
City Council Meeting November 7, 2023

DATE AND TIME: Tuesday, November 7, 2023, 6:00 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
Police Chief Brian Trail
YPD Telecommunicator McCenzie McCoy
Planning Director David Breakfield
Utilities Director Ben Wright
Utilities Crew Member Sergio Terrell
Fire Chief Mike Regal
PC Member Niki Barnett
PC Member Jessica Koon

Human Resources Director Sarah Ramirez
Community Engagement Director Becky Mestas
Public Works Director Chris Wallace
Commercial Driver Tikierra Anderson
Finance Director Jeff Wilkins
Accounting Assistant Lorrie Cobb
Accounts Receivable Clerk April Trammell
Officer Rusty Badger
Officer Wes Burrell
BZA Member Neil McWhorter
BAR Member Amber Palmer

Participants:

Jamie Smith

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Mike Fuesser

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

2. PRAYER

Mayor Pro Tem Ed Brown

3. PLEDGE OF ALLEGIANCE

Mayor Mike Fuesser

4. PRESENTATIONS

- 4.1. New Employee – Sara “McCenzie” McCoy
Chief Brian Trail introduced McCenzie McCoy as the new Telecommunicator for York Police Department.
- 4.2. New Employee – Tikierra Anderson
Public Works Director Chris Wallace introduced Tikierra Anderson as the new Commercial Driver for Public Works.
- 4.3. New Employee – Kenneth Pettus
Utilities Director Ben Wright introduced Kenneth Pettus, in his absence, as the new Maintenance Crew Member for the Utilities Department.
- 4.4. New Employee – Sergio Terrell
Utilities Director Ben Wright introduced Sergio Terrell as the new Maintenance Crew Member for the Utilities Department.

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4.5. New Employee – April Trammell

Finance Director Jeff Wilkins introduced April Trammell as the new Accounts Receivable Clerk.

4.6. Promotion – Lorrie Cobb

Finance Director Jeff Wilkins introduced Lorrie Cobb as the new Accounting Assistant. She was congratulated for her well-deserved promotion into this new position.

4.7. B&C Recognition for New Appointments

Planning Director David Breakfield introduced the new and reappointed Board Members, which are as follows: Neil McWhorter (BZA, appointed), Amber Palmer (BAR, appointed), Niki Barnett (Planning Commission, appointed), Jessica Koon (Planning Commission, appointed), Jordan Dorsey (Planning Commission, appointed), and Laura Korn (Planning Commission, reappointed).

4.8. Veteran's Day Parade

Ronnie Taylor invited Council and the community to the Veteran's Day Parade. He stated that if you would like to participate, bring your own vehicle (car, golf cart, etc.). The lineup will begin at 9:30am, at 60 N. Congress Street (Dickerson Motors), and the parade will begin at 10:00am. The Grand Marshal is a 103 year old WWII veteran, the speaker is Manning Kimmel from WRHI in Rock Hill, and a 4 year old little girl is singing the National Anthem. The parade will be held rain or shine.

5. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

Jan Ramsey spoke on the miniwarehouses and stated that with the growth of the City, they were necessary. Also, she stated her desire for Mr. Jamie Smith or another contractor to build nice patio homes for retirees, citizens, handicapped people, and people wanting to downsize. She stated that when the houses were beginning to be built that they were not supposed to be built all at once. Others in the community have approached her and have inquired how York will take care all of the growth. The growth is needed, but it needs to be more controlled. Concerns that Ms. Ramsey expressed are the plans for the elementary schools due to them being "maxed out," plans for the infrastructure and need for increased fire protection, police protection, and trash pickup, plans for water and sewer lines, City streets, and traffic, plans to recruit more doctors, nurses, and dentists, and medical facilities, and the allocation of impact fees. In addition, Ms. Ramsey stated that the administration of the City needs to improve its communication skills with the general public, but that the City Manager does an excellent job with the Manager's Report. One thing she would like to have considered is for the Manager's Report to be placed in the monthly water bill for those residents that do not have access to computers.

