

**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**  
**Meeting Agenda Amended**  
**Tuesday, April 4, 2023**  
**Meeting at 6:00 PM**

1. **WELCOME AND CALL TO ORDER** **MAYOR MIKE FUESSER**
2. **PRAYER** **MAYOR PRO TEM ED BROWN**
3. **PLEDGE OF ALLEGIANCE** **MAYOR MIKE FUESSER**
4. **PRESENTATIONS**
  - 4.1. New Employee – Danielle Carilli **CITY MANAGER DALTON PIERCE**
  - 4.2. New Employee – Lynne Benfield **CITY MANAGER DALTON PIERCE**
5. **PUBLIC HEARING**
  - Ordinance 23-693 Redistricting
  - Ordinance 23-689, Amendment B-1 Central Business District Revisions
  - Ordinance 23-690, Rezoning Ratliff Heights
6. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**
7. **CITY MANAGER'S REPORT** **CITY MANAGER DALTON PIERCE**
  - 7.1 Finance Policy\*
  - 7.2 FY21-22 Audit Update
  - 7.3 City Park Phase II Update
8. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
  - 8.1. Council Work Session, March 20, 2023, and Special Called Meeting, March 20, 2023\*
9. **MONTHLY FINANCIAL REPORT** **FINANCE DIRECTOR JEFF WILKINS**
10. **OLD BUSINESS**
  - 10.1. ORDINANCES:
    - First Reading Ordinance 23-693 Redistricting\*

*\* Denotes Vote Required*

- First Reading Ordinance 23-689, Amendment, B-1 Central Business District Revisions\*
- First Reading Ordinance 23-690, Rezoning Ratliff Heights\*

#### 10.2. DISCUSSIONS:

- Boards & Commissions Applications
- Derelict Structures Update – 5 and 9 Springdale Dr

### 11. NEW BUSINESS

#### 11.1. EVENT APPLICATIONS\*

- Memorial Day Family Festival
- Memorial Day Service
- Juneteenth Celebration
- York County Employee Appreciation Luncheon

#### 11.2. ORDINANCES

- First Reading Ordinance 23-692, Local Revenue Service\*

### 12. MAYOR'S REPORT

**MAYOR MIKE FUESSER**

### 13. EXECUTIVE SESSION

13.1 To Discuss Personnel Matters related to all the City of York Departments

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

### 15. ADJOURN

*\* Denotes Vote Required*

# City of York



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## Memo

**TO:** Mayor and Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** April 4, 2023

**SUBJECT:** Presentations - New Employees

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### **GENERAL INFORMATION**

#### **New Employee – Danielle Carilli**

Danielle Carilli is the new Community Events Assistant. She recently moved from New York to the area with her husband and four children. Danielle has a Master's degree in education and served as a teacher for a number of years before taking a job with the Town of Brookhaven Parks and Recreation Department as a Program Coordinator. During her 3.5 years there, she led a team and facilitated several large events. Her experience with Brookhaven and working for a large community will prove to be vital as the City of York's Community Events Department continues to grow.

#### **New Employee – Judge Lynne Benfield**

Tonight, we have the privilege to introduce Judge Lynne Benfield as the new Municipal Court Judge for the City of York as of April 1, 2023. Judge Benfield was born and raised in York, which is where she has lived with her husband of 53 years. She has three grown children and five grandchildren. In 1973, Judge Benfield began working for the York County Clerk of Court. Then, in 1994, she was appointed to the York/Bethesda Magistrate office by Governor Carroll Campbell to fill the unexpired position of Judge Marvin Smith. Judge Benfield has been the York/Bethesda Magistrate for twenty-eight and half years, with thirteen and a half of those years being the Chief Magistrate for York County. From 1999 until 2008, she was a part time York City Judge. Judge Benfield looks forward to what the future holds for her here at the City of York.

# City of York

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## Memo

**TO:** Mayor & Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** April 4, 2023

**SUBJECT:** Public Hearing

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**Before enacting or amending certain ordinances, City Council shall hold a Public Hearing at which parties in interest and citizens shall have an opportunity to be heard. Each item below will constitute a separate Public Hearing and speakers will be recognized for up to five (5) minutes. City of York residents may be recognized first by the Mayor.**

### **GENERAL INFORMATION**

#### **Ordinance 23-693, Redistricting**

Council has been working diligently with Dr. Ruoff to reapportion the election districts and preserve the communities of interest. Together they have resolved the malapportioned districts and have a solution for redistricting that would greatly benefit those communities of interest through the reapportionment designated in the attachments.

### **STAFF RECOMMENDATIONS**

Staff recommends adopting First Reading Ordinance 23-693 Redistricting, which is formulated from the NAACP proposal from prior Council meetings and Work Sessions.

### **ATTACHMENTS**

- A. Ordinance 23-693 Redistricting
- B. City Council Plan 1 Statistics
- C. City of York Council Plan 1

### **REQUESTED ACTION**

Request Council Approval for First Reading Ordinance 23-693 Redistricting for a Second Reading to be adopted on April 17, 2023.

**Before enacting or amending certain ordinances, City Council shall hold a Public Hearing at which parties in interest and citizens shall have an opportunity to be heard. Each item below will constitute a separate Public Hearing and speakers will be recognized for up to five (5) minutes. City of York residents may be recognized first by the Mayor.**

#### **GENERAL INFORMATION**

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

Council and the Planning Commission have been working to provide revisions for the B-1 Central Business District. During Council's Work Session on March 20, 2023, Councilmembers reviewed the latest revisions of the B-1 Central Business District that were previously completed by the Planning Commission. Planning Commission has resubmitted their revisions for the final time.

#### **STAFF RECOMMENDATIONS**

Staff recommends untabling and adopting First Reading Ordinance 23-689 Amendment B-1 Central Business District Revisions, which updates local businesses in the specified district within city limits.

#### **ATTACHMENTS**

- A. Ordinance 23-689 Amendment B-1 Central Business District Revisions

#### **REQUESTED ACTION**

Request Council Approval for First Reading Ordinance 23-689 Amendment B-1 Central Business District Revisions for a Second Reading to be adopted on April 17, 2023.

**Before enacting or amending certain ordinances, City Council shall hold a Public Hearing at which parties in interest and citizens shall have an opportunity to be heard. Each item below will constitute a separate Public Hearing and speakers will be recognized for up to five (5) minutes. City of York residents may be recognized first by the Mayor.**

### **GENERAL INFORMATION**

#### **Ordinance 23-690, Rezoning Ratliff Heights**

On February 20, 2023, Eastwood Homes presented Council with a rezoning proposal for a residential project, Ratliff Heights, located in the Kings Mountain Street and Carroll Avenue area. Council made a Motion to adopt the Ordinance 23-690 Rezoning Ratliff Heights with the condition upon installation of sidewalks to extend into the downtown area by the developer or the developer providing the funding for the installation of sidewalks. Joe Lesch, with Eastwood Homes, has gone before the Board of Zoning Appeals and comes before Council again with the rezoning proposal for the new residential development to be approved.

