



CITY OF YORK

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

MICHAEL D. FUESSER

Mayor

EDWARD L. BROWN

Mayor Pro Tem

JAMES W. BRADFORD, Jr.

Councilmember

STEPHANIE S. JARRETT

Councilmember

STEVE A. LOVE

Councilmember

S. DENISE LOWRY

Councilmember

MARION L. RAMSEY

Councilmember

AGENDA
YORK CITY COUNCIL
Tuesday, June 2, 2020
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. City Manager's Report City Manager Seth Duncan
 - ◆ City Operations Changes Due to COVID-19
 - ◆ Statewide Primary on June 9th
 - ◆ Let's Keep Counting
5. Council Minutes: Regular, May 5, 2020, and Work Session, May 18, 2020
6. Monthly Financial Report Finance Director Barbara Denny
7. Old Business:
 - ◆ Second Reading, Ordinance 20-619, Model Business License Ordinance
 - ◆ Second Reading, Ordinance 20-620, Fire Department Board of Trustees
8. New Business:
 - ◆ First Reading, Ordinance 20-623, FY 2019-2020 Budget Amendment
 - ◆ First Reading, Ordinance 20-624, Allow Flea Markets in B1 District
 - ◆ First Reading, Ordinance 20-625, Emergency Ordinance
 - ◆ Authorization to Sign SRO Contract with YSD1 2020-2021
 - ◆ Upcoming Events
 - Fourth of July
 - Summerfest 2020
9. Mayor's Report
 - ◆ Class of 2020 Proclamation
10. Adjourn

NOTE: DUE TO THE CLOSURE OF CITY HALL BECAUSE OF COVID-19, THE MEETING WILL BE STREAMED LIVE ON FACEBOOK LIVE. A LINK TO THE LIVE EVENT HAS BEEN POSTED ON THE CITY'S WEBSITE. MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

MEMORANDUM

TO: Mayor and Council

FROM: Seth Duncan, City Manager

SUBJECT: Manager's Report

DATE: June 2, 2020

City Operations Changes Due to Covid-19

For more than two months, nearly all City facilities have been closed to the public due to Covid-19. The state recently released detailed guidance for various businesses and industries to follow as South Carolina re-opens. These guidelines provide sanitation recommendations, social distancing measures, communication protocols, and more. Staff have been carefully reviewing these guidelines and have begun planning our reopening. While we all want to swing open the doors and invite the public back in, we understand the responsibility and liability we have to ensure each facility has the resources and protocols needed to reduce the possibility of transmission of this deadly virus. A timeline for reopening will be release soon and we thank the public for their patience and understanding.

Statewide Primary on June 9th

Voters will once again have a chance to head to the polls on Tuesday, June 9th. Polls will be open from 7am to 7pm for partisan primary elections. For those concerned about Covid-19, every voter in South Carolina is now qualified to vote absentee in both the Primary and Runoff. For individuals voting in person, proper social distancing precautions must be followed. Those seeking more information can visit the State Election website at scvotes.org.

Let's Keep Counting

Census takers will soon be hitting the streets and going door-to-door to count our numbers. The City of York has been doing well with self-responses and we are at _____% of responses so far. We would like to continue encouraging everyone to go online, call, or reply by mail to the Census count. Thank you to all those who have already been counted, and continue telling your friends to get counted today.

City Council Meeting May 2020

Date and time: Tuesday, May 5, 2020 06:00 PM

Members Present :

Mayor Mike Fuesser

Mayor Pro Tem Ed Brown

Councilmember Jim Bradford

Councilmember Stephanie Jarrett

Councilmember Steve Love

Councilmember Denise Lowry

Councilmember Marion Ramsey

Participants:

City Manager Seth Duncan

City Attorney Mac Brice

Finance Director Barbara Denny

Events Coordinator/PIO Karen Fritz

-
- | | |
|------------------------------|------------------------|
| 1. Welcome and Call To Order | Mayor Mike Fuesser |
| 2. Prayer | Mayor Pro Tem Ed Brown |
| 3. Pledge of Allegiance | Mayor Mike Fuesser |
| 4. Public Presentations | |

David Phillips, of Greene Finney, LLC, presented a Powerpoint overview of the fiscal year 2018-19 audit. This overview was of both the general fund and the enterprise fund. The auditors recommended that the city formalize and document policies and procedures, work on internal controls, capital assets, and interfund activity. The unmodified opinion is that the city is in good financial condition.

- | | |
|--|--|
| 5. Public Hearing | |
| 5.1 Second Reading, Ordinance 20-617, Rezoning Hunter Street & S. Pacific (Meritage) | |

City Manager Seth Duncan read public comments from Reid Owen of Meritage Homes in favor of the ordinance and Nazir Cheema, D. Reid, and Nancy Farris in opposition of the ordinance. Copies of these comments are maintained with the council packet for retention purposes

- | | |
|--|--------------------------|
| 6. City Manager's Report | City Manager Seth Duncan |
| 6.1 Update on City's COVID-19 Response | |

City Manager Duncan gave a summary of actions taken by council, what each department has done to stay safe, and the plans for the future to keep the general public safe when the doors are reopened.

City Council Meeting May 2020

6.2 Financial Impact of COVID-19

City Manager Duncan stated that it's too early to tell what the full impact of COVID-19 will be on the city's budget, but areas of the budget will be impacted. City Manager Duncan stated that the potential of loss of revenue could be between 5-40%.

6.3 City's Sanitation Program

City Manager Duncan stated that newly designed door hangers were created to inform customers of issues with garbage collection. The door hangers will allow staff to communicate with residents and businesses more effectively.

7. Council Minutes: Regular, April 7, 2020, and Special Called Meeting April 20,2020

Councilmember Bradford made a motion to approve both sets of minutes which was seconded by Councilmember Lowry. The motion passed with unanimous approval.