Chris Holbert, with Yorkville Marketplace, spoke in regard to the H-Tax grants. Mr. Holbert stated that Yorkville Marketplace drives tourism by hosting events that brings business into the downtown area. This year, the event has grown by adding an additional day of events, bands, and carriage rides. Also, he stated that in 2020, during Covid, Yorkville Marketplace had a "shoestring budget" to work with and brought in thousands of people downtown. The following year, former City Manager Seth Duncan approached him about H-Tax grant opportunities. They collaborated with Events and added in-kind donations to the grants for security purposes. Mr. Holbert would like Council to consider granting Yorkville Marketplace more funding due to them driving tourism by bringing in thousands of people from outside the City of York, and this particular Christmas event is the largest event they have held to date.

6. CITY MANAGER'S REPORT

6.1. Preamble to FY22-23 Annual Report

City Manager Dalton Pierce stated that he and staff are working an Annual Report, which has never done by the City of York before. An Annual Report is common best practices that is done

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by most organizations, public and private. Staff put together their sections and the document is being finalized and will be presented during the November Work Session. The Annual Report is a “snapshot” of goals, staff capacity, a look of where we are going, and a message from the manager, plus other details.

6.2 City Park Phase II Update

City Manager Dalton Pierce stated that an advertisement for City Park Phase II had been sent out previously, but the Bid that was received was twice the budgeted amount. Currently, Planning Director David Breakfield, Utilities Director Ben Wright, Public Works Director Chris Wallace, and Recreation Director Chris White are working with Keck & Wood. The Bid approval has been sent out and a pre-bid conference will be held at City Hall on November 28, 2023, at 2:00pm, with the Bid Opening held on December 14, 2023, at 10:00am. The goal is to drive the project schedule to have it completed by the first half of the year, so the construction is not interfering with the children at the splash pad.

6.3 FY23-24 SC State Appropriations Update

City Manager Dalton Pierce stated that the City was allocated funding for \$4.774 million in State Appropriations. Standard documents were completed and submitted, so the City should be receiving the funding soon. The projects funded include N. Congress Street water line upgrade, AMI system upgrade, Public Safety upgrades, and S. Congress Street hotel.

6.4 YPD Gun Range Update

City Manager Dalton Pierce stated the City is working with an engineer for the York Police Department’s gun range, which will be located at the Wastewater Treatment Plant. The City has engaged the U.S. Army Reserve because they need to do community projects. The tentative start date is in January, in which grading and soliciting contractors for concrete pads and structure will be the focus. The target system will be installed by the vendor that makes the target systems.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

7.1. Council Meeting October 3, 2023

7.2 Council Work Session October 16, 2023

Councilmember Ramsey made a Motion to approve the Minutes, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Minutes were approved unanimously.

8. MONTHLY FINANCIAL REPORT

Finance Director Jeff Wilkins presented an overview of the FY22-23. Mr. Wilkins stated that our revenues are outpaced by expenditures in Quarter 1, meaning money market accounts are moved over to General Fund and Enterprise Fund to pay the City’s bills during that time. Then, around Quarter 2, the property taxes begin coming in and the revenues eclipse the expenditures. In Quarter 3, the revenues from Business Licenses begin coming in and continue the increase. In Quarter 4, Franchise Fees are collected mid-October, which have to be accrued back into the Fund. The Fund Balance ends with \$167,000 in revenues over expenditures. Three variables that can possibly change the balance are York Police Department grants that will be accrued back to the Fund balance, auditor adjustment entries for minor mistakes now or in the past, and invoices that are still being paid that will be accrued back into the Fund. Approximately \$250,000 could be added back, which will give a truer Fund Balance. The Fund Balance will have approximately \$767,000 to \$1million due to York Police department’s grants. Utility and Enterprise Funds have more of an ebb and flow with revenues and expenditures. Those Fund Balances are \$262,000. Restricted accounts, such as Hospitality Fees, and Impact Fees have larger revenue streams and are doing extremely well. Accommodations Tax was budgeted for \$145,000 and has a balance of \$145,000. Hospitality Tax budget was \$625,000 and has a balance of \$758,000. The Capacity Fees and Impact had zero expenditures FY22-23, but with upcoming various projects, money will transfer from Impact Fees and Capacity Fees. Capacity Fees have a balance of \$1.3million and Impact Fees have a balance of \$1.1million. Having CDs is important because it can be utilized for construction. The Year End result for the General Fund is

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currently \$9.5million but will surpass \$12million when accruals are reflected. The Utility Fund budget is \$4.6million. The Hospitality Tax exceeded the budget. The FY23-24 is better detailed, so a budget amendment may be necessary to address issues if any are found.

