

MAYOR
Michael D. Fuesser

MAYOR PRO TEM
Edward Brown

CITY MANAGER
Dalton Pierce, MPA



CITY COUNCIL
Matt Hickey
Marion Ramsey
Stephanie Jarrett
Charles Brewer
Kellie Harrold

CITY CLERK
Amy Craig

York City Council
Work Session Agenda
Monday, March 20, 2023
Meeting at 5:00 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. **DISCUSSIONS**
 - 4.1. Ordinance 23-689, Amendment B-1 Central Business District Revisions
 - 4.2. Ordinance 23-692, Local Revenue Service Update
 - 4.3. City of York Finance Policy
 - 4.4. City of York Street Acceptance Policy
5. **ADJOURN**

York City Council
Special Called Agenda
Monday, March 20, 2023
Immediately Following the Council Work Session

1. **CALL TO ORDER** **MAYOR MIKE FUESSER**
2. **MINUTES**
 - 2.1 Approve March 7, 2023, Meeting Minutes*
3. **PRESENTATIONS**
 - 3.1 Resolution Fitness Court*

** Denotes Vote Required*

4. ORDINANCES

- 4.1 Second Reading Ordinance 23-688, Procurement/Purchasing Amendment*
- 4.2 Second Reading Ordinance 23-691, Equivalent Residential Unit Amendment*

** Denotes Vote Required*

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: March 20, 2023

SUBJECT: Ordinance 23-689, Amendment B-1 Central Business District Revisions



GENERAL INFORMATION

Ordinance 23-689, B-1 Central Business District Revisions

On March 7, 2023, at the regular Council meeting, Council Tabled Ordinance 23-689, Amendment B-1 Central Business District Revisions to allow extra time to review the amendments proposed by the Planning Commission.

STAFF RECOMMENDATIONS

Please find the recommendations from the Planning Commission on Attachment B. Ordinance 23-689, Amendment B-1 Central Business District Revisions.

ATTACHMENTS

Attachment #1: Ordinance 23-689, Amendment B-1 Central Business District Revisions

REQUESTED ACTION

No Action Requested

STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-689

AMENDING APPENDIX A, ZONING ORDINANCE BY REVISING AND UPDATING THE USES ALLOWED EXPLICITLY, CONDITIONALLY AND BY SPECIAL EXCEPTION IN THE B1- CENTRAL BUSINESS ZONING DISTRICT

WHEREAS, the York City Council and Planning Commission find that the Downtown Historic District and B1- Central Business Zoning District are vital components of the City's overall economic and cultural vitality;

WHEREAS, the York City Council and Planning Commission find that existing zoning requirements should be periodically reviewed and revised as necessary; and

WHEREAS, the York City Council and Planning Commission find that appropriate land uses should be encouraged for the B1- Central Business District that will strengthen the character and atmosphere of the City's Downtown Historic District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on dates hereafter set forth, that Appendix A, Zoning Ordinance, be amended by revising Section VIII, Part 10, B-1 Central Business District as follows (with revisions in red):

A. Purpose: It is the intent of this section [section VIII] that the B-1 zoning district be developed and reserved for local or "Main Street" oriented business purposes. The regulations which apply within this district are intended to: (1) Encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping service facilities; (2) Reduce traffic and parking congestion; (3) Avoid the development of "strip" business districts; and (4) Discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

B. Permitted uses: Retail business involving the sale of merchandise on the premises, specifically including, but not limited to:

1. Antique store.
2. Appliance, radio or television store.
3. Art supply store **or gallery.**
4. Book, magazine or newspaper store.
5. **Bank. (MOVE TO PERSONAL SERVICE CATEGORY).**
6. **Barber [shops] and beauty shops. (MOVE TO SPECIAL EXCEPTION CATEGORY).**
7. Building material supplier.
8. Candy store.

9. Clothing store.
10. Drug store.
11. Fruit and vegetable store.
12. Grocery/produce store.
13. Guesthouse. (MOVE TO SPECIAL EXCEPTION CATEGORY)
14. Funeral home. (MOVE TO PERSONAL SERVICE CATEGORY)
15. Motel, (MOVE TO PERSONAL SERVICES CATEGORY)(ADD HOTEL AND BED & BREAKFAST)
16. Residence above business use. (MOVE TO SEPARATE CATEGORY)
17. Hardware store.
18. Gift shop.
19. Furniture store.
20. Government office. (MOVE TO PERSONAL SERVICES CATEGORY)
21. Insurance and real estate agencies. (MOVE TO PERSONAL SERVICES CATEGORY)
22. Newspaper office. (MOVE TO PERSONAL SERVICES CATEGORY)
23. New and used automobile sales. (MOVE TO PERSONAL SERVICES CATEGORY)
24. Jewelry store.
25. Telephone office. (MOVE TO PERSONAL SERVICES CATEGORY)
26. Tire sales and service. (MOVE TO SPECIAL EXCEPTION CATEGORY)
27. Hobby, toy store.
28. Sporting goods store.
29. Notion, five- and ten-cent, general, or variety store.
30. Paint supply store.
31. Printing shop. (MOVE TO SPECIAL EXCEPTION CATEGORY)
32. Photographic and camera stores.
33. Church. (MOVE TO SPECIAL EXCEPTION CATEGORY)
34. Fire station. (MOVE TO PERSONAL USE CATEGORY)
35. Adult day care facility. (MOVE TO SPECIAL EXCEPTION CATEGORY)
36. Restaurant.
37. Escape room. (MOVE TO PERSONAL USE CATEGORY)
- 38 Bakery

Businesses involving the rendering of a personal service or the repair and servicing of small equipment including, but not limited to:

1. Doctors' and dentists' offices.
2. Bicycle repair and sales shop.
3. Appliance repair shop.
4. Dressmaker, seamstress, tailor.
5. Dry cleaning and laundry facility.
6. Furniture repair.
7. Locksmith or gunsmith.
8. Schools offering instruction in art, music, dance, drama, physical fitness.
9. Secretarial and telephone answering business.
10. Shoe repair shop.
11. Bakery. (MOVE TO PERMITTED USES)
12. Telephone exchange.
13. Spa/fitness center.

14. Theater (not drive-in).
15. Youth center (dancing and music for citizens under 18 years of age without alcoholic beverages being served).
16. Bank.
17. Funeral home
18. Motel, hotel and bed & breakfast
19. Government office.
20. Insurance and real estate agencies.
21. Newspaper office.
22. New and used automobile sales.
23. Telephone office.
24. Fire station
25. Escape room
26. Residence above business use

C. *Conditional uses:* The following uses shall be permitted in the B-1 district on a conditional basis:

1. Auto accessory store, provided that there shall be no storage of wrecked or junked automobiles; trailers or scrapped or salvaged auto parts on the premises.
2. Automobile service station, provided that all gas pumps shall be set back at least 15 feet from the right-of-way line or all abutting streets and that parking and service areas be separated from adjoining residential properties by a suitable fixed planting screen, fence, or wall at least six feet in height above finish grade.
3. Contractors' offices, provided no storage of vehicles, equipment or materials on the premises.
4. Pet shop, provided that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
5. Residential dwelling units shall be allowed with the exception that street-front tenant spaces be used solely for approved commercial uses. This conditional use is not allowed in highway commercial or general industrial zoning districts.
6. Event venues subject to the following:
 - a. Conditionally allowed based on an occupancy limitation of 150.
 - b. Special exception review is required where the proposed occupancy exceeds 150.
 - c. Minimum of one parking space for every two occupants.
 - d. The maximum occupancy limit applies to the overall property (indoor and outdoor use combined).
 - e. Event venues shall be explicitly allowed in the HC and GI zoning districts.