8. Monthly Financial Report

Finance Director Barbara Denny

Finance Director Denny reported that we are half way through this fiscal year. We are at 67% of revenue and 52% of expenses in the general fund account. In the utility fund we are at 45% of revenue and 48% of expenses.

9. Old Business

9.1 Second Reading, Ordinance 20-617, Rezoning Hunter Street & S. Pacific (Meritage)

Councilmember Bradford made a motion to approve second reading of Ordinance 20-617, which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

9.2 Authorization to Sign MOU with COG for a Strategic Plan

Councilmember Bradford made a motion authorize signing the MOU with the COG for a strategic plan which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

City Council Meeting May 2020

10. New Business

10.1 Bid Award for Facade Design Manual

Councilmember Bradford made a motion to award the bid to Johnson, Mirmiran, & Thompson, Inc for a facade design manual for \$19,874.24 which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

10.2 Special Event Applications

Hoodtown Lodge Annual Picnic

Councilmember Lowry made a motion to approve the special event application for this event which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

Olde York Dash at Dusk

Mayor Pro tem Brown made a motion to approve the special event application for this event which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

10.3 Indigent Defense Contract with York County

City Manager Duncan stated that the City of York along with several other municipalities have a contract with York County to provide legal representation for indigent defense. This current contract expires October 1, 2020. The County would like a decision from the cities as it prepares for its upcoming budget. The city's portion of this contract would increase to \$26,600.00 from \$16,778.27. The other cities have signaled that they will continue with the contract. In the future, there might be some savings by hiring an attorney and sharing the costs with another city.

Councilmember Bradford made a motion to sign the contract with York County for indigent defense which was seconded by Councilmember Lowry. The motion passed with unanimous approval.

11. Mayor's Report

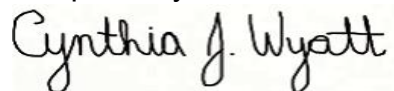
Mayor Fuesser thanked the public works and fire departments for their joint effort to cleanup and build a trellis to improve the senior citizen building. Also, Mayor Fuesser recognized the great job that the public works department did in cleaning up the sidewalks and gutters. Mayor Fuesser encouraged everyone to complete the 2020 Census.

City Council Meeting May 2020

12. Adjourn

Mayor Pro Tem Brown made a motion to adjourn the meeting which was seconded by Councilmember Bradford. The motion passed with unanimous approval. The meeting was adjourned at 7:37 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Cynthia J. Wyatt". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Cynthia J. Wyatt
Municipal Clerk

DRAFT

Council Work Session May 2020

Date and time: Monday, May 18, 2020 04:00 PM

Members Present:

Mayor Mike Fuesser

Mayor Pro Tem Ed Brown

Councilmember Jim Bradford

Councilmember Stephanie Jarrett

Councilmember Steve Love

Councilmember Denise Lowry

Councilmember Marion Ramsey

Participants:

City Manager Seth Duncan

Events Coordinator/PIO Karen Fritz

Finance Director Barbara Denny

-
- | | |
|------------------------------|--------------------------|
| 1. Welcome and Call to Order | Mayor Mike Fuesser |
| 2. Prayer | Mayor Pro Tem Ed Brown |
| 3. Pledge of Allegiance | Mayor Mike Fuesser |
| 4. Discussions | City Manager Seth Duncan |

4.1 Council Budget Discussions

City Manager Duncan provided an overview of the budget planning process. A tentative timeline of having two budget work sessions in July was discussed. The following themes were discussed for the upcoming budget: code enforcement, beautification and clean-up, sidewalk and lighting improvements, recreation and park improvements, more entertainment venues with more family-friendly events, transportation and connectivity, economic development, marketing and revitalization for downtown, aging infrastructure and long term water needs, and employee salaries. Also, it was suggested that the city find alternate sources of income other than to raise taxes or water/sewer rates.

4.2 Unfinished Business from the March Work Session

City Manager Duncan reviewed the following items from the previous work session: Ordinance 20-618, Hydrant Repair Fee, Ordinance 20-619, Model Business License Ordinance, 20-620, Fire Department Board of Trustees, and the 2019-20 Budget Amendment. It was the consensus of council to continue moving forward with all of these matters.

4.3 MASC Annual Conference

City Manager Duncan reported that this year's conference has been shortened due to the COVID-19 issue. Councilmembers Lowry, Bradford, Love, Jarrett, and Mayor Pro Tem Brown expressed their interest in attending this year. Mayor Fuesser declined to attend and Councilmember Ramsey was undecided.

Council Work Session May 2020

5. Resolution Requesting COVID-19 Testing

Councilmember Bradford discussed a proposed resolution that supported having a COVID-19 testing site in York. Mayor Fuesser noted that since we already have secured testing in York that this resolution was not necessary. It was the consensus of council to have a proclamation of thanks and appreciation for all of the partners that helped in making testing possible in York.

6. Adjourn

The meeting was adjourned at 6:44 pm.