9. OLD BUSINESS

9.1. ORDINANCES:

- Second Reading Ordinance 23-704, Rezoning Lee Street
Mayor Fuesser announced that the application has been pulled, so there will be no action on this item.

9.2. DISCUSSION:

- Proposed Organizational Changes

A. Accrual Rates

Council stated they have worked with Human Resources Director Sarah Ramirez to provide a solution to accrual rates for employees. The accrual rates consist of frontloading the annual sick leave as follows:

8 hour employees receive 80 hours

12 hour employees receive 84 hours

24 hour employees receive 96 hours

Annual PTO is as follows:

0-3 years of service receives 10 days (80 hours)

4-10 years of service receives 15 days (120 hours)

11-15 years of service receives 20 days (160 hours)

16+ years of service receives 25 days (200 hours)

Councilmember Hickey made a Motion to adopt the new schedule backloaded to October 1st for the fiscal year for the outlines for the sick and annual leave as 8 hour employees receive 80 hours, 12 hour employees receive 84 hours, 24 hour employees receive 96 hours, 0-3 years of service receives 10 days (80 hours), 4-10 years of service receives 15 days (120 hours), 11-15 years of service receives 20 days (160 hours), 16+ years of service receives 25 days (200 hours) to be frontloaded and backdated to October 1st, which was Seconded by Councilmember Jarrett. In Discussion, Councilmembers discussed the comparisons of the various shifts by different departments to ensure the fairness of the breakdown of the accrual rates. Council's main concern were the employees that work 24 hour shifts. Frontloading the time will allow for the employees to have the time necessary if they need to take vacation or sick time, which was the main concern. Human Resources Director stated that the accrual rates will continue until the maximum amount is reached, which is the same amount as before. Council stated that they can always go back and make amendments if necessary. Also, Council wanted the opinion of Ms. Ramirez since she is the Human Resources Director. She stated that her proposal was similar but tiered a little heavier for the 12 hour and 24 hour employees. She had hoped to have a rate increase because the majority of the employees fall within a range where they will not see an increase. She stated that after speaking with Council that things were accomplished that she had hoped to be accomplished. With no other Discussion, the Motion was adopted 6-1, with Councilmember Ramsey voting in opposition.

10. NEW BUSINESS

10.1 BIDS & SOLICITATIONS:

- Inventory Management and Consignment Parts RFP

Utilities Director Ben Wright stated that an RFP was released in October for Inventory Management and Consignment Parts. The parts are mainly for water and sewer, and none of this affects the meters due to the sole source agreement for those. The purpose of this RFP is to better track parts, see how they are used, and the amount that is used. At the end of the year, staff will

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have a better idea for the budget. After releasing the Bid, only one bid was received, which was by Fortiline. The proposal they sent in was for cost plus 20%, and an additional 2% discount if paid net 10. If approved, Fortiline will come in and consign all the parts, so the Utilities staff is compiling a list of parts that are routinely used, in addition to specialty parts they may need as well. Every 2 weeks, a sales representative will take inventory of what has been used and bill us. Overall, this will be a great cost saver for the City.

Councilmember Jarrett made a Motion to approve the Bid for Inventory Management and Consignment Parts RFP, which was Seconded by Councilmember Hickey. In Discussion, Council inquired about the billing to ensure that the City would not be billed until after the parts are used, checked on the type of security, if a scanning system could be used, and accountability for the parts. Utilities Director Ben Wright confirmed that the City would not be billed until after the parts were used, he stated the parts have been moved to a secure location with locks, cameras, and an automatic gate, a scanning system is not available at this time through Fortiline or Ferguson, and the operators are accountable for knowing what they load on the trucks and use each day for repairs. With no other Discussion, the Motion was adopted unanimously.