7. *Single-family dwellings subject to the following:*

a. Single-family dwellings are not allowed on any property fronting on North and South Congress Streets and bounded by the following streets:

- East Madison Street;
- Garner Street;
- East Liberty Street;
- Trinity Street;
- East Jefferson Street;
- North Congress Street;
- South Congress Street.

b. Single-family dwellings must meet the following minimum dimensional requirements:

- 10,000 square feet lot area;
- 70 feet of street frontage;
- Setbacks:
 - 25 feet from street right-of-way;
 - Ten feet from side property line;
 - 20 feet from rear property line.

c. Single-family dwellings are not allowed in the HC and GI districts.

d. For properties located outside of the local historic district, the minimum allowable heated area for new single-family dwellings shall be 1,200 square feet.

8. Mobile food establishments subject to the following requirements:

a. A mobile food establishment is allowed to setup in the city only two times per week;

b. Mobile food establishments shall be located a minimum of 500 feet from any established "brick and mortar" restaurant;

c. All vending operations shall be located not less than 20 feet from the nearest street right-of-way and provide at least two off-street parking spaces;

d. Only one vendor shall be allowed for each 200 feet of street frontage;

e. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer;

f. Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol, and items related to such merchandise;

g. Written permission must be obtained from the property representative;

h. No more than one mobile food vendor shall be allowed on any given lot at the same time without first obtaining a special events permit, except that there shall be no limit on the number of pushcart vendors occupying a particular lot, nor shall there be a limit on the number of pushcart vendors or vendors with small, tow-behind carts occupying a shopping center;

- i. Required parking for the primary business(es) shall be minimally affected;
- j. Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same property as and within close proximity to the mobile vending unit, and should not be placed on the sidewalk or in the public right-of-way;
- k. The mobile vendor shall only use single-service plates and utensils. Garbage and recycling receptacles must be available for patron use and removed from the site daily by the vendor;
- l. Vendors shall meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable;
- m. Any mobile food vendor or vending unit that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its food vendor permit revoked;
- n. All vendors must obtain from the town an appropriate, current business license;
- o. No vendor shall:
 - 1. Leave any vehicle unattended;
 - 2. Store, park or leave any vehicle overnight on any street or sidewalk;
 - 3. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales by the vendor;
 - 4. Solicit or conduct business with persons in motor vehicles;
 - 5. Sell anything other than that for which a license to vend has been issued;
 - 6. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
 - 7. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property;
 - 8. Change vending locations without first notifying the planning department and submitting the required permissions and site plan; and
 - 9. Discharge fat, oil, grease, or waste water into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.

Exemption(s): The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by county council or as an approved special event. This section shall not apply to activities conducted pursuant to a franchise agreement or other contract with the City of York, South Carolina.

D. The following uses are allowed by special exception:

1. Club, lodge, civic, fraternal, social, or similar nonprofit organization.
2. Bowling alley.
3. Massage therapy establishment.
4. Flea markets
5. Barber and beauty shops.
6. Guesthouse
7. Tire sales and service.
8. Printing shop
9. Church
10. Adult day care facility.
11. Thrift store

E. *Off-street parking*: Off-street parking shall conform to requirements in section XII [off-street parking requirements], except buildings in existence on the date of the adoption of this ordinance amendment in this district are exempt from the requirements of section XII [off-street parking requirements]. Providing, however, any addition, attached or unattached, to the existing building or any use of the unimproved portion of the land that reduces available parking space shall require the replacement of the lost parking space in accordance with section XII [off-street parking requirements].

F. *Signs*: Signs permitted in B-1 zoning district, including the conditions under which they must be located are set forth in section XIII [signs].

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

City of York

Memo

TO: Mayor and Council

FROM: Jeff Wilkins, MPA, Finance Director

MEETING DATE: March 20, 2023

SUBJECT: Discussions – Ordinance LRS Update



GENERAL INFORMATION

Ordinance LRS Update

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023.** We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccoathan@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

STAFF RECOMMENDATIONS

Staff recommends discussing Ordinance 23-692, Local Revenue Services Update the update for the Local Revenue Services participation Ordinance 23-692 at this time.

ATTACHMENT(S):

- A. Ordinance 23-692, Local Revenue Services
- B. Intergovernmental Agreement
- C. Program Participant Supplement

REQUESTED ACTION

No Action Requested

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- B. Intergovernmental Agreement
- C. Program Participant Supplement

REQUESTED ACTION

No Action Requested

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 23-692

AUTHORIZING AND DIRECTING THE CITY OF YORK TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the CITY of YORK (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in [ITP, BTP, and TTP];

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 23-692 on [INSERT DATE], in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services ("LRS") by intergovernmental agreement, which among other things

will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the City Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of York, as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The [TITLE OF EXECUTIVE OFFICER] (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the [ITP, the BTP, and the TTP]. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.
- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, “gross premiums” shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.

- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the “Brokers Act”) establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker’s premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.
- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any

franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final

decision of LRS on the assessment.

- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20____.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Second Reading:

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ A.D., 20____, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the “Appeals Board”). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association (“BLOA”) shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
- (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

CITY OF YORK, SOUTH CAROLINA

Name: Michael D. Fuesser
Title: Mayor

ATTEST:

Name: Amy H. Craig
Title: Municipal Clerk

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the City of York (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: [ITP / BTP / TTP].

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance ("DOI") and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the City of York] (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

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Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

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(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

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Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance ("DOI") and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

CITY OF YORK, SOUTH CAROLINA

Name: Michael D. Fuesser

Title: Mayor

ATTEST:

Name: Amy H. Craig

Title: Municipal Clerk

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: March 20, 2023

SUBJECT: Finance Policy 2023



GENERAL INFORMATION

Finance Policy

City Staff has developed a Finance Policy that will provide oversight to the financial activities of the City of York per Cash Management, Debt Management, Fund Balance, Procurement, and all that entails.

STAFF RECOMMENDATIONS

Staff would like to discuss the Finance Policy to ensure that Council is aware of the financial goals, expectations of staff, and methodologies for operating the City's finances.

ATTACHMENT(S):

Attachment #1: Finance Policy 2023

REQUESTED ACTION

No Action Requested

FINANCE POLICY



Adopted Month 2023

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Purpose Statement

The purpose of the Finance Policy is to provide oversight to the financial activities of the City of York per

Section 1 – Cash Management

The purpose of the Cash Management Section is to develop a Cash Management Plan for the City of York.