### **STAFF RECOMMENDATIONS**

Staff recommends adopting the Ordinance 23-690 Rezoning Ratliff Heights, with the condition of the developer installing or funding the installation of sidewalks to extend into the downtown area from the Ratliff property, and meeting requirements from Board of Zoning Appeals.

### **ATTACHMENTS**

- A. Ordinance 23-690, Rezoning Ratliff Heights
- B. Letter to David Breakfield
- C. Sidewalk Quantity Estimate

### **REQUESTED ACTION**

Request Council Approval for Second Reading Ordinance 23-690 Rezoning Ratliff Heights.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-693

TO PROVIDE FOR THE ADOPTION OF A SIX-SINGLE-MEMBER-DISTRICT REAPPORTIONMENT PLAN FOR THE CITY OF YORK; SUCH PLAN PROVIDING FOR A COUNCILMEMBER TO BE ELECTED FROM EACH DISTRICT, THE METHOD OF ELECTION, AND FOR THE SUBMISSION OF SUCH PLAN TO THE ATTORNEY GENERAL OF THE UNITED STATES FOR REVIEW

WHEREAS, Statutes for the State of South Carolina have in recent years amended the location and number of precincts required in elections; and,

WHEREAS, it is required that single-member districts for Council members be redrawn after each ten (10) year United States Census and reports thereof are made available; and,

WHEREAS, based upon the 2020 Census, a new districting plan must be approved and accepted by the City; and,

WHEREAS, 2020 Census Bureau statistics reveal disproportionate variance among certain districts; and,

WHEREAS, in keeping with the requirements of the Constitutions of the United States and the State of South Carolina, the City Council of York has determined it to be in the public interest to reapportion; and,

WHEREAS, the City of York, with the assistance of the South Carolina State Budget and Control Board, Office of Research and Statistics, has submitted a plan reapportioning the council districts of the City of York, and the City of York finds such plan to be a proper one for the City of York and in accord with the public interest;

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina:

Section 1. The City of York is divided into six (6) districts, as set forth and described in Exhibit to the ordinance.

Section 2. The City of York shall consist of six (6) council members and the mayor.

Section 3. Each of the aforementioned districts shall be represented on the city council by one (1) councilmember, who must be a resident of such district and remain so during his or her term of office, elected by the qualified voters of the district and not at large.

BE IT FURTHER ORDAINED:

- Section 4. The six-single-member-district reapportionment plan for the redistricting of the City of York, such plan being attached to this ordinance and designated as *York City Council NAACP Proposal 2-A Demographics*, together with a copy of the map showing district lines, also attached to this ordinance and designated as *City of York NAACP Proposal 2-A* is hereby adopted.
- Section 5. The redistricting plan shall be effective for any City Council election held after the effective date hereof.
- Section 6. This ordinance in no way affects the current system for the election of a mayor or the current staggered system of electing council members from respective districts.
- Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion, and such wording shall not affect the validity of the remaining portions hereof.
- Section 8. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- Section 9. This ordinance shall become effective upon ratification.

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

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Michael D. Fuesser, Mayor

ATTEST:

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Municipal Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_



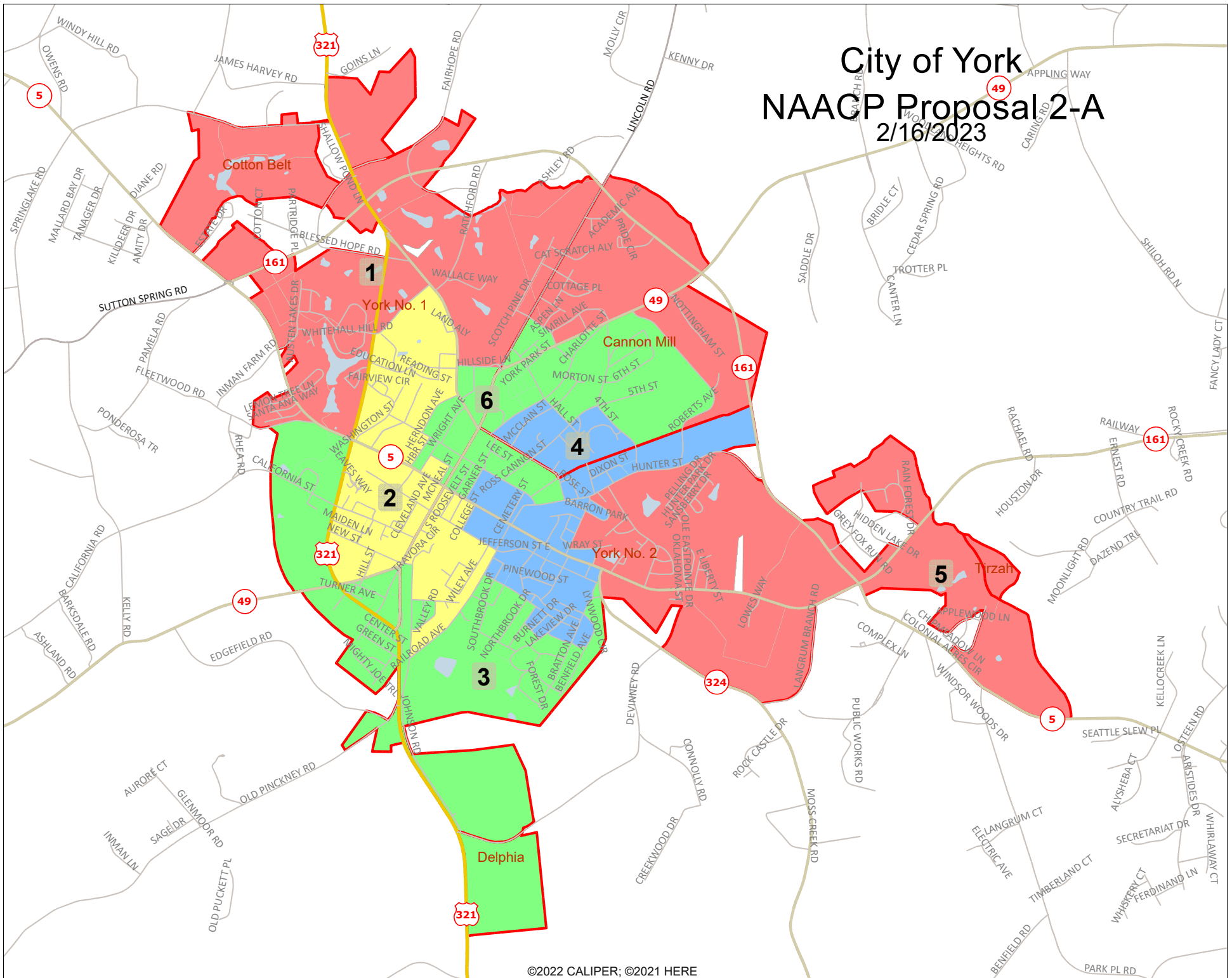
**York City Council**  
**NAACP Proposal 2-A 02/16/2023**

Population											
	Deviation			NH DOJ Black		NH White		Hispanic		NH Other	
District	Population	#	%	#	%	#	%	#	%	#	%
1	1,457	5	0.3%	334	22.9%	932	64.0%	123	8.4%	68	4.7%
2	1,426	(26)	-1.8%	837	58.7%	500	35.1%	55	3.9%	34	2.4%
3	1,432	(20)	-1.4%	850	59.4%	471	32.9%	61	4.3%	50	3.5%
4	1,406	(46)	-3.2%	380	27.0%	766	54.5%	190	13.5%	70	5.0%
5	1,531	79	5.4%	523	34.2%	888	58.0%	83	5.4%	37	2.4%
6	1,457	5	0.3%	297	20.4%	855	58.7%	222	15.2%	83	5.7%
Total	8,709	(3)		3,221	37.0%	4,412	50.7%	734	8.4%	342	3.9%

Target Population = 1,452  
Total Deviation = 8.6%

Voting Age Population										
		NH DOJ Black			NH White		Hispanic		NH Other	
District	Population	#	%	#	%	#	%	#	%	
1	1,069	221	20.7%	723	67.6%	71	6.6%	54	5.1%	
2	1,084	596	55.0%	429	39.6%	39	3.6%	20	1.8%	
3	1,020	600	58.8%	348	34.1%	40	3.9%	32	3.1%	
4	1,025	274	26.7%	613	59.8%	96	9.4%	42	4.1%	
5	1,074	342	31.8%	664	61.8%	43	4.0%	25	2.3%	
6	1,081	199	18.4%	694	64.2%	130	12.0%	58	5.4%	
Total	6,353      -	2,232	35.1%	3,471	54.6%	419	6.6%	231	3.6%	

# City of York NAACP Proposal 2-A 2/16/2023



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 III, Definitions by adding the following:

- Gift shop: a shop that sells souvenirs and small items suitable to be given as presents.
- Antique shop: a retail store specializing in the selling of collectible objects such as a piece of furniture or work of art that has a high value because of its considerable age.
- Thrift store: a store selling secondhand clothes and other household goods (typically to raise funds for a charitable institution).

#### 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. Digital technology.
3. Art supply store or gallery.
4. Book, magazine or newspaper store.
5. ~~Barber and beauty shops.~~
6. Bakery
7. Candy store.
8. Clothing store.
9. Drug store.
10. Grocery/specialty food store.
11. Guesthouse.
12. Motel
13. Residence above business use.
14. Gift shop
15. Furniture store.
16. Insurance and real estate agencies.
17. Newspaper office.
18. Jewelry store.
19. Hobby, toy store.
20. Sporting goods store.
21. Notion or general store.
22. Restaurant.
23. ~~Nonprofit~~

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

1. Bank
2. Bicycle repair and sales shop.
3. Dressmaker, seamstress, tailor.
4. Furniture repair.
5. Locksmith or gunsmith.
6. Schools offering instruction in art, music, dance, drama, physical fitness.
7. Shoe repair shop.
8. Spa/fitness center.
9. Theater (not drive-in).

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

1. ~~Automobile sales and service~~
2. Contractors' offices, provided no storage of **contractor** vehicles, equipment or materials on the premises or other public rights-of-way.
3. 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.
4. ~~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.~~
5. Pet shop, provided that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
6. 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.
7. 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.
8. *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.
  - e.
9. 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 200 feet from customer entrance to any established "brick and mortar" restaurant (or with written exception, 100 ft separation is allowed);
  - 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 three mobile food vendors 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 (Original comment was to consider flat fee for one day event instead

of purchasing business license. This is only allowed for special events but not individual food trucks outside of a special event);

- o. No vendor shall:
- p. Leave any vehicle unattended;
- q. Store, park or leave any vehicle overnight on any street or sidewalk;
- r. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales by the vendor;
- s. Solicit or conduct business with persons in motor vehicles;
- t. Sell anything other than that for which a license to vend has been issued;
- u. 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;
- v. 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;
- w. Change vending locations without first notifying the planning department and submitting the required permissions and site plan; and
- x. 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. Funeral home
- 5. Flea markets
- 6. Barber or beauty shops
- 7. Hardware store/lumber distributor
- 8. Government office
- 9. Telephone/internet office
- 10. Tire sales and service- Allow by special exception or prohibit?
- 11. New and used automobile sales- Allow by special exception or prohibit?
- 12. Printing shop
- 13. Church/nonprofit

14. Adult day care facility.
15. Thrift store
16. Building material supplier
17. Doctors' and dentists' offices
18. Dry cleaning and laundry facility.
19. Entertainment or game facility
20. Brewpub
21. Microbrewery
22. Wine bar
23. Youth center (dancing and music for citizens under 18 years of age without alcoholic beverages being served).

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].

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MICHAEL D. FUESSER, MAYOR

ATTEST:

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Municipal Clerk

First Reading:

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Public Hearing:

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Second Reading:

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STATE OF SOUTH CAROLINA

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CITY OF YORK

COUNTY OF YORK

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ORDINANCE 23-690

AMENDING APPENDIX A, ZONING ORDINANCE AND OFFICIAL ZONING MAP BY REZONING PROPERTY REFERENCED BY YORK COUNTY TAX MAP ID NUMBER 0700209023 FROM R15- RESTRICTED RESIDENTIAL TO R5- MULTIFAMILY RESIDENTIAL

- WHEREAS, the York City Council and Planning Commission find that a rezoning application has been received for property referenced by York County Tax Map Identification # 0700209023 and located near the intersection of Kings Mountain Street and Carroll Avenue;
- WHEREAS, the York City Council and Planning Commission find that the Official Zoning Map may be revised if the proposed change is found to be in compliance with the Future Land Use Map and overall Comprehensive Plan; and
- WHEREAS, the York City Council and Planning Commission find that the proposed rezoning application substantially complies with the Future Land Use Map and numerous important objectives of the Comprehensive Plan.

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 the Zoning Ordinance and Official Zoning Map by rezoning the property identified by York County Tax Map Identification # 0700209023 and located near the intersection of Kings Mountain Street and Carroll Avenue from R15- Restricted Residential to R5- Multifamily Residential.