- **Non-Compliant Backflow Devices RFP**

Utilities Director Ben Wright stated the Non-Compliant Backflow Devices RFP is a part of the Backflow Prevention Program and Compliance that Utilities has to achieve every year. Letters were sent out to businesses and residents for them to have their backflow devices tested annually and send the results back to the City. If businesses or residents do fall non-compliant, they have a 90 day window to rectify it, or the City deems them non-compliant. For this reason, an RFP was released in October for Non-Compliant Backflow Devices RFP. The RFP is for a third-party to test the non-compliant devices and then the third-party company bills the City. The City will then pay for the testing and add the amount to the business or resident water bill. If the water bill is not paid, then the water will be turned off. Only one third-party testing company sent in a bid proposal, which was AAA City Plumbing. The proposal was 3/4inch-2inches \$289.00 each and 2inches-12inches \$409.00 each.

Councilmember Jarrett made a Motion to approve the bid from AAA City Plumbing for the Non-Compliant Backflow Devices, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council inquired if this testing was different than the hydrant testing, which Utilities Director Ben Wright confirmed that it was different. Also, Mr. Wright explained that backflow devices were on irrigation units on most businesses, commercial, and industrial, which consists of system protection. This means that water comes in, but it cannot go back out. It is a testable device that has to be tested annually, in which DHEC audits them every year to determine how many devices are in compliance in the system. Council stated that this seems to free up utility workers by obtaining this service, which Mr. Wright confirmed that it would as there are only two employees now that can test. Council inquired about the process of billing, in which Mr. Wright stated that they would frontload costs and then bill the those that are non-compliant, and possibly add an administration fee. With no other Discussion, the Motion was adopted.

10.2 SPECIAL EVENT APPLICATIONS:

- **Blush Blossom Boutique**

Community Engagement Director Becky Mestas stated that she had an amendment for a special event application, which was for the downtown partnership for the Carolina Christmas Show. When approved, the application was contingent upon the presence of police officers. After speaking with York Police Department, it was discussed that road closures would be best. Originally, that is not what was desired due to that weekend already being so busy with

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other events. The goal now is to have the Beer Garden at City Market, as that location is already being utilized with photos with Santa and food trucks. This would be in addition those events at City Market.

Councilmember Hickey made a Motion to approve the downtown partnership for the Carolina Christmas Show, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.

- The Garden Café Holiday Marketplace

Community Engagement Director Becky Mestas stated that this will be the 18th Annual Garden Café Holiday Marketplace. The event will take place on November 24th and 25th, which attract local vendors and customers. There are no road closures for this event, but they are asking for police assistance with parking.

Councilmember Jarrett made a Motion to approve the Garden Café Holiday Marketplace, which was Seconded by Councilmember Harrold. With no Discussion, the Motion was adopted unanimously.

- Will Frederick Memorial Run for the Kids 5k

Community Engagement Director Becky Mestas stated that the Will Frederick Memorial Run for the Kids 5k will take place in April 27th. This event raises money for scholarships for kids and helps with community enriching efforts.

Councilmember Hickey made a Motion to approve the Will Frederick Memorial Run for the Kids 5k, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- Pixies Street Con

Community Engagement Director Becky Mestas stated that Pixies Street Con is a new event proposal for an annual geek culture event, which would require road closures on Congress Street between Liberty Street and Madison Street. Since this culture is growing, they are hoping this event will promote and help them grow within the City of York. This event will require road closures. The proposed date is also April 27th and 28th, which is the same weekend as the Will Frederick Memorial Run for the Kids 5k. They have an alternate date for May 4th and 5th.

Councilmember Hickey made a Motion to approve Pixies Street Con upon the contingency they use their fallback date for road closures, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council wanted to know if there was a possibility of Pixies Street Con using the backup dates of May 4th and 5th since other events in April requiring road closures as well. Also, next year Council would like to discuss this be a one day event due to closing down the roads for two days and potentially taking away from downtown businesses. With no other Discussion, the Motion was adopted unanimously.

10.3 H-TAX EVENT GRANTS:

- FY23-24 H-Tax Event Grant Applications

Community Engagement Director Becky Mestas stated that last year the City had approximately \$47,000 in applications requested funding. This year, 14 applications were received that totaled over \$70,000. Certain items had to be cut back to get to the \$50,000 cap.