The cash management plan objectives are as follows:

1. Link long-term financial planning with short-term daily operations and decision-making.
2. Increase the amount of idle monies invested.
3. Generate non-tax revenues through increased investment earnings.
4. Ensure the safety and liquidity of the City's monies.
5. Comply with the South Carolina Code of Law regarding Local Government Financial Administration.

The plan addresses six key areas: legal authority, which grants investment practices; evaluation of past, present, and future cash flow trends; development of good relationships with local banking institutions; familiarization with municipal investment markets; good accurate accounting system, and development of sound methods of estimating cash receipts and expenditures.

Internal Controls

The Finance Director, in conjunction with the City Manager, is responsible for developing and implementing internal controls designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, or imprudent actions by employees and officers of the City.

Plan Administration

The Finance Director, with the advice and assistance of the City Manager and City Council, is responsible for developing and implementing a uniform City plan to carry out the cash management process for the entire City.

Cash Receipts

The objectives of cash management over receipts are to use diligence in collecting funds owed to the City, to provide internal control over cash and cash equivalents, and to expedite the movement of monies collected into interest-bearing accounts. The official depositories/banks shall be approved by the City Council of the City of York. To accomplish these objectives, all plans adopted will include these rules:

1. Except as otherwise provided by law, all funds belonging to the City and received by an employee of the City in the normal course of their employment shall be deposited as follows:
 - a. All public funds are to be deposited daily into an official depository.
 - b. All deposits shall be made with the finance director or its designee within the finance department. Deposits in an official depository shall be immediately reported to the finance director by means of a duplicate deposit ticket.
2. Checks received and deposited which are returned for insufficient funds will receive prompt action in the collection of good funds.
3. Adjustments or corrections for overpayment will be made after the monies are deposited. Employees will not delay in depositing monies of this type. Refunds necessary from errors shall be made by City check through cash disbursements.
4. No official or employee shall have the authority to cash a check payable to the City. This does not include replenishment of Petty Cash with a limit not to exceed \$1,000 per department for accounts receivable.

5. No official or employee shall have the authority to open a bank account in the name of the City of any of its departments using public funds without prior approval of the City Manager and Finance Director or City Council.
6. All public funds shall follow the daily deposit guidelines.
7. The Finance Director, of the Director's appropriate designee, shall conduct at least two random or risk based internal audits of cash receipting location per fiscal year.

Billing

All department heads who administer programs that receive money from other governments are to meet with the Finance Director to establish a cash flow/City reimbursement procedure and schedule for these monies to ensure prompt application, reports, and requests for reimbursement.

Analysis of Receipting Function

The Finance Director will meet quarterly with each department head that is responsible for a revenue source of the City to review the billing, collecting, depositing, and reporting procedures.

Forecasting Cash Flows

The Finance Director for the City, or his/her designee, shall monitor cash requirements. The objective shall be to ensure that sufficient funds will be available to meet the City's commitments and that the timing and amount of excess funds are known so as to properly identify the amount of money available for investment. A report to City Council shall be done on a semi-annual basis (June & December).

Cash Disbursements

The objective of this section of the City's Cash Management Plan is to retain monies for investment until the agreed-upon contractual date of payment unless early payment provides a benefit to the City.

The Finance Director shall appropriate and expend the City's monies to create the maximum amount of funds available for investments. The Finance Director shall pay the obligations of the City when due. The City's purchase order procedure will be used for payments. All payments to one vendor will be consolidated when paid from a single fund.

Dual signatures are required for all City checks. Currently, electronic and facsimile signatures are not approved by the City.

Electronic payments shall be fully utilized when possible, where it is determined to be cost-effective by the Finance Director. Such payments shall be integrated with financial systems and shall follow proper data and internal control best practices.

The Finance Director, or the Director's appropriate designee, shall make payroll deposits bi-weekly to all employees. Payroll deposits shall be authorized by time sheets verified and kept by the Human Resources Director and signed by the Supervisor. No payroll deposit will be issued without proper documentation in the Human Resources and Finance Departments and approved budgetary authority. The Finance Director, or the appropriate designee, shall submit all payroll deductions and reports to the proper agencies in a timely manner.

Analysis

The Finance Director and City Manager shall determine which financial institutions qualify to be the City's depository based on published reports and other procedures deemed appropriate.

Investment Policy

Public funds should be invested in a manner that will provide the highest return with the maximum security while meeting daily cash flow requirements and conforming to all state codes of laws governing local government investment of public funds.

The Prudent Person Standards shall apply in the management of an investment portfolio. Investments shall be made with good judgment and care, under then prevailing circumstances, which person of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The Finance Director shall notify City Council and the City Manager of investment transfers over \$1,000,000. For all investment decisions, the Finance Director is required to inform the City Manager and consult with the City Manager prior to making any investment.

The Finance Director shall be responsible for all financial transactions and shall establish and maintain a system of controls to regulate the activities of subordinates.

In the absence of the Finance Director and those to whom he or she has delegated investment authority, the City Manager is authorized to execute investment activities.

Investment Objectives

The City's objectives in managing the investment portfolio, in order of priority, are safety, liquidity, and yield.

Safety

The safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To best mitigate against credit risk (the risk of loss due to failure of the security issuer), diversification is required. The best mitigates against interest rate risk (the risk that changes in interest rates will adversely affect the market value of a security and that the security will have to be liquidated and the loss realized), the second objective, adequate liquidity, must be met.

Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating and debt service cash management requirements that may be reasonably anticipated. The portfolio will be structured so that securities mature concurrent with cash needs (static liquidity), with securities with an active secondary market (dynamic liquidity), and with deposits and investments in highly liquid money markets and mutual fund accounts.

Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary, economic, and interest rate cycles, taking into account investment risk constraints and liquidity needs.

Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the City Manager any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial or investment

portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the City.

Monitoring & Reporting

The objective of this section is to devise a reporting schedule to the City Manager and City Council and to provide a schedule for the systematic review of the plan itself to make necessary amendments and changes.

The Finance Director for the City of York shall maintain records of the status of investments. These records will be available to the City Manager and Council at all times.

The Finance Director shall report to the City Manager and City Council any changes in bank services.

Every three (3) years, the plan shall be reviewed by the Finance Director. The Finance Director shall report to the City Manager and City Council any amendments necessary to the plan, any procedural changes made, and any recommendations to enhance the Cash Management Plan.

Section 2 – Debt Management

The purpose of Debt Management Section is to manage the City's debt within City designated limits established by and within the legal boundaries established by the State of South Carolina.

Borrowing Guidelines

1. Long-term borrowing will be reserved for capital projects that cannot be financed from current revenues, and the need for such borrowing shall be justified and approved by either the City Manager and/or City Council as is required.
2. The City will utilize a balanced approach to capital funding when needs are in excess of current-year appropriations, utilizing debt financing, available capital reserves and/or fund balances.
3. Debt ratios will be calculated annually and included in the review of financial trends.