MICHAEL D. FUESSER, MAYOR

- ATTEST:
- Municipal Clerk
- First Reading:
- Public Hearing:
- Second Reading:



Eastwood Construction Partners LLC dba Eastwood Homes

Charlotte Division

2857 Westport Road

Charlotte, NC 28208

Phone: 704.399.4663

March 24, 2023

Mr. David Breakfield  
Planning Director  
City of York  
10 N. Roosevelt Street  
York, SC 29745

David,

Eastwood Homes is very excited about the neighborhood we have planned for Mrs. Ratliff's property. I believe she is as well. It will be a very sought after community in the heart of York and serve as a great gateway and transition to the historic district and downtown York.

With the second reading of our rezoning coming before the City Council on April 4, 2023, I wanted to write to you about some concerns that were mentioned by Council and members of the BZA. There were 3 items that I wanted to address specifically.

1. Density: A BZA member asked that we consider reducing the number of homes in our neighborhood. As you are aware, we first came to the Planning Commission with a mix of single family detached homes and townhomes with a total of 169 units. Although we think a mix of housing types and the density were appropriate for the site and consistent with your adopted Comprehensive Plan and Guiding Principles, we listened to their concerns and eliminated the townhomes and reduced the total units to 133. This number of single family detached homes gave us an overall density of 2.98 units per acre. This compares to an average density of 3.65 units per acre that have been approved by the Planning Commission, BZA and Council over the past couple of years. Planning Commission then unanimously recommended approval of our project.
2. On-street parking: Some BZA members expressed concern over on-street parking in our planned neighborhood. While this is typical in most neighborhoods and can actually help to reduce traffic speeds on the roads, I believe they thought our driveways would not allow adequate parking on each lot. In fact, our driveways would allow 2 cars to be parked which doesn't include the 2 additional spaces in the garage. However, in response to their concern, we will add language to our HOA documents that limit on street parking in the neighborhood.
3. Off-site sidewalk: City Council approved the first reading with an additional condition that we extend the sidewalk from Mrs. Ratliff's property along Kings Mountain Street to Hillcrest Drive. This condition had not been discussed with Eastwood during this process. We had committed to

building sidewalk on the Ratliff property along the frontage on Kings Mountain Street as part of our project.

After the meeting we asked our engineer to prepare a construction estimate for the additional sidewalk as requested by Council. The construction estimate (attached) for the sidewalk was just under \$80,000. That does not include any right-of-way or easements that may be needed. The distance from the Ratliff property to Hillcrest Drive is approximately 1200 feet. That distance and the estimate included the parcels nearer to Hillcrest Drive that have been approved for Townhomes. These townhomes will be required to build sidewalk on their property when they are built. The remainder of the sidewalk will cross yards of existing homes and a small Church along Kings Mountain Street.

Eastwood would like to offer a contribution towards the construction of the sidewalk of \$50,000 to the City of York. We think this offer is generous and will cover the construction costs of the sidewalk outside of the townhome property. Since the project is off-site and involves other property owners, the City of York is in a better position to bring it to fruition.

I want to emphasize that our proposed design preserves the double row of pecan trees along Mrs. Ratliff's driveway as well as the large specimen trees on her property by incorporating them into our planned open space and community center. We will also carefully landscape along Kings Mountain street respective of its importance as a gateway into York and include a plaque identifying the rich history of the property in the City of York.

Please share this letter with Council and BZA and I look forward to speaking with both at our upcoming meetings. I appreciate all of your help.

Thank you,



Joe Lesch  
Land Entitlement Manager  
[jlesch@eastwoodhomes.com](mailto:jlesch@eastwoodhomes.com)  
704-942-7435

## Engineer's Opinion of Estimated Cost from Concept Plan

### Ratliff Heights

3/13/2023

Approximately 1,240 LF of off-site sidewalk Construction

<u>DESCRIPTION</u>	<u>QTY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
<b><u>Off-Site Sidewalk</u></b>				
Import and earthwork grading	460	CY	\$ 26.00	\$ 11,960.00
5' Wide Sidewalk	6,200	SF	\$ 8.63	\$ 53,506.00
Curb Ramp	2	EACH	\$ 1,200.00	\$ 2,400.00
SUB TOTAL				\$ 67,866.00
TOTAL PROJECT				\$ 67,866.00

This estimate does not include the following:

- obtaining right-of-way
- 'Repair of private fencing
- 'Repair of private driveways
- 'Storm water conveyance
- Utility relocation
- Signage relocation
- Traffic Control for work areas
- Tree Removal

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** April 4, 2023

**SUBJECT:** City Manager's Report

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### **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. Council and staff reviewed the Finance Policy 2023 for the first time in the Council Work Session on March 20, 2023.

### **STAFF RECOMMENDATIONS**

After Council and staff have reviewed the Finance Policy 2023, they recommend Council approve the policy as submitted.

### **ATTACHMENTS**

Attachment #1: Finance Policy 2023

### **REQUESTED ACTION**

Council's Approval for Finance Policy 2023

### **GENERAL INFORMATION**

#### **FY21-22 Audit Update**

The City has provided all the necessary financial information to Greene Finney Cauley, LLP, for all activities in FY21-22. Greene Finney Cauley, LLP is awaiting a report from the State of South Carolina and clarifying disbursements from York County. The City is hopeful of receiving a preliminary draft of the FY21-22 Audit soon.

### **REQUESTED ACTION**

No Action Requested

### **GENERAL INFORMATION**

#### **City Park Phase II Update**

The City received 90% complete civil and landscaping plans to review and approve from Keck & Wood. The City went before the Board of Architectural Review for approval of a certificate of appropriateness. Also, the City is prepared to receive architectural and electrical submittals for review and approval from Keck & Wood. Keck & Wood is compiling all necessary documents to generate a procurement document with the Catawba Regional Council of Governments to review prior to the bid letting, which is hopeful of occurring by the end of April.

### **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 and/or City Manager. 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, via email or in person at a City Council Meeting, City Council and the City Manager of investment transfers over \$500,000. 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 \$5,001.00 but less than \$25,000.00.**

Single purchase orders exceeding \$5,001.00, 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.**

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# City Council Work Session March 20, 2023

**DATE AND TIME:** Monday, March 20, 2023, 05:00 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  
Human Resources Director Sarah Ramirez  
Recreation Director Chris White

## **Others Present:**

(See Sign-in Sheet)

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### **1. WELCOME AND CALL TO ORDER**

Mayor Mike Fuesser

- Mayor called the meeting to order at 5:00 pm

### **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**

Council thoroughly reviewed Ordinance 23-689, Amendment B-1 Central Business District Revisions to ensure the coherence of the definitions of the conditions and special exceptions of the B-1 Central Business District revisions. Final revisions will be made and Council plans to hold a First Reading on the Ordinance on April 4, 2023.

