along N. Congress St. and then on to York County Veterans Park on E. Liberty St.

Running of the Turkeys – Trinity United Methodist Church

Trinity United Methodist Church will host the 13th Annual Running of the Turkeys 5k Run/Walk on Thanksgiving Day in downtown York. The annual tradition will attract more than 400 participants to raise money for Path of York and YSD1 Education Foundation. The race route will take its traditional course around the historic district starting at the Church on S. Roosevelt Street. Organizers believe the race should conclude by 9am.

2023 Silver in the City – Palmetto Airstream Club

The Palmetto Air Stream Club will be back in downtown York in 2023. Organizers are planning for another multiday event that will begin on Friday, April 21st and last until Sunday, April 23. Like in years past, an Open House is being planned for Saturday, April 22nd. Our Community Events Manager will be working closely with the organizers to plan a fun-filled weekend here in York.

DISCUSSION

YPD Recruitment and Retention Phase I

Council will discuss a recent presentation regarding ideas to improve recruitment and retention within the York Police Department. Staff recently presented Council with a Phase I strategy that will improve the recruitment of qualified individuals for open officer positions and aid in retaining seasoned officers. Phase I consists of increasing all department positions below Captain by one or two grade classes. The net effect will increase YPD's salary competitiveness within the region and will provide, on average, an increase of nearly \$2,600 for personnel. The total cost of this one-time adjustment would be approximately \$55,500 and would affect 29 employees. If approved, increases would take place beginning the next pay cycle (October 8th).

Duke Energy Park & Plug Agreement

The Board of Architectural Review recently approved the placement and installation of a Park & Plug Electric Vehicle (EV) charging system at City Hall. Council approved this agreement in July 2021 when the City and Duke were exploring another location. At that time, the BAR did not approve the location and asked for the City to explore other locations. The City now has received approval from the BAR to locate the EV charging system at City Hall. The installation and maintenance of the system will be the responsibility of Duke Energy at no cost to the City.

H-Tax Event Grants

Council is being asked to review applications and award funding for Fiscal Year 2022-2023 Hospitality Tax Events Grants. The purpose of the H-Tax Events Grant Program is to improve the quality of life and draw more visitors to York through:

- Advertisement, marketing, and promotion of events and other tourism related development;
- Attract tourism leading to dining at restaurants and other eating/drinking establishments;
- Support and highlight the City's historic and cultural venues, recreational facilities, and events.

A full breakdown of applications and funding recommendations will be provided after the funding period closes (September 30, 2022).

Engineer Selection Wastewater Treatment Plant Remediation – Davis & Floyd

Staff is seeking Council input on selecting Davis & Floyd to begin engineering the repairs and improvements noted in the recently completed Preliminary Engineering Report for the Fishing Creek Wastewater Treatment Plant. Because of their report, we were able to apply for \$10.5 million Rural Infrastructure Grant (SCIIP). The outcome of our grant application will not be known until next year. The City does have \$3 million in funding for repairs and improvements for the plant in this year's budget (\$1.5 million state appropriations + \$1.5 million in ARPA).

Naming Davis & Floyd as our engineer allows needed to work to begin immediately. The City's procurement code allows the waiver of bid requirements "when it is to the advantage of the city to acquire goods and services on the basis of a previously awarded bid" (Sec. 2-361). Continuing to work with Davis & Floyd is an advantage in both time and money for the City.

On-Demand Mapping Services – Keck & Wood

The City has budgeted \$20,000 in Fiscal Year 2022-2023 for the mapping of our waterlines and water modelling on an as needed basis. As the provider of utility engineering services to the City of York for over 20 years, Keck & Wood is well qualified and positioned to continue providing general engineering services related to the water distribution and sewer collection systems. Much of our system has been designed by Keck & Wood, therefore they have much of our system electronically available and can continue building upon it. Recently, City Council selected Keck & Wood to design the Liberty Street Waterline Replacement project. As mentioned above, the City's procurement code allows the waiver of bid requirements "when it is to the advantage of the city to acquire goods and services on the basis of a previously awarded bid" (Sec. 2-361). Continuing to work with Keck & Wood is an advantage in both time and money for the City.

STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 22-683

AMENDING APPENDIX A, ZONING ORDINANCE TO REVISE PUBLIC
NOTIFICATION REQUIREMENTS FOR BOARD OF ZONING APPEALS PUBLIC
HEARINGS

WHEREAS, the York City Council and Planning Commission find that the City zoning ordinance should be reviewed and revised periodically;

WHEREAS, the York City Council and Planning Commission find that the City's standards and requirements should be consistent and not redundant;
and

WHEREAS, the York City Council and Planning Commission find the Board of Zoning Appeals public hearing notification requirements should be revised to more closely follow pertinent requirements for York City Council public hearings.