Respectfully Submitted,

Cynthia J. Wyatt

Cynthia J. Wyatt
Municipal Clerk

DRAFT

CITY OF YORK GENERAL FUND
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES
FOR THE PERIOD ENDED APRIL, 2020

	Actual	Budget	% of Budget	Target % of Budget	Comments
Property Taxes	\$ 2,988,082.68	\$ 2,928,450.00	102.04%	58.33%	<i>We are done with current collections</i>
Vehicle Taxes	\$ 114,002.75	\$ 280,000.00	40.72%	58.33%	
Franchise Fees	\$ 316,520.06	\$ 670,000.00	47.24%	58.33%	
Delinquent Taxes	\$ 65,659.46	\$ 128,000.00	51.30%	58.33%	<i>We will now only collect delinquent</i>
Fees in Lieu of Taxes	\$ 143,014.69	\$ 50,000.00	286.03%	58.33%	
State Shared Revenue	\$ 52,241.18	\$ 361,000.00	14.47%	58.33%	<i>We started to receive in May</i>
Business Licenses	\$ 346,542.13	\$ 560,000.00	61.88%	58.33%	
Business Licenses - Insurance	\$ -	\$ 950,000.00	0.00%	58.33%	<i>MASC. We will begin to receive in May</i>
Building Permits	\$ 57,269.60	\$ 95,000.00	60.28%	58.33%	
Court Fines and Fees	\$ 29,709.57	\$ 98,000.00	30.32%	58.33%	<i>Court has been out of session since Mid March</i>
Interest	\$ 10,855.37	\$ 18,000.00	60.31%	58.33%	
Rent	\$ 1,750.00	\$ 3,000.00	58.33%	58.33%	
Garbage Fees	\$ 627,220.08	\$ 975,000.00	64.33%	58.33%	
Garbage Bags	\$ 1,749.00	\$ 4,000.00	43.73%	58.33%	
Fire Protection	\$ 60,811.94	\$ 81,750.00	74.39%	58.33%	
Recreation Fees	\$ 93,596.63	\$ 200,000.00	46.80%	58.33%	<i>1/2 Rec supp came in March</i>
Recycling Fees	\$ 8,869.87	\$ 53,275.00	16.65%	58.33%	<i>2nd Qtr billing sent out in April will recive in May</i>
Transfer from Utility	\$ 495,833.31	\$ 850,000.00	58.33%	58.33%	
Transfer from Hospitality Tax	\$ 152,550.00	\$ 305,100.00	50.00%	58.33%	
Transfer from Fund Balance	\$ -	\$ 13,979.00	0.00%	58.33%	
PEBA Pension Credit	\$ 42,622.79	\$ 42,623.00	100.00%	58.33%	
Miscellaneous	\$ 31,735.65	\$ 65,000.00	48.82%	58.33%	
Sale of Fixed Assets	\$ 11,080.00	\$ 20,000.00	0.00%	58.33%	
Capital Lease Proceeds	\$ 640,856.95	\$ -	100.00%	58.33%	<i>Offset by Capital Expense</i>
Grant Revenue	\$ 5,000.00	\$ 6,000.00	0.00%	58.33%	
SRO Reimbursement	\$ 367,794.50	\$ 172,949.00	212.66%	58.33%	<i>3 NEW SRO's & regular SRO agreement</i>
	\$ 6,665,368.21	\$ 8,931,126.00	74.63%	58.33%	

CITY OF YORK GENERAL FUND
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES
FOR THE PERIOD ENDED APRIL, 2020

	Actual	Budget	% of Budget	Target % of Budget	Comments
Administrative	\$ 428,221.46	\$ 802,659.00	53.35%	58.33%	
Personnel Services	\$ 352,173.53	\$ 663,719.00	53.06%	58.33%	
Operating Expenses	\$ 71,560.38	\$ 128,940.00	55.50%	58.33%	
Capital Outlay	\$ 4,487.55	\$ 10,000.00			
Court	\$ 83,307.04	\$ 146,798.00	56.75%	58.33%	
Personnel Services	\$ 60,717.00	\$ 113,220.00	53.63%	58.33%	
Operating Expenses	\$ 22,590.04	\$ 33,578.00	67.28%	58.33%	
Police	\$ 2,020,186.41	\$ 3,307,044.00	61.09%	58.33%	
Personnel Services	\$ 1,662,291.65	\$ 2,862,584.00	58.07%	58.33%	
Operating Expenses	\$ 225,212.02	\$ 401,560.00	56.08%	58.33%	
Capital Outlay	\$ 132,682.74	\$ 42,900.00	309.28%	58.33%	Offset by Capital Lease Proceeds
Fire	\$ 833,709.73	\$ 1,118,782.00	74.52%	58.33%	
Personnel Services	\$ 528,073.05	\$ 977,082.00	54.05%	58.33%	
Operating Expenses	\$ 86,891.75	\$ 141,700.00	61.32%	58.33%	
Capital Outlay	\$ 218,744.93	\$ -	0.00%	58.33%	Partial offset by Capital Lease Proceeds
Fire County Suppression	\$ 3,857.00	\$ 17,900.00	21.55%	58.33%	
Operating Expenses	\$ 3,857.00	\$ 17,900.00	21.55%	58.33%	
Planning & Zoning	\$ 189,891.05	\$ 397,737.00	47.74%	58.33%	
Personnel Services	\$ 151,795.21	\$ 308,067.00	49.27%	58.33%	
Operating Expenses	\$ 22,739.99	\$ 69,670.00	32.64%	58.33%	
Capital Outlay	\$ 15,355.85	\$ 20,000.00	0.00%	58.33%	
Recreation	\$ 415,896.76	\$ 1,013,095.00	41.05%	58.33%	
Personnel Services	\$ 278,176.46	\$ 576,895.00	48.22%	58.33%	
Operating Expenses	\$ 102,164.20	\$ 310,050.00	32.95%	58.33%	
Capital Outlay	\$ 35,556.10	\$ 126,150.00	0.00%	58.33%	
Public Works	\$ 861,666.87	\$ 964,861.00	89.30%	58.33%	
Personnel Services	\$ 277,456.09	\$ 521,861.00	53.17%	58.33%	
Operating Expenses	\$ 294,215.45	\$ 432,000.00	68.11%	58.33%	
Capital Outlay	\$ 289,995.33	\$ 11,000.00	2636.32%	58.33%	Partial offset by Capital Lease Proceeds
Public Works Commercial	\$ 129,257.92	\$ 238,818.00	54.12%	58.33%	
Personnel Services	\$ 32,845.83	\$ 55,968.00	58.69%	58.33%	
Operating Expenses	\$ 96,412.09	\$ 182,850.00	52.73%	58.33%	
Public Works Recycling	\$ 46,860.88	\$ 78,030.00	60.05%	58.33%	
Personnel Services	\$ 28,849.03	\$ 54,330.00	53.10%	58.33%	
Operating Expenses	\$ 18,011.85	\$ 23,700.00	76.00%	58.33%	
Non Departmental	\$ 257,574.45	\$ 854,402.00	30.15%	58.33%	
Personnel Services	\$ 128,481.27	\$ 174,618.00	73.58%	58.33%	Employee Retired
Operating Expenses	\$ 113,149.79	\$ 158,800.00	71.25%	58.33%	
Capital Outlay	\$ 15,943.39	\$ 520,984.00	3.06%	58.33%	
	\$ 5,270,429.57	\$ 8,940,126.00	58.95%	58.33%	
Revenues Over (Under) Expenditures	\$ 1,394,938.64				