Section 3 – Fund Balance

The City will establish and maintain reservations of fund balances in both the governmental, and proprietary funds. The purpose of this section is to establish and adequate level within the fund balance to provide the capacity for:

1. Sufficient cash flow for daily financial needs
2. Secure and maintain investment-grade bond ratings
3. Prepare for economic downturns or revenue shortfalls
4. Provide funds for unforeseen emergencies

Fund Balance Requirements

General Fund

There shall be maintained an unreserved fund balance equivalent to a minimum of thirty (30%) percent of the next budget year's budgeted operating expenditures (less capital outlay and transfers out budgeted for the fund) plus \$1,000,000 for natural disaster related events. For purposes of this calculation, the expenditures shall be the budget as originally adopted by the ordinance for the subsequent fiscal year. The reserve shall be in addition to all other required reserves or designation of fund balance.

Special Revenue Funds

These funds account for the proceeds of specific revenue sources that are legally restricted for specific purposes. The amount of any reservation of fund balance shall be governed by the legal authority underlying the creation of individual funds.

Proprietary Fund(s)

Enterprise Fund(s)

For each fund, a reservation of retained earnings shall be maintained equal to one hundred and eighty (180) days of operating costs. For purposes of this calculation, the expenditures shall be the budget as originally adopted by the ordinance for the subsequent fiscal year. This reserve shall be in addition to all other required reserves of retained earnings, including, but not limited to, amounts reserved for debt service and/or amounts reserved for renewal and replacement of long-lived assets.

Minimum Reserve Requirements

In the event funds are not available to meet minimum reserve requirements, the unassigned fund balance target shall be achieved by adding a designated amount to the budget to cover the deficiency or no more than five (5) fiscal years.

At times, City Council may elect to expend below the minimum required fund balances but shall not allow the funds to fall below 15%. Exceptions to this rule include situations that involve the following:

1. A Revenue Shortfall
2. Natural Disaster or other threat to the health or safety of residents
3. Unexpected opportunities that may be otherwise lost to the community
4. To protect the long-term financial security of the City of York
5. Funds needed as a part of a matching grant for a major project

Appropriation, when funds are at or below the minimum unassigned Fund Balance, shall require the approval of the City Council and shall be only for one-time expenditures, such as capital purchases, and not for ongoing expenditures unless a viable revenue plan designated to sustain the expenditures is simultaneously adopted.

Replenishment of Minimum Reserve Deficits

If the projected or estimated amount of undesignated fund balance is expected to fall below the minimum requirement, the City Manager shall submit a proposed budget plan which includes a plan to restore any fund to its stated fund balance requirement.

Use of Surplus Revenues

In the event that the undesignated fund balance exceeds the minimum requirements, the excess may be utilized for:

1. Any lawful purpose
2. Priority will be given to utilizing the excess within the fund in which it was generated
3. Appropriation to fund one-time expenditures or expenses which do not result in recurring operating costs
4. Appropriation for one-time costs, including the establishment of or increase in legitimate reservation or designation of fund balance or reservation of retained earnings in other funds

Annual Review

Policy compliance shall be reviewed as part of the annual budget adoption process.

Section 4 – Procurement

For purchases less than \$1,000, department heads have discretionary spending. Any purchase by a department head or designee of the department over \$1,000 requires the submittal of a requisition to the Finance Director that will either approve or deny. All purchases over \$1,500 follow the rules and procedures outlined in the City's Purchasing Ordinance.

Compliance with Applicable City Procurement – Article V. – Purchasing

DIVISION 1. - GENERALLY

- **Sec. 2-356. - Single purchase orders not exceeding \$1,500.00.**

Single purchase orders not exceeding \$1,500.00 may be awarded by the city manager, or some other person designated by the city manager without bids.

(Code 1977, § 2-121)

Editor's note— At the direction of the city, the above section has been amended to read as set out herein. The former section pertained to similar subject matter.

- **Sec. 2-357. - Single purchase orders exceeding \$1,501.00 but less than \$5,500.00.**

Single purchase orders exceeding \$1,501.00, but less than \$5,500.00, may be awarded by the city manager, the municipal clerk, or some other person designated by the city manager, to the vendor or supplier of such goods or services whose quotation is most advantageous to the city after the city has received telephone, oral or written quotations from at least two vendors or suppliers of such goods or services, when practicable and feasible.

(Code 1977, § 2-122)

- **Sec. 2-358. - Single purchase orders exceeding \$15,001.00 but less than \$25,000.00.**

Single purchase orders exceeding \$15,001.00, but less than \$25,000.00 may be awarded by the city manager, the municipal clerk, or some other person designated by the city manager, after telephone, oral or written quotations have been received from at least three vendors or suppliers of such goods and services, when practicable and feasible, and the purchase order has been approved by the city manager or municipal clerk.

(Code 1977, § 2-123)

- **Sec. 2-359. - Single purchase orders exceeding \$25,001.**

Single purchase orders which exceed the sum of \$25,001.00 shall be publicly advertised for bids at least once in a newspaper having a general circulation in the city, at least seven days prior to the date set for formal opening of written bids. Bids in writing, based on written specifications, shall be received by the municipal clerk until the advertised deadline. Upon receipt, the municipal clerk will maintain a record of the date received and forward bid packages to the treasurer. Bids will be secured in a lock box within the vault until the stated time of the bid opening. Bids shall be publicly opened at the date and hour specified in the advertisement soliciting bids by at least two members of the city's management staff, to be defined as follows: city manager, treasurer, public works director, fire chief, police chief, parks and recreation director, and planning director. At the bid opening, a form will be completed which includes the following information: item/project being bid, date and time of bid opening, contractors or firm bidding, amount of each bid and alternate bids where applicable. The city council shall award the contract for the furnishing of such goods and services to the vendor or supplier of such goods and services submitting the bid most advantageous to the city. The council shall receive a copy of the bid form and the bid package price pages prior to the council meeting at which the bid is to be awarded. Nothing contained in this article shall be construed to require the city manager, the treasurer or city council to accept the apparent low bid when it shall appear that the acceptance of some other bid shall be most advantageous to and in the best interests of the city government. If the bid selected as most advantageous to the city is not the

apparent low bid, the city manager shall prepare a full and complete statement of the reasons for accepting the bid of, or awarding the contract to, the vendor or supplier of goods and services other than the apparent low bidder.

(Code 1977, § 2-124; Ord. No. 96-213, § 2-125, 11-5-1996)

- **Sec. 2-360. - Procurement through division of general services.**

When it shall appear advantageous to the city government to procure materials, goods, supplies or equipment through the purchasing contracts of the division of general services of the state or any other form of municipal, county or federal government, such materials, goods, supplies or equipment may, with prior approval of the city council, be acquired through the division of general services of the state, or any other form of municipal, county or federal government; and in such event, the requirements of this article for obtaining quotations or bids may be waived.

(Code 1977, § 2-125; Ord. No. 96-213, § 2-125, 11-5-1996)

- **Sec. 2-361. - Waiver of article provisions.**

The policies, procedures and guidelines established by this article may be waived under the following conditions:

- (1) When there exists no possibility of a competitive bid, as in the case of only one source of supply.
- (2) When it is to the advantage of the city to acquire goods and services on the basis of a previously awarded bid.
- (3) In the case of emergency purchases.
- (4) Sole Source

Any request by an agency or department head that procurement be restricted to one potential source shall be accompanied by a letter from the using department signed by the department head stating why no other source will be suitable or acceptable to meet the needs. A contract may be aware for a property, supply, service, or construction item without competition when the City Manager or designee determines in writing that there is only one source for the required property, supply, service, or construction item or that the proposed award to a single source is a permitted, non-competitive procurement as established herein, After verification of a sole source vendor or the justification of a sole source purchase is warranted, the City Manager, or designee, has the authority to negotiate the price, terms, and conditions of the procurement.