NOW, THEREFORE, BE IT ORDAINED in Council assembled on the dates hereafter set forth that the York City Council does herewith amend Appendix A, Zoning Ordinance by revising Section XIX- Board of Zoning Appeals, Subsection H as follows:

Public notice on appeals. ...Property owners or tenants adjacent to appeal/variance/special exception request shall be notified of the respective board of zoning appeals case by ~~certified mail (return receipt—restricted delivery)~~ **First-Class Mail**. In cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice visible from each public thoroughfare that abuts property...

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____



**CITY OF YORK
SPECIAL EVENT PERMIT APPLICATION**

Date of Application Submission: 9/9/22

Name of Festival or Special Event: VETERANS DAY PARADE

Location and/or Route of the Event: CONGRESS TO LIBERTY

Note: A sketch/diagram must be attached to the application.

Proposed Date(s) of Event: 11/12/22

Alternate Date(s) for Event: N/A

Event Setup time: 0930 to 1010

Actual Event: 1000 to 1100

Road Closure time: 1000 to 1020

Breakdown time: 1100 to 1130

Estimated number of attendees (including event staff): 200

Requesting Organization: AMERICAN LEGION POST 66

Address: 918 WEST LIBERTY ST
YORK SC 29745

Purpose of the Event: HONORING VETERANS

Is your organization a charity or non-profit organization? YES

Will the proceeds benefit your organization? If no, please specify which organization it will benefit NO PROCEEDS

This is a private ☒ public event to be held on private ☒ public property.

Permit Holder/Event Point of Contact: RANNIE TAYLOR

Mobile Number: 803 517 0641 Email: JRT3938@ATTN:2.COM

Street Address: 918 W. LIBERTY ST

Additional Authorized Contact: _____

Mobile Number: _____ Email: _____

Planned Activities: PARADE & CELEBRATION AT PARK

Note: A proposed schedule of events must be attached to the application

Will inflatables or amusement rides be used at the event? _____ Yes _____ ☒ No

If yes, explain: _____

Company name: _____ City of York Business License #: _____

Will motorized vehicles, equipment or animals be used for the event? _____ ☒ Yes _____ No

If yes, explain: PARADE

Company name: _____ City of York Business License #: _____

***Note: All events that include the use of live animals, motorized vehicles or equipment, inflatables (jump castles etc.) or other amusement rides are required to obtain a copy of the contracting companies certificate of liability insurance naming the City of York as an also insured on general liability.*

Do you plan to have food trucks/vendors of any kind with items for sale? _____ Yes _____ ☒ No

If yes, explain (include the items being sold and if cooking with grease): _____

Does your event require the use of utility services such as power or water? _____ Yes _____ ☒ No

Note: Any additional utilities must be provided at the applicant's expense

If yes, explain: _____

Will alcohol be served at the event? _____ Yes _____ ☒ No

If yes, explain (and include, how do you plan to ensure/enforce that only those that are of legal drinking age are consuming/purchasing alcohol) : _____

Will amplified sound be used at the event? _____ ☒ Yes _____ No

If yes, explain: SPEAKER FOR GUEST

Will tents be used at the event? _____ Yes ☒ No

If yes, explain (include size and type of tents): _____

Will signs or banners be erected at the event? _____ Yes ☒ No

If yes, explain (include size and locations): _____

Will city staff be responsible for street /public clean-up at the event? _____ Yes ☒ No

If yes, explain (include extent of clean-up and if waste containers are needed): _____

Have arrangements been made for restroom facilities? ☒ Yes _____ No

If yes, explain (include locations of restrooms and service provider):

PORTA-JOHN

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$45.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.

OFFICERS WITH DIRECT TRAFFIC
8 OFFICERS

List any/all streets which may need to be closed during the event (include date and times of proposed closures):

ROOSEVELT ST CONGRESS & LIBERTY
CLOSED FOR PARADE

Are you requesting barricades for road closures (fees may apply)? Yes No Note:
If yes, include a list of location(s) and a map designating the location of each barricade, the number
needed, and person responsible for barricades.

Please provide any additional information that may be helpful:

RELEASE and INDEMNIFICATION

In consideration for being permitted to use public facilities and/or facilities owned by the City of York, Applicant agrees to indemnify, release and hold harmless the City of York, its officers and employees from and against all liability, claims, and demands which are incurred, made or brought by any person or entity on account of damage, loss or injury, including, without limitation, claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever which arise out of or are in any manner connected with the use of the facilities whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the fault of the City of York, its officers, or its employees or from any other cause whatsoever. Your organization is fully responsible for complying with all applicable laws and safety procedures. This permit does not authorize you to enter upon private property or in any way hinder or obstruct pedestrian or vehicular traffic. In order to protect the general health, safety and public welfare of its citizens, The City of York reserves the right to deny and/or modify the conditions of this permit or to cancel it entirely if it is deemed appropriate by the City of York.