#### **4.2. Ordinance 23-692, Local Revenue Service Update**

Finance Director Jeff Wilkins stated that in 2020, the state required an Ordinance to be adopted for Business Licenses. MASC has been working towards rebranding the collection of programs, which programmized a new name of Local Reserve Service. By law, the Ordinance must be adopted, which then enables the agreement and supplement to be adopted along with it. The percentage of fees is typical and allows for the state to protect the municipality. Having a First Reading in April and a Second Reading in May will allow for the adoption of the Ordinance by the deadline of May 26, 2023.

#### **4.3. City of York Finance Policy**

Staff has drafted a financial policy that outlines how the City plans to spend and invest the City's finances. The policy provides a transparent outlook to what the City is doing with public funding



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## City Council Work Session March 20, 2023

and adds a sound plan in place in case of economic deficits. Council gave positive feedback for the financial policy.

### 4.4. City of York Street Acceptance Policy

Staff has drafted a street acceptance policy to distinguish ownership of roadways that will prove valuable with all the new developments coming into the City. Council and auditors will have the ability to verify which roads are owned by the City. Maintenance costs will be reduced by establishing the policy of ownership of roadways now.

### 5. ADJOURN

Councilmember Hickey made a Motion to Adjourn the Work Session and enter the Special Called Meeting, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously. The Work Session Adjourned at 5:56pm.

Respectfully Submitted,



Amy Craig  
Municipal Clerk

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# City Council Special Called March 20, 2023

**DATE AND TIME:** Monday, March 20, 2023, Immediately Following Work Session

## **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  
Human Resources Director Sarah Ramirez  
Recreation Director Chris White

## **Others Present:**

(See Sign-in Sheet)

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### **1. WELCOME AND CALL TO ORDER**

Mayor Mike Fuesser

- Mayor called the meeting to order at 5:56 pm

### **2. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

- Council Meeting, March 7, 2023  
Councilmember Jarrett made a Motion to approve the Minutes from March 7, 2023, as written, which was Seconded by Mayor Pro Tem Brown. The Motion passed unanimously.

### **3. PRESENTATION**

#### **3.1. Resolution 23-03, Fitness Court**

Recreation Director Chris White shared a presentation for a Fitness Court to be located at the Recreation Complex. The Fitness Court will consist of a 2,000 square foot court that allows the community free access to utilize for personal fitness, rather than costs of a gym membership. A \$30,000 grant has been awarded by National Fitness Campaign on the condition that City of York will meet eligibility requirements. There are two possible locations within the Recreation Complex for the Fitness Court.

Councilmember Brewer made a Motion to sign and adopt Resolution 23-03, Fitness Court, which was Seconded by Councilmember Hickey. In Discussion, security provisions for the Fitness Court were shared. Also, Impact Fees were discussed as a means of paying for the completion of the Fitness Court, but with potential corporate sponsors and other grants, the Impact Fees may not have to be used. With no other Discussion, the Motion was approved unanimously.

### **4. ORDINANCES**

- Second Reading Ordinance 23-688, Procurement/Purchasing Amendment  
For a more structured approach and to utilize tax dollars more efficiently, 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

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## City Council Special Called March 20, 2023

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 Second Reading Ordinance 23-688, Procurement/Purchasing Amendment as described, which was Seconded by Councilmember Brewer. With no Discussion, the Motion was approved unanimously.

- Second 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.

Councilmember Jarrett made a Motion to approve on Second Reading Ordinance 23-691, Equivalent Residential Unit Amendment, which was Seconded by Councilmember Hickey. With no Discussion, the Motion was approved unanimously.

### 5. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Councilmember Harrold. The Motion was adopted unanimously. The meeting Adjourned at 6:26 pm.

Respectfully Submitted,



Amy Craig  
Municipal Clerk



## Budget Financial Dash Board

### Revenues

Fund Type	Revenue Source	FY 22-23 Adopted Budget
General		
	Property Taxes	\$ 3,500,000
	Vehicle Taxes	\$ 325,000
	Franchise Fees	\$ 630,000
	Business License	\$ 685,000
	Business License - Ins.	\$ 1,130,000
	Building Permits	\$ 225,000
	Earned Interest	\$ 8,000
	Shared State Revenue	\$ 375,000
	Recreation Fees	\$ 60,000
	Court Fines/Fees	\$ 40,000
	Transfer from Hospitality	\$ 115,000
	Sale of Fixed Assets	\$ 5,000
	Police Special Duty	\$ 65,000
	Police Grants	\$ 31,000
	Fees in Lieu of Taxes	\$ 120,000
	State SRO Grant	\$ 195,000
	Delinquent Taxes	\$ 185,000
		\$ 7,694,000
Fund Type	Revenue Source	FY 22-23 Adopted Budget
Utilities		
	Water/Sewer Receipts	\$ 2,730,000
	Base Charge	\$ 1,475,000
	DHEC Charges	\$ 75,000
	Earned Interest	\$ 500.00
	Transfer from Capacity	\$ 150,000.00
	Penalty	\$ 75,000.00
	Water/Sewer Taps	\$ 50,000.00
	Connection Fees	\$ 35,000.00
	Meter Installation	\$ 50,000.00
	Admin Fees	\$ 34,000.00
	Pretreatment	\$ 20,000.00
	Hydrant Repair/Maint.	\$ 38,000.00
		\$ 4,732,500.00
Fund Type	Revenue Source	FY 22-23 Adopted Budget
Tourism		
	Hospitality Tax	\$ 625,000

ATAX	\$ 100,000
	\$ 725,000.00

Fund Type	Revenue Source	FY 22-23 Adopted Budget
Capacity Fees		
	Capacity Fee	\$ 717,000
		\$ 717,000

Fund Type	Revenue Source	FY 22-23 Adopted Budget
Impact Fees		
	Recreation Impact Fees	\$ 450,000
	Fire Protection Imp. Fees	\$ 110,000
	Municipal Impact Fees	\$ 157,000
		\$ 717,000

Q1 Total	Q2 Total	Yearly Total	% of Budget
\$ 388,154	\$ 3,052,207	\$ 3,440,361	98%
\$ 64,374	\$ 78,979	\$ 143,353	44%
\$ 321	\$ 177,035	\$ 177,356	28%
\$ 79,018	\$ 274,543	\$ 353,561	52%
\$ 149	\$ -	\$ 149	0%
\$ 162,827	\$ 136,610	\$ 299,437	133%
\$ 11,314	\$ 29,634	\$ 40,948	512%
\$ 56,052	\$ 219,738	\$ 275,790	74%
\$ 6,199	\$ 19,602	\$ 25,801	43%
\$ 12,799	\$ 14,373	\$ 27,172	68%
\$ 19,167	\$ 38,333	\$ 57,500	50%
\$ 9,463	\$ 10,835	\$ 20,298	406%
\$ 10,800	\$ 15,475	\$ 26,275	40%
\$ 34,707	\$ 90	\$ 34,796	112%
\$ -	\$ 94,911	\$ 94,911	79%
\$ -	\$ 167,255	\$ 167,255	86%
\$ 32,571	\$ 12,336	\$ 44,907	24%
\$ 887,914	\$ 4,341,955	\$ 5,229,869	68%
Q1 Total	Q2 Total	Yearly Total	% of Budget
\$ 1,133,045	\$ 246,322	\$ 1,379,367	51%
\$ 397,505	\$ 404,194	\$ 801,700	54%
\$ 20,058	\$ 20,283	\$ 40,341	54%
\$ 443.70	\$ 17,431.00	\$ 17,874.70	3575%
\$ -	\$ 180,000	\$ 180,000	120%
\$ 29,419	\$ 13,284	\$ 42,703	57%
\$ 17,883	\$ 2,716	\$ 20,599	41%
\$ 13,500	\$ 14,640	\$ 28,140	80%
\$ 46,247	\$ 59,532	\$ 105,779	212%
\$ 14,030	\$ 9,998	\$ 24,028	71%
\$ 7,231	\$ 3,873	\$ 11,104	56%
\$ 11,594	\$ 11,882	\$ 23,476	62%
\$ 1,690,955.73	\$ 984,155.38	\$ 2,675,111.11	57%
Q1 Total	Q2 Total	Yearly Total	% of Budget
\$ 131,517	\$ 194,063	\$ 325,580	52%

\$ 9,828	\$ 31,111.25	\$ 40,939.52	41%
\$ 141,345.02	\$ 225,174.01	\$ 366,519.03	51%
<b>Q1 Total</b>	<b>Q2 Total</b>	<b>Yearly Total</b>	<b>% of Budget</b>
\$ 384,023	\$ 254,819	\$ 638,842	89%
\$ 384,023	\$ 254,819	\$ 638,842	
<b>Q1 Total</b>	<b>Q2 Total</b>	<b>Yearly Total</b>	<b>% of Budget</b>
\$ 209,378	\$ 160,957	\$ 370,335	82%
\$ 52,468	\$ 40,328	\$ 92,796	84%
\$ 72,764	\$ 55,948	\$ 128,712	82%
\$ 334,610	\$ 257,233	\$ 591,843	83%

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** April 4, 2023

**SUBJECT:** Old Business - Discussions

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### **GENERAL INFORMATION**

#### **Boards & Commissions Applications**

On December 6, 2022, Council postponed discussions for appointments to the Planning Commission until the April Council meeting. During the December 6<sup>th</sup> Council meeting, Council reappointed Gene Gaulin and Gary Stewart to the Board of Architectural Review and James Caldwell to the Construction Board of Adjustment and Appeals. Council will discuss upcoming appointments to the remaining open positions for Boards & Commissions.

### **REQUESTED ACTION**

No Action Requested

### **GENERAL INFORMATION**

#### **Derelict Structures Update**

Council will discuss the latest information provided to them regarding the derelict structures project located at 5 and 9 Springdale Drive.

### **STAFF RECOMMENDATIONS**

Staff recommends waiting on the property owner to receive the funds that he has been anticipating. Once he receives the funds, then his objective is to have the two properties, located at 5 and 9 Springdale Drive, demolished at his expense.

### **ATTACHMENT(S):**

A. Correspondence regarding the derelict structures located at 5 and 9 Springdale Drive

### **REQUESTED ACTION**

No Action Requested



## Amy Craig

---

**From:** Kimberly Womble  
**Sent:** Wednesday, March 22, 2023 4:34 PM  
**To:** David Breakfield; Amanda Blackston  
**Cc:** Amy Craig  
**Subject:** FW: property

Please see below.

Thanks!



### Kimberly D. Womble

#### Planner

10 N. Roosevelt St (PO Box 500) York, SC  
29745  
(803) 684-2341 City Hall | (803) 792-8665  
Direct  
(803) 628-0562 Fax  
Email: [kwomble@yorksc.gov](mailto:kwomble@yorksc.gov)

The White Rose City

---

**From:** John Martin Foster <[jmfoster@comporium.net](mailto:jmfoster@comporium.net)>  
**Sent:** Wednesday, March 22, 2023 4:18 PM  
**To:** Kimberly Womble <[kwomble@yorksc.gov](mailto:kwomble@yorksc.gov)>  
**Subject:** Fwd: property

Ms. Womble:

I attach my correspondence with Mac Brice last week below. I am now told to expect funds by Friday, which means the job should start next week.

----- Forwarded Message -----

**Subject:** Re: property  
**Date:** Sat, 11 Mar 2023 21:31:02 +0000  
**From:** Mac Brice <[Mac@thebricelawfirm.com](mailto:Mac@thebricelawfirm.com)>  
**To:** John Martin Foster <[jmfoster@comporium.net](mailto:jmfoster@comporium.net)>

Sounds good. Have a good weekend  
Mac

Sent from my iPhone

On Mar 11, 2023, at 3:10 PM, John Martin Foster <[jmfoster@comporium.net](mailto:jmfoster@comporium.net)> wrote:

Mac:

I understand the funds have arrived at co-counsel's office. I am trying to confirm. This is the only hold-up (that I know of.)

On 3/8/23 08:37, Mac Brice wrote:

Good Morning- the council asked me last night to get an update on this- they are getting pushed by some of your neighbors.

Is this settlement in an active and filed lawsuit or something being worked out prior to litigation?

Is there any timeline yet on receipt of funds?

Thanks

Mac

---

**From:** John Martin Foster <[jmfoster@comporium.net](mailto:jmfoster@comporium.net)>

**Sent:** Monday, February 13, 2023 11:41 AM

**To:** Mac Brice <[Mac@thebricelawfirm.com](mailto:Mac@thebricelawfirm.com)>

**Subject:** Re: property

Mac:

While I am gnashing my teeth at the delay in my settlement, I do expect funds daily. Having dealt with the problem of getting a swift and accurate appraisal, I prefer to demolish the houses and keep the land. It is my intention to demolish as soon as the settlement funds arrive.

Thank you for passing on the offer.

On 2/13/23 11:18, Mac Brice wrote:

Hey Martin- are you still interested in selling off the houses next to your home? Might have someone willing to buy them and do the demo and cleanup and probably could close fairly quickly

Let me know at your soonest convenience.

Hope things are going well.