Councilmember Harrold made a Motion to reallocate the funds, except the in-kind services for the 5k races, which totals \$4,200.00 and out of the monies \$2,500.00 goes to Carolina Christmas Show with the remainder being divided equally between the four 5k races, which was Seconded by Councilmember Jarrett. In Discussion, Council stated that if the intentions of the program are to draw tourism and increase revenue, then they need to look at the nonprofits and charitable events listed and possible adjust some of those monies. In the future, in some fashion, grants

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needed to be tiered by somehow measuring the metrics of how many people are coming and the community participation. 5ks can use fees generated through participation for advertisement and they can seek sponsorships for entertainment and speakers. The City can assist with advertisement through social media, community calendar, new website, and York County Tourism. With 5ks, participants leave around 10:00am and limits the actions of businesses. Consideration for the Carolina Christmas Show should be given due to the amount of tourists projected this weekend and bands are being brought to the downtown area. Concerns were expressed, especially for those that put in applications months prior and those that have always been funded, such the Turkey Trot. It was reiterated that in-kind services, such as police services, were not being taken away, but a reallocation of advertising funds is being considered. Also, 5ks that are qualifying races are what brings in the tourism and none of the 5ks listed are qualifying races. Overall, \$500.00 will be leftover and it will be in the bank in case of overages. Traffic control and road closures were discussed, in which Chief Trail stated that providing police services should not be an issue if that is what Council wanted. With no other Discussion, the Motion was adopted 6-1, with Mayor Fuesser voting in opposition.

10.4 RESOLUTION:

- Resolution 23-05 Bank of America Card

City Manager Dalton Pierce stated that this Resolution is to provide Bank of America with the names of those that are no longer employed but are still listed on the card account. To update the list and remove and add names, a Resolution is required. The following names will be added to the account: Jeff Wilkins, Lorrie Cobb, and Sarah Ramirez. The following names will be removed: Lisa Wallace, Cindy Wyatt, Jennifer White, and Michelle Williams.

Councilmember Hickey made a Motion to approve Resolution 23-05, which was Seconded by Councilmember Ramsey. In Discussion, Council inquired if titles could be placed on the Resolution rather than names, so another Resolution would not have to be done in the future. City Manager Dalton Pierce stated that names were required by the bank. Also, Council questioned why City Manager Dalton Pierce's name was not added, and Finance Director Jeff Wilkins stated that upon approval of the Resolution, a phone call could be made to the bank to add Mr. Pierce's name, but historically, City Managers were not listed on the Resolutions. With no other Discussion, the Motion was adopted unanimously.

10.5 ORDINANCES:

- First Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses

Councilmember Hickey made a Motion to approve First Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council inquired about how many miniwarehouses there would be in this location. Mr. Jamie Smith spoke and stated that it is approximately 25,000sq.ft., and the concept plan has not been designed yet. Half of the units would be climate-controlled and the other half not climate-controlled. Council stated with the growth, the miniwarehouses were necessary. With no other Discussion, the Motion was adopted unanimously.

- First Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning

Councilmember Jarrett made a Motion to approve First Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved unanimously.

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11. MAYOR'S REPORT

Mayor Fuesser read a Proclamation for World Pancreatic Cancer Day and announced Mrs. Josie Guthrie as the Grand Marshal for the 2023 York Christmas Parade. Mayor Fuesser addressed Ms. Ramsey and stated that hopefully, in 2024, the City can hold Town Hall Meetings so the public can ask questions.

12. EXECUTIVE SESSION

- 12.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements
- 12.2 Discussion of Proposed Sale or Purchase of Property
- 12.3 Discussion of Proposed Sale or Purchase of Property

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

Councilmember Ramsey made a Motion to exit Executive Session, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously.

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

Councilmember Jarrett made a Motion to approve the Economic Development Agreement between the City of York and Raines Co. and designate City Manager Dalton Pierce to sign it, which was Seconded by Mayor Pro Tem Brown. With no discussion, the Motion was adopted unanimously.

14. ADJOURN

Mayor Fuesser made a Motion to Adjourn, which was Seconded by Councilmember Hickey. The Motion was adopted unanimously. The meeting Adjourned at 7:54pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk