

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 Amended Agenda
Tuesday, May 2, 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. Silver in the City **JOHN LEAKE & TERRY MONTGOMERY**
 - 4.2. New Employees **POLICE CHIEF BRIAN TRAIL**
 - 4.3. 2022 Fire Safe South Carolina Community **FIRE CHIEF MICHAEL REGAL**
5. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**
6. **CITY MANAGER'S REPORT** **CITY MANAGER DALTON PIERCE**
 - 6.1. Rural Infrastructure Authority – SCIIP Grant Award
 - 6.2. City of York Water Filtration Plant Environment Review & Remediation
 - 6.3. Lake Caldwell Update
 - 6.4. City of York Redistricting Post-Adoption Update
7. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - 7.1. Council Work Session April 17, 2023, Council Special Called April 17, 2023*
8. **MONTHLY FINANCIAL REPORT** **FINANCE DIRECTOR JEFF WILKINS**
9. **OLD BUSINESS**
 - 9.1. First Reading Ordinance 23-689, Amendment, B-1 Central Business District Revisions*
 - 9.2. Second Reading Ordinance 23-692, Local Revenue Services*

** Denotes Vote Required*

10. NEW BUSINESS

10.1 SPECIAL EVENTS APPLICATIONS

- City of York Fourth of July Celebration

11. MAYOR'S REPORT

MAYOR MIKE FUESSER

12. EXECUTIVE SESSION

12.1 To Discuss Contractual Arrangements Regarding the City of York's Health Insurance

12.2 To Discuss Personnel Matters Related to the Public Works Department

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

14. ADJOURN

** Denotes Vote Required*

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: May 2, 2023

SUBJECT: Presentations



GENERAL INFORMATION

- 4.1 The City of York held its 6th annual Silver in the City event this past weekend. John Leake and Terry Montgomery have joined us to share information about this successful event.
- 4.2 City of York Police Department has two (2) new employees, which Police Chief Brian Trail will introduce.
- 4.3 Fire Chief Mike Regal will share information about York Fire Department being awarded the 2022 Fire Safe South Carolina Community Designation.

REQUESTED ACTION

General Information

City of York



Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: May 2, 2023

SUBJECT: City Manager's Report

GENERAL INFORMATION: Item 6.1

Last week, the City of York was notified that it is the recipient of the SCIP Grant Award in the amount of \$10 million through the Rural Infrastructure Authority. The funding will be applied to the Liberty Street Waterline Replacement project, and the Fishing Creek Wastewater Treatment Plant Improvements is a great accomplishment for the City of York.

REQUESTED ACTION

General Information

GENERAL INFORMATION: Item 6.2

City of York Water Filtration Plant Environmental Review & Remediation has been posted on various public sites for solicitation for requests from proposals from a qualified engineering consultant firm. The City will be using funding provided by the FY22-23 State Budget Appropriations received by the City. The total appropriation amount for the entire project is \$700,000, with the City's portion being an additional \$800,000 for an estimated project total of \$1.5 Million.

REQUESTED ACTION

General Information

GENERAL INFORMATION: Item 6.3

City of York has received the Permit to Construct on April 17, 2023, from SCDHEC. Shield Engineering is completing the RFQ based on the approved drawings and the City will place an advertisement immediately following. Staff is estimating construction activities within the next 60 days.

REQUESTED ACTION

General Information

GENERAL INFORMATION: Item 6.4

The City of York unanimously approved the adoption of the redistricting plan recommendation. Currently, staff and Dr. Ruoff are working together to disburse all necessary documents and files to the appropriate parties, such as Revenue of Fiscal Affairs, the local voter registration office, and other affected entities. Also, the City will update all locations of the redistricting map and provide public education on the newly adopted redistricting plan to the community.

REQUESTED ACTION

General Information

Council Work Session April 17, 2023

DATE AND TIME: Monday, April 17, 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
Planning Director David Breakfield

Fire Chief Mike Regal
Human Resources Director Sarah Ramirez
Community Events Director Becky Mestas

Participants:

Robert White

Others Present:

(See Sign-in Sheet)

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. PROCLAMATION

4.1. Proclamation - Children's Mental Health Awareness Month

Robert White spoke on behalf of NAMI (National Alliance on Mental Illness) Piedmont Tri-County for the Green Ribbon Campaign. He stated that May is Mental Health Awareness Month and to raise awareness a gift certificate of \$100 will be awarded for the most spirit/green home or organization in our area. The purpose of NAMI is to advocate, educate, and support those that are struggling, the caretakers, and the services completely free. Also, the organization works with public service members, such as police, fire, and EMS.