Mac

--

Martin Foster

[jmfoster@comporium.net](mailto:jmfoster@comporium.net)

The Guardian Building 223 East Main Street Suite 520 Rock Hill, SC 29730

P.O. Box 106 Rock Hill, SC 29731-6106

803 324-8100 803 324-8109: Fax

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--

Martin Foster

[JMFOSTER@COMPORIUM.NET](mailto:JMFOSTER@COMPORIUM.NET)

THE GUARDIAN BUILDING 223 EAST MAIN STREET SUITE 520 ROCK HILL, SC 29730

P.O. BOX 106 ROCK HILL, SC 29731-6106

803 324-8100 803 324-8109: FAX

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# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** April 4, 2023

**SUBJECT:** Special Events

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### GENERAL INFORMATION

#### **Memorial Day Family Festival**

**Wednesday, May 24 through Sunday, May 28, 2023**

Tommy Hurst of TC's Amusements, Inc. is requesting to hold a Memorial Day Family Festival in the Dickerson Motors Parking Lot, 60 N. Congress Street. The proposed hours will be 5pm to 9pm on Wednesday and Thursday, 5pm to 10pm on Friday, and 12pm to 10pm on Saturday and Sunday. This event will not require any road closures; however we have requested that a police officer be on-site during operating hours.

#### **Memorial Day Service**

**Sunday, March 28, 2023**

American Legion Post 66 is requesting to have a Memorial Day Service at the Veterans Memorial Park, 23 E. Liberty Street. The event will be held from 4pm to 5pm to honor York County veterans who gave their lives for our country. They are requesting six (6) officers to assist with rerouting traffic around Veteran's Memorial Park and have already been approved for funds.

#### **Juneteenth Celebration**

**Saturday, June 17, 2023**

This event was previously organized by Mike Feagins of the Good Leaf Cigar Shop and held at Yorkville Marketplace. The City will now be hosting the event and is requesting to hold it on the baseball fields at York Recreation Center, 21 White Rose Lane. Juneteenth is a federal holiday commemorating the emancipation of enslaved African Americans. The event will feature guest speakers, artists, vendors, and more.

#### **York County Employee Appreciation Luncheon**

**Tuesday, May 2, 2023**

This event is requesting to have an employee appreciation luncheon be held at 13 N. Congress St. (City-owned property). The event will have two food trucks on site, requiring a start time at 8 a.m. and end at 3 p.m.

### ATTACHMENT(S):

A. Events Applications

### REQUESTED ACTION

Requesting Council's Approval



**CITY OF YORK**  
**SPECIAL EVENT PERMIT APPLICATION**

Date of Application Submission: 2/02/23

Name of Festival or Special Event: Memorial Day Family Festival

Location and/or Route of the Event: 600 N. Congress St.

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

Proposed Date(s) of Event: May 24<sup>th</sup> - May 28<sup>th</sup>

Alternate Date(s) for Event: \_\_\_\_\_

Event Setup time: May 22 to 23<sup>rd</sup>

Actual Event: May 24<sup>th</sup> to 28<sup>th</sup>

Road Closure time: \_\_\_\_\_ to \_\_\_\_\_

Breakdown time: May 28<sup>th</sup> to 29<sup>th</sup>

Estimated number of attendees (including event staff): 200 per day

Requesting Organization: TC's Amusement's Inc.

Address: 5203 Old York Rd. Rock Hill, S.C. 29732

Purpose of the Event: \_\_\_\_\_

Is your organization a charity or non-profit organization? NO

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

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

Permit Holder/Event Point of Contact: Tommy Hurd

Mobile Number: 803-493-5867 Email: tcsamusements@yahoo.com

Street Address: 5203 Old York Rd. Rock Hill, S.C. 29732

Additional Authorized Contact: \_\_\_\_\_

Mobile Number: \_\_\_\_\_ Email: \_\_\_\_\_

Planned Activities: Summer Carnival

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

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

If yes, explain: Amusement Rides, Games and Food

Company name: TC's Amusements Inc. City of York Business License #: 15290

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

If yes, explain: Carnival Rides

Company name: TC's Amusements City of York Business License #: 15290

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

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

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

Cotton Candy Trailer, Funnel Cake Trailer, French Fry Trailer  
Yes cooking with grease

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

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

If yes, explain: \_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If yes, explain: \_\_\_\_\_

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

If yes, explain (include size and type of tents): 10x10 for games

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

If yes, explain (include size and locations): \_\_\_\_\_

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

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

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

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

Portable toilets at Front of Property and another set at rear of property

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$45.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled. 50

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

No Street Closures



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

\_\_\_\_\_

\_\_\_\_\_

Please provide any additional information that may be helpful:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

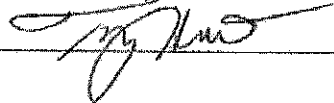
**RELEASE and INDEMNIFICATION**

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

Application Submitted By: *Name & Title*

Tommy Harg President

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

1/31/23



# Untitled Map

Write a description for your map.

Music Lessons and More

York ARP Church

## Legend

- Downtown Music Lessons and More
- Feature 1
- Feature 2
- York ARP Church
- York City Police Department

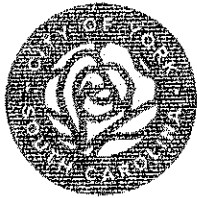
Google Earth

100 ft



- 1) Taxi
- 2) Train
- 3) Kiddie Ferris Wheel
- 4) Carousel
- 5) Motorcycles
- 6) Choppers
- 7) Turbo Tubs
- 8) Scot
- 9) Roundup
- 10) Paratrooper
- 11) Ferris Wheel
- 12) Loop O'Plane
- 13) Swings

- 14) Funnel Cake Trailer
- 15) Cotton Candy Trailer
- 16) Restroom
- 17) Restroom
- 18) Tickets
- 19) Restroom
- 20) Restroom
- 21) Tickets
- 22) Trash Dumpster



CITY OF YORK  
SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: 3/10/23

Name of Festival or Special Event: MEMORIAL DAY SERVICE

Location and/or Route of the Event: \_\_\_\_\_

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

Proposed Date(s) of Event: 05/28/23

Alternate Date(s) for Event: N/A

Event Setup time: 01:00 PM to 05:00 PM

Actual Event: 0600 AM to 0500 PM

Road Closure time: 0400 to 0500

Breakdown time: 0500 to 0530

Estimated number of attendees (including event staff): 360

Requesting Organization: AMERICAN LEGION Post 66

Address: 916 W. LIBERTY YORK

Purpose of the Event: HONOR SOLDIERS ~~WHO~~ THAT DIED

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

Will the proceeds benefit your organization? If no, please specify which organization it will benefit N/A

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

Permit Holder/Event Point of Contact: RONNIE TAYLOR

Mobile Number: 803) 517-0641 Email: JRT3938@HotMark.com

Street Address: 23 W LIBERTY

Additional Authorized Contact: \_\_\_\_\_

Mobile Number: \_\_\_\_\_ Email: \_\_\_\_\_

Planned Activities: CEREMONY FOR KIA

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

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

If yes, explain: \_\_\_\_\_

Company name: \_\_\_\_\_ City of York Business License #: \_\_\_\_\_

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

If yes, explain: \_\_\_\_\_

Company name: \_\_\_\_\_ City of York Business License #: \_\_\_\_\_

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

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

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

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

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

If yes, explain: POWER FOR SPEAKER

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

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

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

If yes, explain: SPEAKERS FOR PEOPLE TALKING

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

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

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

If yes, explain (include size and locations): \_\_\_\_\_

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

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

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

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

PORTA POTTY

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.