Application Submitted By: Name & Title

Ron Taylor Trustee Post 66

Signature:

RONNIE TAYLOR

Date:

9/9/22



CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: September 6, 2022

Name of Festival or Special Event:

13th Annual Running of the Turkeys 5k Charity 5k Run/Walk

Location and/or Route of the Event: Trinity United Methodist Church, York, SC . See attached race route and schedule of events.

Note: A sketch/diagram must be attached to the application.

Proposed Date(s) of Event: Thanksgiving Day, November 24, 2022

Alternate Date(s) for Event: None. There is no alternative date.

Event Setup time: 7:00 a.m. to 8:00 a.m.

Actual Event: 8:00 a.m. to 9:00 a.m.

Road Closure time: 8:00 a.m. to 8:40 a.m.

Breakdown time: There is no real "break down" of the event.

Estimated number of attendees (including event staff): 400 +/-

Requesting Organization: Trinity United Methodist Church and First Presbyterian Church of York, SC, 22 East Liberty Street, and 10 West Liberty Street, York, SC.

Purpose of the Event: To raise money for PATH of York & YSD1 Education Foundation and other church designated charities in the York Community. Is your organization a charity or non-profit organization? Yes. ____ Will the proceeds benefit your organization? If no, please specify which organization it will benefit: See above. This annual race benefits York community non-profits, including PATH of York and the York School District One Education Foundation, and the Wesley United Methodist Grace & Mercy Soup Kitchen.

This is a ____private __X__public event to be held on __X__private __X__public

Street Address: See above. Trinity United Methodist Church of York. Additional

Authorized Contact: Leann Mellon, 202 Bratton Avenue, York, SC 29745

Mobile Number: 803.280.0511 **Email:** Leann.mellon@clover.k12.sc.us.

Planned Activities: See attached proposed schedule. *Note: A proposed schedule of events must be attached to the application*

Will inflatables or amusement rides be used at the event? _____ Yes ☒ No

If yes, explain: _____

Company name: _____ **City of York Business License #:** _____

Will motorized vehicles, equipment or animals be used for the event? _____ Yes _____ No

If yes, explain: _____

Company name: _____ **City of York Business License #:** _____

***Note: All events that include the use of live animals, motorized vehicles or equipment, inflatables (jump castles etc.) or other amusement rides are required to obtain a copy of the contracting companies certificate of liability insurance naming the City of York as an also insured on general liability.*

Do you plan to have food trucks/vendors of any kind with items for sale? _____ Yes ☒ No

If yes, explain (include the items being sold and if cooking with grease): _____

Does your event require the use of utility services such as power or water? X _____ Yes _____

No Note: Any additional utilities must be provided at the applicant's expense

If yes, explain: The start/finish race clock uses power from Trinity United Methodist Church.

Will alcohol be served at the event? _____ Yes ☒ No

If yes, explain (and include, how do you plan to ensure/enforce that only those that are of legal drinking age are consuming/purchasing alcohol) :

Will amplified sound be used at the event? ☒ Yes _____ No

If yes, explain: Music from a stereo is played for pre-race time from 7:30 to 8:30 a.m.

Will tents be used at the event? _____ Yes ☒ No

If yes, explain (include size and type of tents): _____

Will signs or banners be erected at the event? ☒ Yes _____ No

If yes, explain (include size and locations): Banners and signs will be used on Trinity Methodist and First Presbyterian Church and property around town on private merchant sponsor properties.

Will city staff be responsible for street /public clean-up at the event? _____ Yes ☒ No

If yes, explain (include extent of clean-up and if waste containers are needed):

_____ Have

arrangements been made for restroom facilities? ☒ Yes _____ No

If yes, explain (include locations of restrooms and service provider): Pink pots will provide approximately 8 porta-johns to accommodate race participants. The portable restrooms will be on private property.

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$45.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.

Upon information and belief, City police have assisted with th race for 12 years and are a better estimate of the amount of officers and time needed. The race is less than an hour in total, so officers are not needed for more than one hour of time. The race is the only thing happening in York on Thanksgiving morning at 8:00 a.m. The only traffic is associated with the race and the traffic is essentially nonexistent. www.turkeyrunyorksc.com.

List any/all streets which may need to be closed during the event (include date and times of proposed closures):

Are you requesting barricades for road closures (fees may apply)? _____ Yes X _____ No *Note: If yes, include a list of location(s) and a map designating the location of each barricade, the number needed, and person responsible for barricades.*

Please provide any additional information that may be helpful: Please contact race organizers well in advance regarding police needs and estimated officer time and expense. The cost of City officers and resources will determine whether or not this race can be continued. Last year, we applied and were granted hospitality tax funds for City services. If grants are available for the 2022 event, we would like an opportunity to apply for grants to make this race financially feasible.

RELEASE and INDEMNIFICATION

In consideration for being permitted to use public facilities and/or facilities owned by the City of York, Applicant agrees to indemnify, release and hold harmless the City of York, its officers and employees from and against all liability, claims, and demands which are incurred, made or brought by any person or entity on account of damage, loss or injury, including, without limitation, claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever which arise out of or are in any manner connected with the use of the facilities whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the fault of the City of York, its officers, or its employees or from any other cause whatsoever. Your organization is fully responsible for complying with all applicable laws and safety procedures. This permit does not authorize you to enter upon private property or in any way hinder or obstruct pedestrian or vehicular traffic. In order to protect the general health, safety and public welfare of its citizens, The City of York reserves the right to deny and/or modify the conditions of this permit or to cancel it entirely if it is deemed appropriate by the City of York.

Application Submitted By: Name & Title Leann A Mellon - Race Director

Signature:  Date:

9-6-22

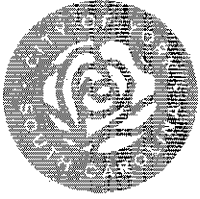
Race Day Schedule of Events for 2022

7:00 a.m. – 8:45 a.m. Race Day Registration at Trinity United Methodist Church (OUTSIDE)

8:00 a.m.- 8:10 a.m. Turkey Strut (Kids Turkey Strut Down 100 yards of Roosevelt Street) (OUTSIDE)

8:10 a.m. to 9:00 a.m. – Running of the Turkeys 5k Run/Walk

- All participants that are unable to complete the race within 50 minutes of beginning the race are asked to get on City sidewalks to complete the race. The race ends at approximately 9:00 a.m.
- ALL ASPECTS OF THE RACE WILL BE OUTSIDE.



CITY OF YORK
SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: September 20, 2022

Name of Festival or Special Event: Silver In The City

Location and/or Route of the Event: North Congress Street
Note: A sketch/diagram must be attached to the application.

Proposed Date(s) of Event: April 20 - 23, 2023

Alternate Date(s) for Event: N/A

Event Setup time: 9:00 AM to 11:00 AM April 21, 2023

Actual Event: 9:00 AM to 12:00 PM April 21 thru 23, 2023

Road Closure time: 9:00 AM to 12:00 PM April 21 thru 23, 2023

Breakdown time: 9:00 AM to 12:00 PM April 23, 2023

Estimated number of attendees (including event staff): 75 Airstreams (150 people)
and 2,000 to 3,000 people general public

Requesting Organization: Palmetto State Airstream Club 22

Address: P.O. Box 843 1351 Rabbit Run Rd
YORK SC 29745

Purpose of the Event: Showcase our city. Economic impact, charity

Is your organization a charity or non-profit organization? Non-profit

Will the proceeds benefit your organization? If no, please specify which organization it will benefit No PATH and/or York Place

This is a private ☒ public event to be held on private ☒ public property.

Permit Holder/Event Point of Contact: Terry Montgomery

Mobile Number: 803-242-6125 Email: terrymontgomery31@gmail.com

Street Address: 1351 Rabbit Run Rd YORK SC 29745

Additional Authorized Contact: John Leake

Mobile Number: 803-984-7225 Email: john@leakesantiques.com

Planned Activities: Parade of First Graders, open house, entertainment
Note: A proposed schedule of events must be attached to the application

Will inflatables or amusement rides be used at the event? ____ Yes ☒ No

If yes, explain: _____

Company name: _____ City of York Business License #: _____

Will motorized vehicles, equipment or animals be used for the event? ____ Yes ☒ No

If yes, explain: _____

Company name: _____ City of York Business License #: _____

***Note: All events that include the use of live animals, motorized vehicles or equipment, inflatables (jump castles etc.) or other amusement rides are required to obtain a copy of the contracting companies certificate of liability insurance naming the City of York as an also insured on general liability.*

Do you plan to have food trucks/vendors of any kind with items for sale? ____ Yes ☒ No

If yes, explain (include the items being sold and if cooking with grease): _____

Does your event require the use of utility services such as power or water? ____ Yes ☒ No

Note: Any additional utilities must be provided at the applicant's expense

If yes, explain: _____

Will alcohol be served at the event? ____ Yes ☒ No

If yes, explain (and include, how do you plan to ensure/enforce that only those that are of legal drinking age are consuming/purchasing alcohol) : _____

Will amplified sound be used at the event? ☒ Yes ____ No

If yes, explain: musical entertainment

Will tents be used at the event? _____ Yes ☒ No

If yes, explain (include size and type of tents): _____

Will signs or banners be erected at the event? ☒ Yes _____ No

If yes, explain (include size and locations): ONE banner @ City Market
2'2" x 8' Welcome Airstreamers

Will city staff be responsible for street /public clean-up at the event? _____ Yes ☒ No

If yes, explain (include extent of clean-up and if waste containers are needed): _____

Have arrangements been made for restroom facilities? _____ Yes ☒ No

If yes, explain (include locations of restrooms and service provider):

N/A All Airstreams in attendance are
fully self-contained

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$45.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.

Parade into town on Friday April 21, 2023 @ 9:00 AM
parade route N Congress, S Congress, E Jefferson, Trinity,
Gardner, E Madison by Police escort

List any/all streets which may need to be closed during the event (include date and times of proposed closures):

North Congress St from Liberty St to Madison
9:00 AM Friday April 21, 2023 thru Sunday
April 23, 2023 12 noon.

Are you requesting barricades for road closures (fees may apply)? ☒ Yes ☐ No Note:
If yes, include a list of location(s) and a map designating the location of each barricade, the number
needed, and person responsible for barricades.

Intersection of Liberty St + N. Congress
Intersection of Madison St + N. Congress

Please provide any additional information that may be helpful:

This will be the sixth annual event
The last 3 years this event has given approximately
\$20,000 to PATH
Economic impact 60 Airstreams approx 25 to 35 thousand dollars

RELEASE and INDEMNIFICATION

In consideration for being permitted to use public facilities and/or facilities owned by the City of York, Applicant agrees to indemnify, release and hold harmless the City of York, its officers and employees from and against all liability, claims, and demands which are incurred, made or brought by any person or entity on account of damage, loss or injury, including, without limitation, claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever which arise out of or are in any manner connected with the use of the facilities whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the fault of the City of York, its officers, or its employees or from any other cause whatsoever. Your organization is fully responsible for complying with all applicable laws and safety procedures. This permit does not authorize you to enter upon private property or in any way hinder or obstruct pedestrian or vehicular traffic. In order to protect the general health, safety and public welfare of its citizens, The City of York reserves the right to deny and/or modify the conditions of this permit or to cancel it entirely if it is deemed appropriate by the City of York.

Application Submitted By: Name & Title Terry Montgomery Palmetto State Airstream
Event Organizer
Signature: Terry Montgomery Date: 9-20-2022



ELECTRIC VEHICLE SITE HOST AGREEMENT DUKE ENERGY CAROLINAS PARK & PLUG PROGRAM

THIS ELECTRIC VEHICLE SITE HOST AGREEMENT (the "**Agreement**") is entered into as of this ____ day of _____, 2022 ("Effective Date"), between DUKE ENERGY CAROLINAS, LLC ("**Duke Energy**") and _____ ("**Host**"). Duke Energy and Host may be referred to individually as a "Party" and collectively as the "**Parties**".

RECITALS

WHEREAS, Duke Energy has created the Park & Plug program (the "**Program**"), pursuant to which Duke Energy will install, own, operate, maintain and support electric vehicle supply equipment ("**EVSE**") within the Duke Energy Carolinas service area and will record system data to evaluate charging behavior and provide Program evaluations to the South Carolina Public Service Commission on an annual basis;

WHEREAS, Host is the owner or operator of that certain property which has an address of _____ (the "**Property**");

WHEREAS, Host desires to become a participant in the Program and have Duke Energy install EVSE and associated wires, cables and equipment (collectively, the "**Equipment**") at the Property; and

WHEREAS, Duke Energy is willing to enroll Host in the Program and to install the Equipment at the Property in accordance with the terms of this Agreement and the Program;

WHEREAS, Duke Energy has selected a company to provide network access for the Program (the "**Network Provider**");

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **DUKE ENERGY'S OBLIGATIONS.**

a. Duke Energy and/or its contractors shall design and construct the Equipment in compliance with the Program terms, as well as all applicable local, state and federal laws and regulatory requirements. Duke Energy and/or its contractors will coordinate location, placement, and connection of the Equipment with Host. Should the proposed installation schedule require modification, Duke Energy shall notify the Host within a reasonable amount of time of such changes. At the option of Duke Energy, all Equipment shall be Duke Energy branded.

b. Duke Energy shall install a new meter and panel at the Property, which shall represent a separate account in Duke Energy's name.

c. Pursuant to the tariff filed with the South Carolina Public Service Commission ("SC PSC"), Duke Energy shall establish a fee intended to approximate the statewide average cost per kWh to charge an electric vehicle at publicly available DC Fast

Chargers ("Fast Charge Fee"). The Fast Charge Fee will be updated quarterly.

d. During the Term (as defined in Section 3 below) of this Agreement, subject to Section 2(c) below, Duke Energy and/or its contractors shall maintain and repair the Equipment at Duke Energy's expense. Duke Energy shall repair the Equipment promptly following notification from Host. Duke Energy shall have the right to repair, modify or replace the Equipment at any time during the Term of this Agreement. Duke Energy shall schedule access for installation, maintenance and repairs during a mutually agreeable time, except in emergency situations.

e. During the Term, Duke Energy shall pay all network access fees required for the Program to the Network Provider.

2. **HOST'S OBLIGATIONS.**

a. Host shall provide Duke Energy, its representatives, Network Provider, contractors, and designees access to the Program site for purposes of design and installation of the Equipment.

b. Host agrees to grant Duke Energy permission as needed for Duke Energy to install the Equipment and implement the Program at the Property.

c. Host shall grant to Duke Energy and/or its contractors such access to the Property as may be deemed necessary or desirable by Duke Energy for the assessment, installation, and the maintenance, repair and/or replacement of all or any portion(s) of the Equipment throughout the Term of this Agreement. In the event the Equipment fails to operate or otherwise requires repairs, Host shall notify Duke Energy promptly. Host shall not damage, disable, modify or tamper with the Equipment in any way except to the extent required by an emergency situation. If Host violates the preceding sentence, Duke Energy shall repair or replace the Equipment at Host's expense.

d. Host may request additional Equipment upgrades or configuration alternatives as set forth in Exhibit A beyond those chosen by Duke Energy ("Upgrade(s)"). Host shall be responsible for any additional fees in connection with the Upgrade(s), and shall render payment prior to installation of Equipment.

e. Host acknowledges that Duke Energy and/or its contractors will gather data and information from the Equipment with respect to vehicle charging activity, vehicle usage and technical performance of the vehicle and Equipment. Duke Energy shall own all rights to such data and information. Host acknowledges that such data and information will be used and disclosed by Duke Energy and third parties for the purpose of understanding and evaluating the impact of electric vehicles on transit systems and the electric power grid, for use in regulatory reporting, industry forums, case studies or other similar activities, in accordance with applicable laws and regulations. Duke Energy will make

available to the Host relevant station utilization data to assist with decisions to invest in additional charging stations by the Host.

f. Host in its reasonable discretion, may set its own end user driver rate, provided such rate does not exceed the applicable approved Fast Charge Fee by more than 20%. In the event Host sets rate below the Fast Charge Fee, Duke Energy shall invoice Host for the difference between such rates, and payment is due within thirty (30) days from the date of invoice. Subject to this Section 3 (e), in the event Host sets a rate greater than the Fast Charge Fee, the excess shall be credited to the Program.

g. Host shall provide accessible charging point and nondiscriminatory access to the EVSE in accordance with Host's selected Site Host Segment Type and Accessibility as set forth in Exhibit A. For multi-unit dwelling and workplace, Host shall provide equal access for all tenants and employees, respectively. For public installations, this means a site is available to any electric vehicle driver regardless of affiliation (i.e. a business cannot designate a public charger for their customers only).

h. Host shall be permitted to promote and advertise the Program; provided, however, Duke Energy reserves the right to review and approve any and all advertising, marketing, or promotional copy or materials developed or used by the Host which references the Host's participation in the Program. Duke Energy may require the Host to submit such copy and materials for pre-approval. Approval shall be granted, unless Duke Energy in its sole discretion, reasonably determines that the copy or materials are misleading, in error, or fail to meet the requirements of the Program terms and conditions, or is not in Duke Energy's best interest. In the event that Duke Energy does not approve, Host agrees to remove from circulation or otherwise discontinue the use of any such materials.

i. Host shall use commercially reasonable efforts to maintain the Equipment in a clean, safe, and orderly condition, to at least the same standard as it customarily maintains the common areas at the Host Property. Host shall take reasonable measures to discourage and prevent anyone other than an EV driver or to whom a particular EVSE has been dedicated from parking in such space, including, without limitation, towing.

3. TERM AND TERMINATION.

a. This Agreement shall be effective as of the date of execution by both Parties. The term shall commence on the Effective Date and shall continue until December 31st 2025 (the "**Term**"), unless sooner terminated or extended as provided herein. Duke Energy shall have the option, with Host's consent, to extend the Term of this Agreement for one year by giving Host written notice of such extension at least thirty (30) days prior to the end of the Term. Upon expiration of the original or extended Term, Duke Energy shall (i) in its sole discretion, may transfer title to the Equipment to Host as set forth in Section 5 below, or (ii) remove the Equipment at Duke Energy's expense. Notwithstanding foregoing, Host acknowledges and agree, that if mandated by the SC PSC after thirty-six (36) months of the Program Term, modifications to the Term may be required.

b. Notwithstanding anything herein to the contrary, Duke Energy shall have the right to terminate this Agreement at any time upon thirty (30) days written notice to Host, which shall be effective as of the effective date of termination set forth in such notice. In addition, in the event Duke Energy determines that the Property is not technically compatible for the purposes hereunder, Duke Energy shall have the right to terminate this Agreement immediately upon written notice to Host. Unless otherwise agreed to by the Parties, Duke Energy shall remove the Equipment following any such termination.

4. ELECTRIC SERVICE COST/INTERRUPTION OF SERVICE.

Duke Energy shall be responsible for the installation of a system by which to charge for all electrical consumption costs derived from the utilization of EVSE for charging electric vehicles. During the Term, Duke Energy will be responsible for the electrical consumption costs. The Parties acknowledge and agree that, pursuant to the tariff on file with the South Carolina Public Service Commission, Duke Energy does not guarantee continuity of service to the EVSE and is not responsible or liable for interruption, failure, or defect in the supply or character of electricity furnished to facilities or Equipment.

5. TITLE TO EQUIPMENT. At all times during the Term of this Agreement, title to the Equipment shall remain with Duke Energy and are not to be considered fixtures or in any way the property of Host. Upon the expiration of this Agreement, including any extensions thereof, and at Duke Energy option and Host's consent, title to the Equipment may transfer to Host for the higher of reasonably determined fair market value or book value with no warranties to apply in either case, and Host shall remit such payment within thirty days of the parties' agreement to transfer title. Title to the Equipment shall transfer upon payment. Upon transfer of title to the Equipment to Host, (i) Host releases Duke Energy from any liabilities, including, but not limited to, any claim or action for bodily injury or property damage resulting from or related to the Equipment or the use of the Equipment whether arising prior to or after such transfer, and (ii) Host will be responsible for electrical consumption costs, network access fees, maintenance costs, and any repair costs thereafter.

6. GOVERNMENTAL APPROVALS. It is understood and agreed that Duke Energy's ability to install the Equipment is contingent upon its obtaining after the execution date of this Agreement all of the applicable permits and other approvals that may be required by any federal, state or local authorities (collectively the "**Governmental Approvals**"). Host shall cooperate with Duke Energy in its effort to obtain such Governmental Approvals. In the event that any of such applications for such Governmental Approvals should be finally rejected or Duke Energy determines that such Governmental Approvals may not be obtained in a timely manner or any Governmental Approval issued to Duke Energy is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority, Duke Energy shall have the right to terminate this Agreement immediately upon written notice to Host.

7. ACCESSIBILITY REQUIREMENTS. Host understands and accepts that electric vehicle charging facilities that are publicly accessible shall comply with the Americans with Disabilities Act (ADA) and any applicable South Carolina building standards. Host understands and accepts that such standards may impact parking layouts and potentially change

the number of non-accessible parking spaces available. Host understands and accepts that changes to initial design representations may occur during the design, construction and operational phases of the Program facility as may be dictated by design constraints, by law or regulation or by local jurisdictional authorities.

8. **DUTY TO NOTIFY.** Host shall have the duty to notify Duke Energy promptly regarding any unsafe, inoperable or damaged equipment that applicant becomes aware of. In addition, Host shall promptly report all claims and/or incidents to Duke Energy or its designated representative(s), and promptly thereafter confirm in writing, the occurrence of any injury, loss, or damage incurred.

9. **COMPENSATION.** Under no conditions shall Host or EV drivers receive compensation of any kind, either by cash, in-kind services, or otherwise, for any duties or requirements provided for in these terms and conditions or for participation in any way as part of the Program, including but not limited to: use of data for lawful purposes, loss of business activity during construction or maintenance activities, or any other inconvenience or loss, without limitation, related to participation in the Program.

10. **CHANGES.** Duke Energy may initiate changes to the Program as circumstances dictate.

11. **AUTHORITY.** Host represents and warrants that it is the owner or authorized manager of the proposed Property and has the power, authority and capacity to bind itself to undertake the Program terms and conditions; and to perform each and every obligation required of Host under the Program.

12. **DAMAGE TO PROPERTY.** Duke Energy shall be responsible for repairing any damage to the Property directly caused by the installation, maintenance and/or repair of the Equipment.

13. **INDEMNIFICATION.** Each Party shall indemnify and hold the other harmless against any claim of liability or loss from bodily injury or property damage resulting from or arising out of the negligence of such Party, its servants or agents, excepting, however, such claims or damages as may be due to or caused by the acts or omissions of the other Party, its servants or agents.

14. **SALE OF PROPERTY.** Host shall notify Duke Energy at least thirty (30) days prior to any sale of the Property. Within thirty (30) days following receipt of such notice, Duke Energy, in its sole discretion, may elect to permit the Host to transfer this agreement and all obligations of the Host to the new owner or to remove the Equipment at Host's cost. If Duke Energy elects to remove the Equipment, this Agreement shall be deemed to be automatically terminated without any further action required by either party as of the earlier of (a) the date the sale of the Property is consummated and (b) the date the Equipment is removed.

15. **TAXES/TAX CREDITS.** To the extent the installation of the Equipment generates any tax credits, such credits shall be the sole property of and shall inure to the benefit of Duke Energy for the period for which it owns the Equipment provided under this Agreement.

16. **LIMITATION OF LIABILITY.** In no event shall either Party be liable for consequential, special, incidental, exemplary, punitive, or any indirect damages of any nature arising at any time, from any cause whatsoever.

17. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina without reference to its conflict of laws principles.

18. **ENTIRE AGREEMENT.** This Agreement represents the entire agreement between Duke Energy and Host with respect to the subject matter hereof and supersedes all prior negotiations, binding documents, representations and agreements, whether written or oral, with respect to the subject matter hereof. This Agreement may be amended or modified only by a written instrument duly executed by each of the Parties.

19. **SUCCESSORS AND ASSIGNS.** Host may not assign, convey or transfer all or any part of this Agreement without Duke Energy's prior written consent. This Agreement shall be binding on, and inure to the benefit of, the Parties and their successors and permitted assigns. Duke Energy may assign this Agreement or any benefit, interest, right or cause of action arising under the Agreement to any person without restriction.

20. **NO WAIVER.** No course of dealing or failure of Duke Energy or Host to enforce strictly any term, right or condition of this Agreement shall be construed as a waiver of that term, right or condition. No express waiver of any term, right or condition of this Agreement shall operate as a waiver of any other term, right or condition.

21. **SURVIVAL.** All sections of this Agreement providing for indemnification or limitation of or protection against liability of either Party shall survive the termination or expiration of this Agreement. Additionally, any provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

22. **SEVERABILITY.** If any provision of this Agreement or the application of this Agreement to any person or circumstance shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement and the application of that provision to persons or circumstances other than those as to which it is specifically held invalid or unenforceable shall not be affected, and every remaining provision of this Agreement shall be valid and binding to the fullest extent permitted by laws.

23. **NOTICES.** All notices hereunder must be in writing and shall be deemed validly given if sent by U.S. mail, commercial courier, personal delivery, fax or email, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

Host:

Attn: _____

Phone: _____

Duke Energy:

Duke Energy Carolinas, LLC
Attn: Program Manager - Park & Plug
400 South Tryon, Charlotte, NC 28202

Notice shall be effective upon receipt or such later date specified in the notice.

24. **COUNTERPARTS**. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Transmission of images of signed signature pages by facsimile, e-mail or other electronic means shall have the same effect as the delivery of manually signed documents in person.

25. **NO JOINT VENTURE**. The Parties intend by this Agreement to establish the basis upon which they will cooperate together, but on an independent basis. This Agreement does not constitute or create a joint venture, partnership, or any other similar arrangement between the Parties. Each of the Parties is independent and none of them are an agent of, nor has the authority to bind the other for any purpose. No Party shall bind any other, or represent that it has the authority to do so.

26. **PHOTOS/VIDEO OF EQUIPMENT**. Host agrees, upon reasonable notice to allow Duke Energy to enter the Property to take photographs or video of the Equipment. Duke Energy shall own all copyright and other intellectual property rights of such photographs or videos. To the extent the Property appears in any such photographs or videos, Host consents to Duke Energy's use and disclosure of such photographs or videos of the Property.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

DUKE ENERGY CAROLINAS, LLC

By: _____

Print Name: _____

Title: _____

HOST:

By: _____

Print Name: _____

Title: _____

Exhibit A

Site Host Segment Type and Availability Requirements

Site Host Segment Type and Availability: (Check which applies)

____ Multi Unit Dwelling (Level Two 208v-240v single phase, Multifamily residences and installed in the commons areas)

Describe access to residents and the time period(s) available for charging

____ Workplace (Level Two 208v-240v single phase, Provided for the use of an organization's employees)

Describe employee eligibility to use charging station

____ Public Level 2 (Level Two 208v-240v single phase available for general public access)

List any limitations of public access to the station(s) - Indicate days and times of day station will be publicly available

____ Public DC Fast - (208v - 480v 3 Phase units with Chademo and CCS Combo connectors, available for general public access)

Confirm equipment configuration:

____ Base configuration

____ Alternative configuration and costs responsible by Host _____

List any limitations of public access to the station(s) - Indicate days and times of day station will be publicly available

A PROCLAMATION

CITY OF YORK, SOUTH CAROLINA

WHEREAS, the **CAROLINA CHAPTER** of the National Society Colonial Dames XVII Century of Rock Hill, York County, South Carolina is locally sponsoring **National Colonial Heritage Month** during the month of October 2022; and

WHEREAS, **National Colonial Heritage Month**, brings to mind the first courageous settlers who arrived in America and who determined the direction for the formation of our country; and

WHEREAS, the members of the Society, by virtue of their lineal descent from those early arrivals, feel an obligation to work for the preservation of the priceless legacy that these early arrivals left to all American Citizens; and

WHEREAS, they continue to convey the true meaning of the inheritance by reminding us that our privilege to live in a free country has stemmed from “loving our country, obeying its laws, respecting its flag and defending it against all enemies.”

Now, therefore I, Michael D. Fuesser, Mayor of York, South Carolina do hereby proclaim the month of October 2022 as;

National Colonial Heritage Month

in the City of York, South Carolina and encourage all citizens of the City of York to observe this month as a means of reinforcing the priceless legacy that we inherit with our citizenship, in order to help preserve our rich culture and heritage with deep respect for the principles upon which our great country was founded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of York to be affixed.

Signed

Michael D. Fuesser, Mayor