Examples of permissible, non-competitive procurement include, but are not limited to:

- When the City Manager and the Department Head has deemed the compatibility of equipment, accessories, services, systems, software or replacement of parts is to be of paramount importance.
- When public utility services are to be procured

(Code 1977, § 2-126)

- **Sec. 2-362. - Dividing contracts or purchases.**

Dividing contracts or purchases in order to evade any of the provisions of this article is prohibited.

(Code 1977, § 2-127)

- **Sec. 2-363. - Capital projects.**

Two accepted methods of procuring capital projects are the following:

(1) *Construction management*. Management services provided to an owner of a project during the design phase, construction phase, or both, by a person or entity possessing requisite training and experience. Such management services may include advice on the time and cost consequences of design and construction decisions, scheduling, cost control, coordination of contract negotiations and awards, timely purchasing of critical materials and long-lead items, and coordination of construction activities.

(2) *Design build*. A method of project delivery in which the owner contracts directly with a single entity which is responsible for both design and construction services for a construction project.

(Ord. No. 01-346, 6-5-2001)

- **Secs. 2-364—2-385. - Reserved.**

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: March 20, 2023

SUBJECT: Street Acceptance Policy 2023



GENERAL INFORMATION

Finance Policy

City Staff has developed a Street Acceptance Policy that will provide regulations for street acceptance procedures of the City of York per maintenance, HOA/Developer owned, newly constructed streets, and all that entails.

STAFF RECOMMENDATIONS

Staff would like to discuss the Street Acceptance Policy to ensure that Council is aware of the street acceptance guidelines and procedures for the City of York.

ATTACHMENT(S):

Attachment #1: Street Acceptance Policy 2023

REQUESTED ACTION

No Action Requested

STREET ACCEPTANCE POLICY



Adopted Month 2023



STREET ACCEPTANCE POLICY

The City of York may consider the acceptance of existing streets/roads upon the written request.

The City reserves the right to refuse acceptance of maintenance of streets which, in its judgment, require extensive repair work to bring the street(s) up to a satisfactory condition.

This policy will go into effect immediately upon adoption by the City Council.

HOA/Developer owned and Newly Constructed Streets Platted for Town Maintenance

To initiate the acceptance procedure for HOA/Developer owned streets or newly constructed streets platted for City maintenance, the following information shall be submitted to the City Manager and/or designee:

1. A letter accompanied with the City's approved application for "New Street Maintenance Acceptance" for each street completed to the City Manager requesting that the City consider accepting subject streets for public maintenance. At least 95% of the parcels have been developed, and the streets shall not have had the final layer of asphalt laid for more than two (2) years.
2. One (1) copy of the recorded map(s) of the subject street(s).
3. One (1) Pavement Core Results Report will be required if deemed necessary by the City Manager or designee. If report submittal is a requirement, then the report will include a cover letter, table of contents, project scope, data collection methodology, description of project limits, a map at a legible scale of the project limits containing street names, lengths, widths, and the location of the pavement core samples. The report will also include a core results table with street name, applicable SCDOT Specification Standard Typical Section, core result material and thickness (in inches), and a statement of whether the core result meets the current minimum design standard per the SCDOT Typical Section. Pavement core samples shall be taken at 500' intervals (minimum of 1 core per street block) and no more than 4.0' from the centerline of the road. This report must be signed, dated, and stamped by a South Carolina registered professional engineer. The City may acquire its own pavement core samples as a quality control measure.

Once the Pavement Core Results Report has been submitted, an inspection shall be conducted by the City of the subject street(s). The City shall notify the owning entity of all construction deficiencies required to be corrected. Upon satisfactory completion of corrective measures, re-inspection, and approval by the City Manager or designee, the City Council shall accept the subject street(s) for maintenance at a City Council Meeting.

4. A 12-month warranty guarantee issued by the developer/contractor shall be submitted in writing (company letterhead) stating that any deficiencies or failures noticed by residents or by City staff during this period shall be remedied by the Contractor at no cost to the HOA or the Town.

STREET ACCEPTANCE POLICY

City Council Meeting March 7, 2023

DATE AND TIME: Tuesday, March 7, 2023, 06:00 PM

Members Present:

Mayor Mike Fuesser
Mayor Pro Tem Ed Brown
Councilmember Matthew Hickey
Councilmember Marion Ramsey

Councilmember Stephanie Jarrett
Councilmember Charles Brewer
Councilmember Kellie Harrold

Staff Present:

City Manager Dalton Pierce
Municipal Clerk Amy Craig
Finance Director Jeff Wilkins
Police Chief Brian Trail
Planning Director David Breakfield

Participants:

Charlie Barrineau

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Mike Fuesser

- Mayor called the meeting to order at 6:00 pm

2. PRAYER

Mayor Pro Tem Ed Brown

3. PLEDGE OF ALLEGIANCE

Mayor Mike Fuesser

4. PRESENTATIONS

4.1. MEO Institute Honor Roll Recipients

MASC Field Representative Charlie Barrineau presented Council with a crystal plaque for their completion of the Municipal Elected Officials Institute. City of York is one of seventeen of the two hundred seventy-one municipalities in the state of South Carolina that have made the Honor Roll this year. The MEO Institute training is done voluntarily, but our Council willingly went through this training to gain knowledge and serve the citizens of York well. This is the first time that Councilmembers have graduated from the MEO Institute collectively.

4.2. New Employees

Chief Brian Trail introduced Evan Schmitt as a new officer with York Police Department. City Manager Dalton Pierce introduced Bryan Johnson as a new Utilities Crew Member and Jeff Wilkins as the new Financial Director.

5. PUBLIC HEARINGS

5.1 Ordinance 23-687, Moratorium Extension

City Council Meeting March 7, 2023

No public comments were made

6. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

No public comments were made

7. CITY MANAGER'S REPORT

7.1. Budget Schedule for FY 23-24

City Manager Pierce provided a schedule for the Budget for FY 23-24 that begins on March 22, 2023, that enables staff to know what is expected. The schedule possesses three phases with dates and timing that allows transparency for Council to be aware of the work that is being done to prepare the Budget FY 23-24.

Councilmember Hickey made a Motion to adopt the Budget Schedule FY 23-24, which was Seconded by Councilmember Jarrett. With no discussion, the Motion was passed unanimously.

7.2. Wayfinding Historic District

City Manager Pierce spoke about the Wayfinding programs and signs for Congress Street, Madison Street, and Liberty Street. In June 2022, this item went before the BAR and was accepted. Council gave approval as well. The signs were to be paid for through the hospitality taxes budgeted at \$150,000. After approval, SCDOT required a minor change regarding the white rose on the signs. The rose has been removed and City Manager Pierce went before the BAR at the March 6, 2023 meeting. He requested a Certificate of Appropriateness for the minor change, which was approved. City Manager Pierce stated that the only change was the removal of the white rose on the sign and that he would like approval of the minor change so the project could be completed by the end of the Fiscal Year.