6 OFFICERS, TRAFFIC ROUTED AROUND  
VETERANS MEMORIAL PARK

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

LIBERTY FROM ROOSEVELT ST. TO TRINITY  
FROM 0400 TO 0500

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

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Please provide any additional information that may be helpful:

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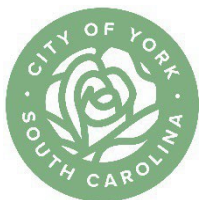
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### **RELEASE and INDEMNIFICATION**

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

Application Submitted By: Name & Title BRICK ROBINSON TAYLOR TRUSTEE

Signature: [Signature] Date: 3/10/23



## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: March 27, 2023

Name of Festival or Special Event: Juneteenth Celebration

Location and/or Route of the Event: York Recreation Center, 21 White Rose Lane

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

Proposed Date(s) of Event: Saturday, June 17, 2023

Alternate Date(s) for Event: N/A

Event Setup time: 12pm to \_\_\_\_\_

Actual Event: 3pm to 9pm

Road Closure time: N/A to N/A

Breakdown time: 9pm to 10pm

Estimated number of attendees (including event staff): 150-200

Requesting Organization: City of York

Address: 10 N. Roosevelt Street, York, SC 29745

Purpose of the Event: Celebration commemorating the emancipation of enslaved African Americans

Is your organization a charity or non-profit organization? No

Will the proceeds benefit your organization? If no, please specify which organization it will benefit N/A

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

Permit Holder/Event Point of Contact: Rebecca Mestas, Community Events Manager

Mobile Number: 803-627-4302 Email: rmestas@yorksc.gov

Street Address: 10 N. Roosevelt Street, York, SC 29745

Additional Authorized Contact: \_\_\_\_\_

Mobile Number: \_\_\_\_\_ Email: \_\_\_\_\_

Planned Activities: Live music, food trucks, guest speakers, bounce houses

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

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

If yes, explain: Bounce houses

Company name: TBD City of York Business License #: \_\_\_\_\_

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

If yes, explain: \_\_\_\_\_

Company name: \_\_\_\_\_ City of York Business License #: \_\_\_\_\_

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

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

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

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

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

If yes, explain: Power for music and DJ, quiet generator will be rented

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

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

Beer/Wine to be sold. ID's will be checked and alcohol consumption will be contained in the event area.

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

If yes, explain: DJ, Live Music, Guest Speakers



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

If yes, explain (include size and type of tents): 10x10 portable tents

---

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

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

---

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

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

Trash cans to be placed

---

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

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

Will use field restrooms and add additional restrooms from Pink Portables

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Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. **The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.**

Police officer requested to monitor crowd inside the event area

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

N/A

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

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**Please provide any additional information that may be helpful:**

Mike Feagins with Good Leaf Cigar will be assisting with the planning of this event.

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### **RELEASE and INDEMNIFICATION**

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

Application Submitted By: *Name & Title* Rebecca Mestas, Community Events Manager

Signature: Rebecca Mestas Date: 03/27/2023



## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: March 29, 2023

Name of Festival or Special Event: York County Employee Appreciation

Location and/or Route of the Event: 13 South Congress St., York

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

Proposed Date(s) of Event: Tuesday, May 2, 2023

Alternate Date(s) for Event: none

Event Setup time: 8 Am to 3 pm

Actual Event: 11 Am to 2 pm

Road Closure time: none to \_\_\_\_\_

Breakdown time: 2 pm to 3 pm

Estimated number of attendees (including event staff): 200-300

Requesting Organization: York County Government

Address: 6 South Congress Street  
York S.C. 29745

Purpose of the Event: Employee Appreciation

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

Will the proceeds benefit your organization? If no, please specify which organization it will benefit n/a

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

Permit Holder/Event Point of Contact: Linda Norris

Mobile Number: 803-684-8511 Email: linda.norris@yorkcountygov.com  
803-792-2845

Street Address: 13 South Congress St., York

Additional Authorized Contact: Kevin madden

Mobile Number: 803-620-5673 Email: kevin.madden@yorkcountygov.com

Planned Activities: York County Employee Picnic/Food Truck Event

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

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

If yes, explain: \_\_\_\_\_

Company name: \_\_\_\_\_ City of York Business License #: \_\_\_\_\_

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

If yes, explain: \_\_\_\_\_

Company name: \_\_\_\_\_ City of York Business License #: \_\_\_\_\_

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

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

If yes, explain (include the items being sold and if cooking with grease): Two food trucks on site. Not for sale items.

Pre paid orders

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

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

If yes, explain: \_\_\_\_\_

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

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

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

If yes, explain: \_\_\_\_\_

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

If yes, explain (include size and type of tents): Unless the food truck

Vendor uses one

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

If yes, explain (include size and locations): \_\_\_\_\_

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

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

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

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

They have access to the Government Center.

Several employees pick up food and go else where to eat

Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. **The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.**

Employees will use Government Center parking lot.

Most employees work in this area for this event and

Several walk or carpool

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

No streets need to be closed.



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

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Please provide any additional information that may be helpful:

We will tape of parking lot so that only food trucks will enter. A sign at both entrances will show "Private Event"

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#### **RELEASE and INDEMNIFICATION**

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

Application Submitted By: Name & Title Kevin Madden  
Signature:  Date: 3.29.23

# City of York

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## Memo

**TO:** Mayor and Council

**FROM:** Jeff Wilkins, MPA, Finance Director

**MEETING DATE:** April 4, 2023

**SUBJECT:** New Business – Ordinance 23-692, Local Revenue Service

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### **GENERAL INFORMATION**

#### **Ordinance Local Revenue Service**

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,<sup>1</sup> 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.

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<sup>1</sup> 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.

#### **STAFF RECOMMENDATIONS**

Staff recommends adopting Ordinance 23-692, Local Revenue Service to move forward in the adoption process by the deadline of May 26, 2023.

#### **ATTACHMENT(S):**

- A. Ordinance 23-692, Local Revenue Service
- 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. 21-658 on October 5, 2021, 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 Finance Director (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**

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Mayor Rick Osbon, President of LRS

**ATTEST:**

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Mayor Barbara Blain-Bellamy, Vice President of LRS

**PARTICIPANT SIGNATURE PAGE**

**CITY OF YORK, SOUTH CAROLINA**

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Name: Michael D. Fuesser  
Title: Mayor

**ATTEST:**

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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;

**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.

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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**

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Name: Michael D. Fuesser

Title: Mayor

**ATTEST:**

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Name: Amy H. Craig

Title: Municipal Clerk