After the presentation, Mayor Fuesser read a proclamation to declare May 6, 2023, as Children's Mental Health Awareness Day in York, South Carolina.

5. DISCUSSIONS

5.1. SPHO Grant – McCelvey Center

City Manager Dalton Pierce explained that the Cultural Heritage Museum requested the City to be the "lead" on a grant for the McCelvey Center to repair the rafters. Before City of York is to be listed on any documentation, City Manager Dalton Pierce ensured Council had no objections or questions. It was discussed that the county cannot be a certified local government, only municipalities, therefore on the

Council Work Session April 17, 2023

City could be listed. It was clarified that the City of York would not receive any funding, only passing the funds to the appropriate party.

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

Mayor Fuesser summarized prior activity regarding Ordinance 23-689, Amendment B-1 Central Business District Revisions. City Manager Pierce stated that the revisions have gone back to Planning and resubmitted with comments and suggestions. Council questioned the strikethroughs being a part of the Ordinance. It was clarified that the strikethroughs were still a part of the Ordinance so Council could see the changes made prior to the completed product. Council mentioned that there was a misunderstanding in the community about churches being obstructed with the Ordinance. In every previous discussion, Council had churches as special exception, and to preserve the historic nature of the district, they will have churches remain as special exception. They have no intention of obstructing churches or worship. At this time, the Ordinance will remain Tabled, and a First Reading will be scheduled for May 2.

5.3 Organizational Human Resources Updates and Recommended Changes

Human Resources Director Sarah Ramirez presented a strategic plan that she has prepared for the City and employees. She made changes to the employee handbook, suggested specific changes for safety healthcare, and phone services, and presented ideas for the City to be competitive in hiring and retaining employees.

6. ADJOURN

Councilmember Hickey made a Motion to Exit the Work Session and enter into Special Called, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the motion was passed unanimously. The meeting Adjourned at 6:24pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk

Council Special Called April 17, 2023

DATE AND TIME: Monday, April 17, 2023, Immediately Following the 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
Planning Director David Breakfield

Fire Chief Mike Regal
Human Resources Director Sarah Ramirez
Community Events Director Becky Mestas

Participants:

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Mike Fuesser

- Mayor called the meeting to order at 6:24 pm

2. MINUTES

2.1 Approve April 4, 2023 Meeting Minutes

Councilmember Hickey made a Motion to accept the Minutes for Council's April 4, 2023, meeting as presented, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved unanimously.

3. SPECIAL EVENTS APPLICATIONS

3.1 Kickoff to Summer Carnival

Community Events Director Becky Mestas explained that the application for the Memorial Day Family Festival was revised and resubmitted to reflect a name change of Kickoff to Summer Carnival. She stated that no other changes had been made. She reviewed the information on the application and stated that she will confirm it with Tommy Hurst, permit holder/point of contact.

Councilmember Jarrett made a Motion to approve the Special Events Application for Kickoff to Summer Carnival, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was approved unanimously.

4. ORDINANCE

4.1. Second Reading Ordinance 23-693, Redistricting

On April 4, 2023, Council held a Public Hearing and adopted First Reading Ordinance 23-693, Redistricting. Council received positive feedback during the meeting. Councilmember Hickey made a

Council Special Called April 17, 2023

Motion to approve Second Reading Ordinance 23-693, Redistricting, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved unanimously.

Mayor Pro Tem Brown made a Motion to exit the Special Called Meeting and enter into Executive Session, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion passed unanimously.

5. EXECUTIVE SESSION

5.1. To Discuss Matters Related to Boards & Commissions

Councilmember Hickey made a Motion to exit Executive Session and go back into Open Session, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion passed unanimously.

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

No action was taken

6. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously. The meeting Adjourned at 6:40pm.

Respectfully Submitted,

Amy W. Craig

Amy Craig
Municipal Clerk

City of York



Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: May 2, 2023

SUBJECT: Old Business

GENERAL INFORMATION: Item 9.1

Ordinance 23-689, Amending B-1 Central Business District Revisions, has been reviewed by the Planning Commission and Council to ensure the accuracy and completion of the Ordinance. After great evaluation, the Ordinance has been finalized and is ready for a First Reading.

STAFF RECOMMENDATIONS

Staff recommends un-tabling and adopting First Reading Ordinance 23-689, Amending B-1 Central Business District Revisions, if the Ordinance reflects Council's preferences for what is best for the B-1 Central Business District.

ATTACHMENT(S):

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

REQUESTED ACTION

Council Approval

GENERAL INFORMATION: Item 9.2

Ordinance 23-692, Local Revenue Services, is ready for its final reading. The City is on target for reaching the deadline of May 26, 2023, which is a state mandate.

STAFF RECOMMENDATIONS

Staff recommends the adoption of Second Reading Ordinance 23-692, Local Revenue Services, so the City deadline of May 26, 2023, is met in sending this to the state for finalization.

ATTACHMENT(S):

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

REQUESTED ACTION

Council Approval

STATE OF SOUTH CAROLINA

)

)

COUNTY OF YORK

)

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. Bakery
6. Candy store.
7. Clothing store.
8. Drug store.
9. Grocery/specialty food store.
10. Guesthouse.
11. Motel
12. Residence above business use.
13. Gift shop
14. Furniture store.
15. Insurance and real estate agencies.
16. Newspaper office.
17. Jewelry store.
18. Hobby, toy store.
19. Sporting goods store.
20. Notion or general store.
21. Restaurant.

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. Contractors' offices, provided no storage of contractor vehicles, equipment or materials on city-owned property or public rights-of-way.
2. 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.
3. Pet shop, provided that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
4. 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.
5. 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.
6. *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.
7. 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
- 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. Automobile sales and service.
- 3. 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.
- 4. Bowling alley.
- 5. Massage therapy establishment.
- 6. Funeral home
- 7. Flea markets
- 8. Barber or beauty shops
- 9. Hardware store
- 10. Government office
- 11. Telephone/internet office
- 12. Tire sales and service
- 13. New and used automobile sales
- 14. Printing shop

15. Church/nonprofit
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].

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

CITY OF YORK

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**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

CITY OF YORK, SOUTH CAROLINA

Name: Michael D. Fuesser
Title: Mayor

ATTEST:

Name: Amy H. Craig
Title: Municipal Clerk

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PARTICIPANT PROGRAM SUPPLEMENT

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

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

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

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

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

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.

CITY OF YORK, SOUTH CAROLINA

Name: Michael D. Fuesser

Title: Mayor

ATTEST:

Name: Amy H. Craig

Title: Municipal Clerk

City of York

Memo

TO: Mayor & City Council

FROM: Becky Mestas, Community Events Director

MEETING DATE: May 2, 2023

SUBJECT: New Business



GENERAL INFORMATION

The City of York has received permission to use York Middle School for the annual City of York Fourth of July Celebration.

STAFF RECOMMENDATIONS

Staff recommends approval of the special events application for the annual Fourth of July Celebration at York Middle School.

ATTACHMENT(S):

A. Special Events Application City of York Fourth of July Celebration

REQUESTED ACTION

Council Approval



CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: April 24, 2023

Name of Festival or Special Event: 4th of July Celebration

Location and/or Route of the Event: York Middle School, 1001 Devinney Rd., York, SC 29745

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

Proposed Date(s) of Event: Tuesday, July 4, 2023

Alternate Date(s) for Event: N/A

Event Setup time: 12PM to _____

Actual Event: 7PM to 10PM

Road Closure time: N/A to _____

Breakdown time: 10PM to 11PM

Estimated number of attendees (including event staff): 2,000

Requesting Organization: City of York

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

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 No

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

Permit Holder/Event Point of Contact: Rebecca Mestas

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

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

Additional Authorized Contact: _____

Mobile Number: _____ Email: _____

Planned Activities: Live music, food trucks, inflatables,

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: Inflatable bouncy 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: Golf carts for transport

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): TBD

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 stage and music

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: Live music

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

If yes, explain (include size and type of tents): Pop-up tents for vendors

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

If yes, explain (include size and locations): Banners for concert series, parking signs

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):

City staff will provide waste containers and clean up area

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

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

Restrooms will be located inside the York Middle School football stadium by Pink Portables

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 officers to monitor crowd, parking lot, and fireworks staging area.

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

N/A

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:

This is an annual event hosted by the City that provides a safe area for residents and visitors to enjoy a family-friendly 4th of July celebration.

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: 04/25/2023