Councilmember Hickey made a Motion to adopt the wayfinding sign as presented in the packet to remove the white rose watermark in the budget as described, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council inquired if the size of the rose was the issue with the original sign, but it was clarified that SCDOT required a retroreflectiveness, in which the sign did not possess. The white rose was simply a transparent logo. With the sign not possessing the retroreflectivity, it was removed as to not change the aesthetics of the sign. With no other Discussion, the Motion passed unanimously.

7.3. Redistricting Formal Adoption Timeline

City Manager Pierce stated he and Municipal Clerk Amy Craig spoke with Dr. John Ruoff about the Redistricting Timeline to obtain clear direction of the redistricting proposal. The proposal has been added to the City's webpage and social media, in addition to a Public Hearing announcement being made in the local newspaper over a month in advance. City Manager Pierce requested that Council adopt a timeline for the Second Reading since the April 4, 2023 Council meeting will allow for Public Comments. In Discussion, Council stated that a Second Reading for the April Work Session would work well.

Councilmember Brewer made a Motion to adopt the Redistricting Timeline with April 17, 2023, being the Second Reading, which was Seconded by Councilmember Ramsey. With no other Discussion, the Motion passed unanimously.

8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

City Council Meeting March 7, 2023

- Council Meeting, February 6, 2023, Council Work Session, February 20, 2023, and Special Called Meeting, February 20, 2023

Councilmember Ramsey made a Motion to approve the Minute from the previous meetings, which was Seconded by Mayor Pro Tem Brown. With no discussion, the Motion passed unanimously.

9. MONTHLY FINANCIAL REPORT

9.1. Finance Director Jeff Wilkins stated that the auditors are still working but are nearing the end of the process. He discussed the updated finances for February. He stated that we are doing well with revenues as property taxes have begun being received. He further stated that we are well ahead of the budget. He expects that revenues will be over what was forecasted last year. As far as expenditures, we are approximately 12% more than where we would like to be due to items being expensed earlier in the budget season. Also, he stated that we are able to use earned interest as a revenue source, which is unheard in the history of municipalities. The LGIP accounts are giving a significant increase throughout the year. In the future, he would like to utilize funds that are idle and invest them to draw more interest as well.

10. OLD BUSINESS

10.1. ORDINANCES:

Second Reading Ordinance 23-687, Moratorium Extension

During Council's Work Session on February 20, 2023, the First Reading of Ordinance 23-687, Moratorium Extension was approved for a Second Reading of Ordinance 23-687, Moratorium Extension to extend until August 1, 2023. The moratorium extension is imposed for certain types of residential subdivision/development and invokes the application of the pending ordinance doctrine. Staff and the Planning Commission recommends that the Ordinance 23-687, Moratorium Extension be imposed to allow necessary changes to be implemented to the zoning ordinance, comprehensive plan, and land use map. approved through August 1, 2023.

Councilmember Brewer made a Motion to approve the Second Reading of Ordinance 23-687, Moratorium Extension through August 1, 2023, which was Seconded by Councilmember Mayor Pro Tem Brown. With no Discussion, the Motion was approved 6-1, with Councilmember Hickey voting in opposition.

11. NEW BUSINESS

11.1. ACCOMMODATIONS TAX GRANT APPLICATIONS:

- York County Memorial Day Service
- York County Veterans Day Service
- Silver in the City Saturday Night Concerts
- Downtown Concert Series 2023
- York Summerfest 2023
- York Summerfest 5k & Afterparty

Councilmember Jarrett made a Motion to approve the six Accommodations Tax Grant Applications provided on the Agenda, which was Seconded by Councilmember Harrold. With no Discussion, the Motion was approved unanimously.

11.2. ORDINANCES:

- First Reading Ordinance 23-688, Procurement/Purchasing Amendment

City Council Meeting March 7, 2023

City Manager Dalton Pierce stated that in order to have a more structured approach and to do utilize tax dollars more efficiently, that the procurement code would need to be updated as follows:

Sec. 2-356 Not to Exceed \$1,500

Sec. 2-357 Exceeding \$1,501 but less than \$5,500

Sec. 2-358 Exceeding \$5,501 but less than \$25,000 Sec. 2-359 Single Purchase Orders Exceeding \$25,001 required competitive sealed bid

Sec. 2-361 Add Sole Source Procurement

Any request by an agency or department head that procurement be restricted to one potential source shall be accompanied by a letter from the using department signed by the department head stating why no other source will be suitable or acceptable to meet the needs. A contract may be aware for a property, supply, service, or construction item without competition when the City Manager or designee determines in writing that there is only one source for the required property, supply, service, or construction item or that the proposed award to a single source is a permitted, non-competitive procurement as established herein. After verification of a sole source vendor or the justification of a sole source purchase is warranted, the City Manager, or designee, has the authority to negotiate the price, terms, and conditions of the procurement. Councilmember Hickey made a Motion to approve Ordinance 23-688, Procurement/Purchasing Amendment as described, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was approved unanimously.

- First Reading Ordinance 23-689, Amendment, B-1 Central Business District Revisions

Planning Commission and staff were tasked with the revisions of the B-1 District prior to the Moratorium Ordinance being approved. The revisions have been finalized after being provided several times.

Councilmember Harrold made a Motion to Table Ordinance 23-689, Amendment B-1 Central Business District Revisions until the Work Session on March 20, 2023, for Council to have more time to discuss the items listed, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was approved unanimously.

- First Reading Ordinance 23-690, Rezoning Ratliff Heights

At the February 20, 2023, Work Session, Eastwood Homes provided Council with a presentation and proposal to rezone the Ratliff property at Carroll Avenue and Kings Mountain Street. The rezoning would be from R15 to R5.

Councilmember Brewer made a Motion to approve First Reading Ordinance 23-690, Rezoning Ratliff Heights, conditioned upon installation of sidewalks down Kings Mountain Street to Hillcrest Street in order to maintain continuity in walking all the way to the downtown area, either in the form of the developer installing it or providing the funding to the City to install the sidewalks, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved 6-1 by a show of hands, with Councilmember Ramsey voting in opposition.

- First Reading Ordinance 23-691, Equivalent Residential Unit Amendment

City Staff has reviewed the Sewer Equivalent Residential Unit (ERU) factor in the current City ordinance and found it to be outdated. With the current and future growth of the City, Staff is asking council to consider adopting and amending Article II of Sec. 44-58 to reflect a standard ERU of 325 gallons per day of Water and the SCDHEC calculations for loading found in Sec. 61-67 of the Standards for Wastewater Facilities and Construction.

City Council Meeting March 7, 2023

Councilmember Jarrett made a Motion to approve on First Reading Ordinance 23-691, Equivalent Residential Unit Amendment, which was Seconded by Councilmember Ramsey. In Discussion, it was clarified that this is basically an update to the Ordinance to allow engineers and future developments to accurately calculate the equal to residential unit in regard to various types of development. With no other Discussion, the Motion was approved unanimously.

12. MAYOR'S REPORT

Mayor Fuesser stated that Saturday, March 11, 2023, at 10:00am, The City will have a community clean up day. He stated that if anyone is interested that all participants will meet at the White Rose Mall parking lot. On April 15, 2023, the City will hold a citywide clean-up day. Mayor Fuesser requested that if anyone would like to participate to let him know by March 20, 2023. Also, the National Junior Reserve Officers Training Corps from York Comprehensive High School will be assisting with the City with this community project. Also, Moore Park will have improvements made. The City will pressure wash the gazebo, Lowe's has donated paint, while mulch has been donated by a local contractor. The York Historical Society has planned workdays for April 1 and April 15 to get the work accomplished at Moore Park. On March 24, 2023, The McCelvey Center will be placed on the National Register at 10:30am in Columbia. If anyone would like more information, please contact the mayor.

13. EXECUTIVE SESSION

13.1 To Discuss Personal Matter Related to Municipal Judge

Councilmember Hickey made a Motion to go into Executive Session to Discuss Personal Matter Related to Municipal Judge, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously.

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

14. UPON RETURNING TO OPEN SESSION, COUNCIL MAY TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Councilmember Brewer made a Motion to accept the resignation of Judge Faulkner for March 31, 2023, and appoint Judge Benfield starting April 1st for the remaining term of Judge Faulkner, which was Seconded by Councilmember Ramsey. The Motion was passed unanimously.

15. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously. The meeting Adjourned at 6:50 pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk

City of York



Memo

TO: Council

FROM: Chris White, Parks and Recreation Director

MEETING DATE: March 20, 2023

SUBJECT: Presentation - National Fitness Campaign (Fitness Court)

GENERAL INFORMATION

The City of York Parks and Recreation Department submitted an application for the National Fitness Campaign to receive a \$30,000 grant for an outdoor fitness court on February 14, 2023. Staff was notified on February 27, 2023, that the City has been awarded preliminary eligibility for the \$30,000 grant to participate in the 2023 Healthy Cities Campaign. This Grant Award was pending final approval, which occurred on an Award Call which took place on March 8, 2023.

There are two proposed locations for the Fitness Court, both at the Recreation Complex, central to the athletic fields and bike trail. Location one (1) would be the seldom used horseshoe court, and location two (2) would be the green space where the Veterans Memorial Monument was.

The \$30,000 Grant Award will be confirmed pending 1) the submission of a Resolution of Adoption, endorsed by your local governing body or appropriate council, and a countersigned copy of the attached formal GPR document within 60 days of the Award Call, 2) authorization to proceed, documented by formal funding confirmation (commonly a purchase order) and 3) confirmation of a scheduled shipping date for the Fitness Court and appropriate storage plans. Once set, GPR milestones must be met in order to maintain funding eligibility in the campaign.

** See attached video link for more information on the Fitness Court

STAFF RECOMMENDATIONS

Staff recommends that Council accept Resolution 23-03

ATTACHMENT(S):

- A. Resolution 23-03
- B. Exhibit A: [Video Link](#)
- C. Exhibit B: 2023 Funding Cycle Grant Program Requirements
- D. Exhibit C: Fitness Court Overview

REQUESTED ACTION

Request Council to Approve Resolution 23-03, Fitness Court

STATE OF SOUTH CAROLINA

)

COUNTY OF YORK

)

)

CITY OF YORK

RESOLUTION 23-03

RESOLUTION TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR FITNESS COURT® AS PART OF THE 2023 NATIONAL FITNESS CAMPAIGN

WHEREAS, the City of York has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2023 initiative to install and activate outdoor Fitness Courts® in 200 cities and schools across the country, and;

WHEREAS, the City of York will accept a \$30,000 National Grant from the NFC Grant Committee and Statewide partners, to promote and implement free-to-the public outdoor Fitness Court® and;

WHEREAS, the City of York will secure supplemental funding as needed through community sponsors, which will be made available and committed to this program for the purchase of the outdoor Fitness Court®, and;

WHEREAS, the City of York will commit to construction and launch of the outdoor Fitness Court® by the end of the 2023 calendar year, and;

WHEREAS, the City of York believes the outdoor Fitness Court® is an important wellness ecosystem that supports healthier communities, commits to funding/fundraising to participate in the NFC's 2023 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of York will collaborate with NFC to implement the outdoor Fitness Court® and make fitness free to community residents and visitors. Council of York, South Carolina:

ADOPTED in Council of the City of York, South Carolina, duly assembled this 20th day of March 2023.

Michael D. Fuesser, Mayor

ATTEST: _____
Municipal Clerk



York, SC - National Fitness Campaign 2023 Funding Cycle Grant Program Requirements (G.P.R.)

MILESTONE 1: ADOPTION

- **Summary:** Commit to project adoption and confirm matching funding
 - **Requirement A:** Countersigned Grant Program Requirements Document
 - **Deadline:** 3/10/2023
 - **Requirement B:** Resolution of Adoption or Letter of Support
 - **Deadline:** 4/5/2023
- *Purchase Order Will Satisfy Adoption Requirement if Submitted Within 60 Days of Grant Award

MILESTONE 2: AUTHORIZATION TO PROCEED - FUNDING CONFIRMED

- **Summary:** Execute budgeting and fundraising plan (as needed) and confirm total required funding
- **Requirement:** Funding confirmation document submitted to NFC for remaining program funding (typically P.O)*
- Refer to Official Quote and Funding Requirements Summary for details
- **Deadline:** 10/4/2023

MILESTONE 3: SHIPMENT FOR STORAGE

- **Summary:** Identify Fitness Court® storage location and schedule Fitness Court® delivery
- **Requirement:** Accept Fitness Court® delivery and store at a secure location, prepare to be invoiced for program funds
- **Deadline:** 10/5/2023 to 10/26/2023

MILESTONE 4: INSTALL CONCRETE SLAB & ART APPROVAL

- **Summary:** Review slab drawings & schedule concrete installer, confirm Fitness Court orientation, Approve art print preview
- **Requirement:** Install concrete slab (cure time of 28 days before Fitness Court® installation)
- **Deadline:** November 2023 - pending weather

MILESTONE 5: FITNESS COURT® ASSEMBLY

- **Summary:** Select Fitness Court® Assembly Team - NFC'S Installation Network is recommended. (includes art install)
- **Requirement:** Confirm installation timeline with NFC, provide completed installation photos for NFC inspection
- **Deadline:** December 2023 - pending weather

MILESTONE 6: PRESS LAUNCH CEREMONY

- **Summary:** hold Fitness Court® press launch event & ribbon cutting
- **Requirement:** Promote press release, hold launch event within campaign year (weather permitting)
- **Deadline:** January 2024 - pending weather

Trent Matthias, Director
National Fitness Campaign

Chris White, Parks & Recreation Director
York, SC

It is noted by the National Fitness Campaign and the municipality, school or organization listed above that this document in no way constitutes a binding agreement, or requirement to proceed with the NFC Program at any time. Formal commitment occurs upon receipt of complete local match funding by the program awardee, with submission of Funding Confirmation Documentation to National Fitness Campaign.

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: March 20, 2023

SUBJECT: Second Reading Ordinance 23-688, Procurement/Purchasing Amendment



GENERAL INFORMATION

The City needs to consider updating the procurement ordinance and its associated thresholds every so often due to the continual cost increases associated with purchases over time (i.e., inflation) to continue to do business in a timely manner for the benefit of the organization and community. The current procurement thresholds are substantially lower compared to municipalities with similar budget totals and populations. I am requesting City Council consider amending the current dollar amount thresholds for Article V. Purchasing Sec. 2-356 to 359 & 361.

STAFF RECOMMENDATIONS

Sec. 2-356 Not to Exceed \$1,500

Sec. 2-357 Exceeding \$1,501 but less than \$5,500

Sec. 2-358 Exceeding \$5,501 but less than \$25,000

Sec. 2-359 Single Purchase Orders Exceeding \$25,001 required competitive sealed bid

Sec. 2-361 Add Sole Source Procurement

Any request by an agency or department head that procurement be restricted to one potential source shall be accompanied by a letter from the using department signed by the department head stating why no other source will be suitable or acceptable to meet the needs. A contract may be awarded for a property, supply, service, or construction item without competition when the City Manager or designee determines in writing that there is only one source for the required property, supply, service, or construction item or that the proposed award to a single source is a permitted, non-competitive procurement as established herein. After verification of a sole source vendor or the justification of a sole source purchase is warranted, the City Manager, or designee, has the authority to negotiate the price, terms, and conditions of the procurement.

Examples of permissible, non-competitive procurement include, but are not limited to:

- When the City Manager and the Department Head has deemed the compatibility of equipment, accessories, services, systems, software or replacement of parts is to be of paramount importance.
- When public utility services are to be procured

ATTACHMENT(S):

Attachment #1: Ordinance 23-688

ACTION REQUESTED

Request Council Approval

CITY OF YORK

AMENDING THE PROCUREMENT CODE THRESHOLDS FOR ARTICLE V.
PURCHASING SEC. 2-356 TO 359 AND 361.

WHEREAS, York City Council finds that such revised ordinances will ultimately streamline and make the overall timeliness of doing business beneficial to the organization and community and make the application process more understandable for all involved;

Sec. 2-356 Not to Exceed \$1,500

Sec. 2-357 Exceeding \$1,501 but less than \$5,500

Sec. 2-358 Exceeding \$5,501 but less than \$25,000

Sec. 2-359 Single Purchase Orders Exceeding \$25,001 required competitive sealed bid

Sec. 2-361 Exemptions - Add Sole Source Procurement

Any request by an agency or department head that procurement be restricted to one potential source shall be accompanied by a letter from the using department signed by the department head stating why no other source will be suitable or acceptable to meet the needs. A contract may be awarded for a property, supply, service, or construction item without competition when the City Manager or designee determines in writing that there is only one source for the required property, supply, service, or construction item or that the proposed award to a single source is a permitted, non-competitive procurement as established herein. After verification of a sole source vendor or the justification of a sole source purchase is warranted, the City Manager, or designee, has the authority to negotiate the price, terms, and conditions of the procurement.

Examples of permissible, non-competitive procurement include, but are not limited to:

- When the City Manager and the Department Head has deemed the compatibility of equipment, accessories, services, systems, software or replacement of parts is to be of paramount importance.
- When public utility services are to be procured

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Second Reading:

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: March 20, 2023

SUBJECT: Ordinance 23-691, ERU Amendment



GENERAL INFORMATION

Ordinance 23-691, Equivalent Residential Unit Amendment

City Staff has reviewed the Sewer Equivalent Residential Unit (ERU) factor in the current City ordinance and found it to be outdated. With the current and future growth of the City, Staff is asking council to consider adopting and amending Article II of Sec. 44-58 to reflect a standard ERU of 325 gallons per day of Water and the SCDHEC calculations for loading found in Sec 61-67 of the Standards for Wastewater Facilities and Construction.

STAFF RECOMMENDATIONS

Sec. 44-58. - Development of capacity fees.

The methodology utilized for developing the water and wastewater capacity fees relies upon the cost of major system facilities as well as the system capacities in order to calculate an estimated cost per unit (gallon) of capacity. For purposes of developing the capacity fees, the city hereby adopts a water level of service (LOS) standard of 325 gpd per equivalent residential unit (ERU). ~~Similarly,~~ The wastewater LOS for one ERU is set at a level ~~of 275 gpd~~ in compliance with Sec.61-67 of the SCDHEC Standards for Wastewater Facilities and Construction. These LOS levels are developed based on the service needs of a ~~typical residential~~ connection to a wastewater facility.

Applying the LOS standards to the estimated unit costs per gallon of capacity results in the water and wastewater capacity fees, which are on file and available in the offices of the city.

ATTACHMENT(S):

Attachment #1: Ordinance 23-691 Equivalent Residential Unit

REQUESTED ACTION

Requesting Council's Approval

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 23-691

AMENDING ARTICLE II SEC. 44-58 OF THE SEWER EQUIVALENT
RESIDENTIAL UNIT (ERU) AND SEC. 61-67 OF THE STANDARDS FOR
WASTEWATER FACILITIES AND CONSTRUCTION.

WHEREAS, the City Council and Utilities Department finds that amending
ARTICLE II SEC. 44-58 of the Sewer Equivalent Residential Unit
(ERU) and SEC. 61-67 of the standards for the wastewater facilities
and construction is necessary for the growth of the City moving
forward; and

WHEREAS, the City Council and Utilities Department finds that ARTICLE II SEC.
44-58 should reflect a standard ERU of 325 gallons per day of Water
and the SCDHEC calculations for loading found in SEC. 61-67 of the
Standards for Wastewater Facilities and Construction.

NOW, THEREFORE, BE IT ORDAINED in Council assembled on the dates hereafter
set forth that York City Council does herewith amend ARTICLE II SEC. 44-58 of the
Sewer Equivalent Residential Unit (ERU) and SEC. 61-67 of the Standards for the
Wastewater Facilities and Construction as follows:

Sec. 44-58. - Development of capacity fees.

The methodology utilized for developing the water and wastewater capacity
fees relies upon the cost of major system facilities as well as the system
capacities in order to calculate an estimated cost per unit (gallon) of capacity.
For purposes of developing the capacity fees, the city hereby adopts a water
level of service (LOS) standard of 325 gpd per equivalent residential unit
(ERU). ~~Similarly,~~ The wastewater LOS for one ERU is set at a level ~~of 275~~
~~gpd~~ in compliance with Sec.61-67 of the SCDHEC Standards for Wastewater
Facilities and Construction. These LOS levels are developed based on the
service needs of a ~~typical residential~~ connection to a wastewater facility.

Applying the LOS standards to the estimated unit costs per gallon of capacity results in the water and wastewater capacity fees, which are on file and available in the offices of the city.

MICHAEL D. FUESSER, MAYOR

ATTEST: _____
Municipal Clerk

First Reading: _____

Second Reading: _____