CITY OF YORK UTILITY FUND
UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES
FOR THE PERIOD ENDED APRIL, 2020

		Actual		Budget		Target % of Budget	<u>Comments</u>
Gross Revenues							
Water/Sewer Receipts		\$ 1,269,189.97		\$ 2,700,000.00	47.01%	58.33%	
Base Charge		\$ 890,977.29		\$ 1,461,000.00	60.98%	58.33%	
DHEC Charges		\$ 43,923.75		\$ 74,000.00	59.36%	58.33%	
Penalty		\$ 52,374.42		\$ 100,000.00	52.37%	58.33%	
Water/Sewer Taps		\$ 13,901.00		\$ 12,000.00	115.84%	58.33%	
Connection Fees		\$ 18,552.00		\$ 30,000.00	61.84%	58.33%	
Hydrant Fees		\$ -		\$ 1,000.00	0.00%	58.33%	
Meter Reinstallation		\$ 3,276.00		\$ 750.00	436.80%	58.33%	
Meter Installation		\$ 15,872.00		\$ 20,000.00	79.36%	58.33%	
Administrative Fees		\$ 24,273.78		\$ 52,000.00	46.68%	58.33%	
Pretreatment		\$ 22,549.15		\$ 14,000.00	161.07%	58.33%	
Capacity Fees		\$ 136,382.00		\$ 220,000.00	61.99%	58.33%	
Interest		\$ 7,378.09		\$ 13,000.00	56.75%	58.33%	
Miscellaneous		\$ 1,714.05		\$ 4,500.00	38.09%	58.33%	
Grant Revenue		\$ 2,670.00			0.00%	58.33%	SCMIT Grant
Total Revenue		\$ 2,503,033.50		\$ 4,702,250.00	53.23%	58.33%	
				\$ -			
Departmental Expenses							
Utility Administration	\$ 1,824,293.34		\$ 3,469,716.00		52.58%	58.33%	
Personnel Services		\$ 506,780.02		\$ 904,751.00	56.01%	58.33%	
Operating Expenses		\$ 1,317,513.32		\$ 2,564,965.00	51.37%	58.33%	
Capital Outlay		\$ -		\$ -	0	58.33%	
Utility Non Departmental	\$ 742,634.69		\$ 1,232,534.00		60.25%	58.33%	
Personnel Services				\$ -			
Operating Expenses		\$ 608,014.61		\$ 1,028,974.00	59.09%	58.33%	
Cap Fees Construction		\$ 134,620.08		\$ 203,560.00	66.13%	58.33%	
Total Expenditures		\$ 2,566,928.03		\$ 4,702,250.00	54.59%	58.33%	
Revenues Over (Under) Expenditures		\$ (63,894.53)		\$ -			

City of York
2019-2020 Capacity Fees

October	<u>\$ 25,123.00</u>
November	<u>\$ 7,178.00</u>
December	<u>\$ 21,534.00</u>
January	<u>\$ 10,767.00</u>
February	<u>\$ 17,945.00</u>
March	<u>\$ 7,178.00</u>
April	<u>\$ 46,657.00</u>
May	_____
June	_____
July	_____
August	_____
September	_____
Total	<u><u>\$ 136,382.00</u></u>

**City of York
Hospitality Tax
Monthly Revenue Projections vs Actual
2019 - 2020**

Month	Projected Revenue	2018 - 2019 Actual Revenue	2019 - 2020 Actual Revenue	Revenue Over / (Under) Projection	
October	40,833.33	40,727.13	50,097.19	9,263.86	FINAL
November	40,833.33	41,679.48	47,972.64	7,139.31	FINAL
December	40,833.33	45,558.21	50,135.56	9,302.23	FINAL
January	40,833.33	40,145.84	48,004.44	7,171.11	FINAL
February	40,833.33	44,574.40	40,906.77	73.44	FINAL
March	40,833.33	46,227.39	46,457.52	5,624.19	FINAL
April	40,833.33	48,217.37			
May	40,833.33	49,070.48			
June	40,833.33	48,593.38			
July	40,833.33	46,294.52			
August	40,833.33	48,378.17			
September	40,833.33	46,316.96			
Total	\$ 490,000.00	\$ 545,783.33	\$ 283,574.12	\$ 38,574.12	
***Note Revenue is always a month behind. Eg: October is received in November, therefore, current month amount will be adjusted at month end.					

MEMORANDUM

TO: Mayor and Council
FROM: Seth Duncan, City Manager
SUBJECT: Business License Ordinance
DATE: February 17, 2020

Challenge

The City of York's business license ordinance is based upon the Municipal Association of South Carolina's Model Ordinance and was last adopted in 2008. Since that time, MASC has made changes to the Model Ordinance and is now recommending all cities/towns with a business license ordinance to adopt the most current model.

Current Ordinance

The current ordinance can be found [here](#) under Chapter 10, *Businesses*, Article II, *Licenses*.

Proposed Ordinance

At MASC's Hometown Legislative Action Day 2020, Council and staff learned of many important reasons to adopt the current version (2019) of the model ordinance. Simply put: Standardization is fair for all. Adopting the latest version of the model ordinance would make the following, important, changes:

- Adopt a standard due date of April 30 (currently it is March 31 in our ordinance)
- Clears up language regarding fee versus tax (we refer to it as a fee, but now it's a tax)
- Clearly defines gross receipts and gross revenue (updates our old language)

In addition to the important changes above, adoption of the latest version of the model ordinance will allow the city to participate in MASC's online business license renewal portal, use a common application, have the peace of mind, that the model ordinance has successfully withstood multiple legal challenges.

While the proposed ordinance does adopt the latest version of the model ordinance, it does not directly change rates for any class code.

STATE OF SOUTH CAROLINA

)

CITY OF YORK

COUNTY OF YORK

)

)

ORDINANCE 20-619

AMENDING THE CODE OF ORDINANCES BY REPEALING AND PREPLACING CHAPTER 10, *BUSINESSES*, ARTICLE II, *LICENSES*, AS PERTAINS TO THE BUSINESS LICENSE TAX.

WHEREAS, the York City Council on August 5, 2008 adopted an ordinance implementing the model business license ordinance authored by the Municipal Association of South Carolina (MASC);

WHEREAS, the York City Council believes in a commitment to strong South Carolina cities and that standardization is fair for all; and

WHEREAS, the York City Council finds it necessary to adopt the latest version of the model business license ordinance published by MASC.

NOW, THEREFORE be it ordained by the York City Council on the dates hereinafter set forth, that Chapter 10, *Businesses*, Article II, *Licenses*, be repealed and replaced as follows:

Section 1. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of York, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

“*Business*” means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

“*Charitable Organization*” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

“*Charitable Purpose*” means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

“*Classification*” means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“*Gross Income*” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies.

“*License Official*” means a person designated to administer this ordinance.

“*Licensee*” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“*Municipality*” means the City/Town of York, South Carolina.

“*Person*” means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 3. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period of May 1 to April 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. License Tax.

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Section 5. Registration Required.

A. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

Section 6. Deductions, Exemptions, and Charitable Organizations.

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

C. A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization, or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Article.

The License Official shall administer the provisions of this article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

A. For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to insure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

A. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

Section 12. Delinquent License Taxes, Partial Payment.

A. For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License.

The License Official shall deny a license to an applicant when the License Official determines:

A. The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

B. The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents; or

C. The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

D. The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

E. The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

F. The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License.

When the License Official determines:

A. A license has been mistakenly or improperly issued or issued contrary to law; or

B. A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

C. A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

D. A Licensee has been convicted , within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

E. A Licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council.

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the

hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

Section 17. Consent, franchise or license required for use of streets.

A. It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Section 19. Violations.

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Section 20. Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 21. Classification and Rates.

A. The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group or industry. The Business License Class Schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a license tax. The business classification, pursuant to the most recent version of the Business License Class Schedule adopted by the council, most specifically identifying the subject business, shall be applied to the business. The License Official shall have the authority to make the determination of the business classification most specifically applicable to a subject business...

B. The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current Business License Rate Schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council. A copy of the Class Schedule and Rate Schedule shall be filed in the office of the municipal clerk.

Section 22. Effective Date

This Ordinance shall take effect and be in force from and after October 1, 2020.

Michael D. Fuesser, MAYOR

ATTEST:

Municipal Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

APPENDIX A

RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000</u> <u>BASE RATE</u>	<u>INCOME OVER \$2,000</u> <u>Rate per Thousand or fraction thereof</u>
1	\$ 25.00	\$1.00
2	\$ 30.00	\$1.05
3	\$ 35.00	\$1.10
4	\$ 40.00	\$1.15
5	\$ 45.00	\$1.20
6	\$ 50.00	\$1.25
7	\$ 55.00	\$1.30
8.1	\$ 35.00	\$1.10
8.2	Set by State Statute	
8.3	MASC Telecommunications	
8.41	\$ 55.00	\$1.30
8.42	\$ 55.00	\$1.30
8.43	\$ 100.00	\$3.00
8.5	\$ 25.00	\$0.90
8.61	\$ 110.00	\$5.30
8.62	\$ 110.00	\$5.30
8.7	MASC Insurance	
8.81	\$12.50 + \$12.50 per machine	
8.82	\$ 70.00	\$2.10
8.83	\$12.50 + \$12.50 per machine	
8.91	\$ 55.00	\$1.30
8.92	\$ 55.00	\$1.30
8.93	\$ 55.00	\$1.30
8.10	\$ 55.00 + \$5.00 per table	\$1.30

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 - Contractors, Construction, All Types

Having permanent place of business within the municipality

Minimum on first \$2,000.....\$ 35.00 PLUS

Each additional 1,000.....\$ 1.10

Having no permanent place of business within the municipality

Minimum on first \$2,000.....\$70.00 PLUS

Each additional 1,000.....\$1.90

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

Decals shall be required for each contractor vehicle conducting business in the City of York. The first decal will be included in the business license fee. Additional decals may be purchased for \$2.00 each.

8.2 NAICS 482 - Railroad Companies – (See S.C. Code § 12-23-210)

8.3 NAICS 517311, 517312 - Telephone Companies:

A. Notwithstanding any other provisions of the 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 amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. 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.

C. 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.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

8.41 NAICS 423930 - Junk or Scrap Dealers [Non-resident rates apply]
Minimum on first \$2,000\$ 55.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 1.30

8.42 NAICS 522298 - Pawn Brokers - All Types
Minimum on first \$2,000 \$ 55.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$ 1.30

8.43 NAICS 531110 – Lessors of Residential Buildings
Minimum on first \$2,000 \$100.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$3.00

8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail
(except auto supply stores - see 4413)
Minimum on first \$2,000\$ 25.00 PLUS
Per \$1,000, or fraction, over \$2,000\$ 0.90

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales

direct retail sales of merchandise. [Non-resident rates apply]

- 8.61** Regular activities [more than two sale periods of more than three days each per year]
Minimum on first \$2,000\$110.00PLUS
Per \$1,000, or fraction, over \$2,000\$5.30

- 8.62** Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]
Minimum on first \$2,000\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000\$1.75

Applicant for a license to sell on private property must provide written authorization from the property owner to use the intended location.

8.7 NAICS 5241 - Insurance Companies:

Except as to fire insurance, “gross premiums” 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.

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.

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.

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.

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident 0.75% of Gross Premiums

NAICS 524126 - Fire and Casualty..... 2% of Gross Premiums

NAICS 524127 - Title Insurance 2% of Gross Premiums

Notwithstanding any other provisions of this ordinance, 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.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker’s premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 (“NRRA”), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker’s premium tax rate of 6 percent comprised of a 4 percent state broker’s premium tax and a 2 percent municipal broker’s premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

NAICS 713120 - Amusement Machines, coin operated (except gambling) -

Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – [Type I and Type II]

8.81 Operator of machine\$12.50/machine PLUS
.....\$12.50 business license
for operation of all machines (not on gross income).[§12-21-2746]

8.82 Distributor selling or leasing machines
(not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.]
Minimum on first \$2,000 \$70.00 PLUS
Per \$1,000 or fraction over \$2,000\$2.10

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III]

8.83 Operator of machine\$12.50/machine PLUS
.....business license for
operation of all machines (not on gross income). [§12-21-2720(B)]

8.82 - Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] -Minimum on first \$2,000..... \$180 PLUS
Per \$1,000, or fraction, over \$2,000\$1.75

- 8.91 NAICS 713290 - Bingo halls, parlors –**
 Minimum on first \$2,000\$55.00 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.30
- 8.92 NAICS 711190 - Carnivals and Circuses -**
 Minimum on first \$2,000\$55.00 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.30
- 8.93 NAICS 722410 - Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises)**
 Minimum on first \$2,000\$55.00 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.30

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

- 8.10 NAICS 713990 - Billiard or Pool Rooms, all types\$5 per table PLUS**
 Minimum on first \$2,000\$55.00 PLUS
 Per \$1,000, or fraction, over 2000.....\$1.30

NAICS 22112 - Electric Power Distribution..... See Consent or Franchise

NAICS 22121 – Natural Gas DistributionSee Consent or Franchise

**NAICS 517110 – Television: Cable or Pay
 Services using public streets.....See Franchise**

Business License Class Schedule by NAICS Code Appendix B

**This appendix will be updated annually based on the latest available IRS statistics.
The updated Business License Class Schedule may be accessed at
<http://www.masc.sc/SiteCollectionDocuments/Finance/BL-AppxB.pdf>**

MEMORANDUM

TO: Mayor and Council
FROM: Seth Duncan, City Manager
Domenic Manera, Fire Chief
SUBJECT: Local Board of Trustees for 1% Fireman's Fund
DATE: February 17, 2020

Challenge

South Carolina Fire Departments receive over \$16 million dollars annually in 1% funds. These funds are meant to be used to benefit firefighters by providing benefits and paying for expenses that the regular department resources will not provide. In 2019, the City received \$24,287 in funds to be used in one of three categories including retirement and insurance, training and education, and recruitment and retention. For more information on the use of 1% monies, please click here: <https://scfirefighters.org/wp-content/uploads/2016/12/Form-203.pdf>

The budgeting of 1% money falls under the responsibility of a Local Board of Trustees. For a long time it was understood that the local board of trustees for the City of York Fire Department was the County's Board. At a recent training, it was strongly recommended to Chief Manera by the South Carolina Firefighter's Association (SCFFA) that the City utilize its own board for the allocation/budgeting of 1% money.

Current Ordinance

The City's current ordinance regarding the board of trustees reads as follows:

Sec. 16-87. - Composition of board of trustees.

The board of trustees for firemen's insurance and inspection fund for the city fire department shall consist of seven members who shall be the mayor, two members appointed by the mayor, two members appointed by the council, and two members appointed by the members of the fire department.

(Code 1977, § 9-42)

State Law

SC Code of laws presents two options for the City to consider when creating a board of trustees. These options are either a 3-member board or 5-member board as described below.

SECTION 23-9-320. *Composition of board of trustees in cities and towns; term of office of citizen members.*

The board of trustees of the firemen's insurance and inspection fund in cities and towns, if composed of three, consists of the mayor, the councilman in charge of the fire department or the chairman of the fire committee, and the chief of the fire department. The board in cities and towns, if

composed of five, consists of the chairman of the board of fire masters or the chairman of the fire committee, the chief of the fire department, the city or town treasurer, and two citizens, one to be appointed by the mayor and one to be appointed by the chief of the fire department, both to be confirmed by the governing body of the city or town. The term of office of the last two named members of the board is four years and until their successors are appointed and confirmed and qualify for office.

Proposed Ordinance/Recommendation

In order to ensure our ordinance is in alignment with state law and in keeping with the practice observed by the County, and recommendations by SC Firefighter's Association, staff suggest the following modifications:

Sec. 16-87. – Composition of board of trustees.

The board of trustees for fireman's insurance and inspection fund for the city fire department shall consist of **three members** who shall be the mayor, **city manager, and the chief of the fire department.**

*The City Manager was included in lieu of "the councilman in charge of the fire department or the chairman of the fire committee" at the recommendation and approval of Jeff Oswald of the SC State Firefighters Association.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 20-620

AN ORDINANCE TO AMEND THE CITY OF YORK CODE OF ORDINANCES RELATING TO FIREMAN'S INSURANCE AND INSPECTION FUND BOARD OF TRUSTEES

BE IT ORDAINED, by the City Council of York, South Carolina in Council assembled, that Chapter 16, *Fire Department*, Division II, *Insurance and Inspection Fund*, Section 16-87, *Composition of Board of Trustees* be amended as follows:

The board of trustees for firemen's insurance and inspection fund for the city fire department shall consist of ~~seven~~ **three** members who shall be the mayor, **city manager, and the chief of the fire department** ~~two members appointed by the mayor, two members appointed by the council, and two members appointed by the members of the fire department.~~

Michael D. Fuesser, MAYOR

ATTEST: _____
Municipal Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

MEMORANDUM

TO: City Council
FROM: Seth Duncan, City Manager
SUBJECT: Budget Amendment
DATE: May 26, 2020

SUMMARY

Due to a number of changes in revenue and expenditures, staff is presenting a mid-year budget modification to account for unexpected grants and expenditures, and to align financial resources to commitments made by Council. The two most significant changes to the budget include approximately \$194k in a School Resource Officer grant received by the state, and the revenue/expenditures associated with the budgeted lease purchase of vehicles and equipment. The lease purchase revenue and expenses were not previously recorded, but are now at the recommendation of our auditor. In the end, this budget modification will increase the bottom line total from \$14.157 million to \$15.773 million, with most of the increase in revenues and expenditures appearing in the General Fund.

Covid-19 is likely to have an impact on our FY budget by delaying some revenues and reducing others. While the full impact cannot be known at this time, staff is curtailing expenditures in anticipation of reduced revenue. Should it become more clear which and by how much certain revenue line items will be affected, staff will make adjustments prior to second reading of a modified budget ordinance.

Fund and Departmental Breakdown of Changes

The significant fund and departmental changes are listed below. Significant is defined as any change +/- \$5,000.

GENERAL FUND – Revenue

Transfer from Hospitality Tax – Reduced by \$25k due to lack of need.
Transfer from Fund Balance – Reduced by \$14k due to lack of need (no fund balance needed).
Capital Lease Proceeds – Increased by \$1,083,800 for 4 lease purchases (not previously recorded)
Recreation Grant – Increased by \$5,000 for PalmettoPride grant award.
SRO Reimbursement – Increased by \$194,844 for State SRO Grant.

GENERAL FUND – Expenditures

Administration

No change.

Police Department

Police Salaries – Increased by \$37k to cover the salary difference for new SRO's.
Retirement – Increased by \$6.8k to cover the cost of fringe for new SRO's.
Repairs – Increased by \$29k for lease purchase of (3) SROs.

Machinery & Equipment – Increased \$140k for lease purchase 21 & 22.

Fire Department

Other Outlay – Increased by \$313k for lease purchase 19 (radios) and lease purchase 22 (vehicles).

Planning and Zoning

Transportation Equipment – Increased by \$14k for the stripping and outfitting of vehicle.

Machinery & Equipment – Increased by \$20k for lease purchase 22 (vehicle).

Recreation

Printing and Supplies – Increased by \$5k for PalmettoPride funded garbage cans.

Public Works

Debt Service – Increased by \$290k for lease purchase 20 (residential garbage truck).

Recycling

Debt Service – Increased by \$160k for lease purchase 20 (recycling truck).

Non-Departmental

Capital Outlay – Increased by \$151k for lease purchase 19 (IT Infrastructure).

Transfer to Capital Projects – Increased by \$428K for PARD and LWCF Grants.

ENTERPRISE FUND – Revenue

Public Works Grants – Increased by \$2,670 for SCMIT Grant 50/50.

Hydrant Repair Fee – Increased by \$10k (new fee Council is considering)

Hydrant Fees – Increased by \$1,500 for recently updated private hydrant and sprinkler fee.

ENTERPRISE FUND – Expenditures

Printing/Office Supplies – Increased by \$5,340 for SCMIT Grant 50/50.

Repairs and Maintenance – Increased by \$8,830 for fire hydrant repairs.

HOSPITALITY TAX FUND – Revenue

Interest – Increased by \$1,500 and was not previously budgeted.

HOSPITALITY TAX FUND – Expenditures

Hospitality Professional Services – Increased by \$26,500 to be used towards events/projects.

Hospitality Tax Transfer to Gen Fund – Decreased by \$25,000 did not need in General Fund.

CAPITAL PROJECT FUND – Revenue & Expenditures

Splash Park Grant Expense – Increased by \$427,601.24 for PARD & LWCF grants.

ROLLUP

	Original Rev/Exp.	Change	Amended Budget
General Fund	\$8,940,126.00	\$1,600,665.00	\$10,540,791.00
Enterprise Fund	\$4,702,250.00	\$ 14,170.00	\$ 4,716,420.00
Hospitality Tax Fund	\$ 515,000.00	\$ 1,500.00	\$ 516,500.00
	\$14,157,376.00	\$1,616,335.00	\$15,773,711.00

STATE OF SOUTH CAROLINA

)

CITY OF YORK

)

COUNTY OF YORK

)

ORDINANCE 20-623

AN ORDINANCE AMENDING THE BUDGET AS PREVIOUSLY ADOPTED BY COUNCIL CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF YORK, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 AND DECLARING THAT SAME SHALL CONSTITUTE THE BUDGET OF THE CITY OF YORK FOR SUCH FISCAL YEAR.

WHEREAS, Pursuant to the provisions of the Laws of the State of South Carolina, and the Charter and Ordinances of the City of York, the City Manager delivered, as required, a Budget which was adopted by Council on September 3, 2019.

WHEREAS, The City Manager has determined it relevant and necessary to deliver to Council an Amended Budget for the Fiscal Year to properly account for additional revenues and expenditures associated with grants, new fees, and financing of capital purchases.

WHEREAS, The City Manager has also determined it necessary to reallocate resources among several departments to align with Council’s objectives, commitments, and goals for the Fiscal Year.

WHEREAS, This Amended Budget contains the Budgets for the General Fund and Water and Sewer Fund; and,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF YORK HEREBY ORDAINS:

Section 1. That the City of York Budget for Fiscal Year 2019-2020 (beginning October 1, 2019, and ending September 30, 2020) as amended as hereto attached is approved and adopted.

Section 2. There shall be and is hereby levied upon all of the taxable property of the City of York for ordinary purposes, for the fiscal year beginning October 1, 2019, and ending September 30, 2020, a tax of 124.6 mills upon each one dollar (\$1) (124.6 centers per \$1,000) of taxable property in the City of York to pay the amounts appropriated in the Budget duly adopted for the said City of York for said fiscal year, after deducting from said Budget the estimated revenue accruing to the City of York from other sources.

Section 3. To achieve the goals of the budget, the City Manager is hereby authorized to transfer any sum from one budget line item to another, or from one department or division to another department or division; provided, however, that no such transfer shall (a) be made from one fund to another fund, (b) conflict with any existing Bond Ordinance, or (c) conflict with any previously adopted policy of the City Council. Any change in the budget which would increase or decrease the total of all authorized expenditures must be approved by the City Council.

Section 4. That, should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 5. That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as the same affect this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after October 1, 2019.

PASSED AND APPROVED by the City Council of the City of York on the 7th day of July, 2020.

MEMORANDUM

TO: City Council

FROM: Seth Duncan, City Manager
David Breakfield, Planning Director

SUBJECT: First reading of an ordinance amending Appendix A- Zoning Ordinance to allow flea markets in the B1-Central Business zoning district subject to special exception review

DATE: May 27, 2020

ISSUE

Currently, flea markets are conditionally allowed in the HC- Highway Commercial zoning district. The City has received a zoning amendment request to allow flea markets by special exception in the B1- Central Business zoning district.

DISCUSSION

At its meeting on May 26th, the Planning Commission reviewed a draft ordinance for the request and found the proposal to be keeping with the character of the B1-Central Business zoning district based on special exception approval being required for such proposed uses. The Planning Commission felt that the special exception inclusion was necessary to allow the City of York Board of Zoning Appeals the opportunity to review each project on a case-by-case basis.

During the May 26th meeting, the applicant indicated a desire to ultimately have a flea market at 108 N. Congress St (beside Whitesides Cleaners). If the amendment is approved, the applicant would apply for special exception approval at the noted location.

RECOMMENDATION

Staff recommends that Council approve first reading of an ordinance amending Appendix A- Zoning Ordinance to allow flea markets subject to special exception approval in the B1-Central Business zoning district as detailed in the draft ordinance recommended by the Planning Commission.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 20-624

AMENDING APPENDIX A, ZONING ORDINANCE TO ALLOW FLEA
MARKETS BY SPECIAL EXCEPTION IN THE B1 – CENTRAL BUSINESS
ZONING DISTRICT

WHEREAS, the York City Council and Planning Commission find that continued economic development of the historic downtown district should be encouraged;

WHEREAS, the York City Council and Planning Commission find that diverse land uses should be allowed as long as the City maintains appropriate design purview to ensure quality development; and

WHEREAS, the York City Council and Planning Commission find that flea markets should be allowed in the B1 – Central Business Zoning District subject to special exception review by the City of York Board of Zoning Appeals.

NOW, THEREFORE BE IT ORDAINED in Council assembled on the dates hereafter set forth that York City Council does herewith amend Appendix A, City of York Zoning Ordinance as follows:

- Amending Section VIII. Zoning Districts, Subsection 10. B1-Central Business Zoning District by adding the following to Part D (Special exception uses) – Uses allowed by special exception:

4. Flea Markets

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

Michael D. Fuesser, MAYOR

ATTEST: _____
Municipal Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

MEMORANDUM

TO: City Council
FROM: Seth Duncan, City Manager
SUBJECT: Emergency Ordinance
DATE: May 26, 2020

ISSUE

City Council is being asked to consider a new Emergency Ordinance to continue the City's response to Covid-19. Emergency Ordinances are only in effect for 61 days and so a new EO is needed.

DISCUSSION

City Council on April 7th adopted a second Emergency Ordinance to continue efforts to respond to Covid-19. This ordinance will automatically expire on June 7th without further Council action. Being brought forth to Council for consideration is a new Emergency Ordinance that does the following:

1. The City of York shall continue utilizing the standards and processes for conducting meetings by electronic means as previously stated in Emergency Ordinance 20-622.
2. The imposition of late fees and penalties for tax payments, utility payments, and other monthly reoccurring charges assessed by the City of York that were suspended by Emergency Ordinance 20-622 is hereby repealed.
3. The City Manager shall implement the necessary protocols to open City facilities to the public within the parameters outlined by the Governor of South Carolina and shall reasonably comply with standards and recommendations to ensure sanitary conditions exist and maintained.
4. The City Manager is authorized to cancel and revoke any special events permits issued prior to the date of this resolution for event taking place until July 31, 2020.

This EO too will expire automatically 61 days after adoption unless replaced or revoked sooner.

RECOMMENDATION

Staff recommends adoption of the new Emergency Ordinance to continue our efforts to respond and recover from the pandemic.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 20-625
EMERGENCY ORDINANCE RESPONSE TO COVID-19

WHEREAS, South Carolina Code 5-7-250 provides for the Council the ability to adopt emergency ordinances to meet public emergencies affecting life, health, and safety or the property of the people; and

WHEREAS, The Governor of South Carolina declared a State of Emergency on March 13, 2020, to enhance the state’s response to the COVID-19 virus’s impact on the state; and

WHEREAS, The City of York on March 17, 2020 declared that a public health emergency exists in the City and took initial measures to protect the life and welfare of its citizens including the temporary suspension of normal operating procedures of City Council Meetings to allow members to remotely participate and vote by telephone or other means of electronic communication provided that the provisions of SC Freedom of Information Act (Act) are complied with; and

WHEREAS, York City Council has adopted Emergency Ordinance 20-621 and Emergency Ordinance 20-622 to provide transparency and flexibility in the operation of Council, Boards, and Commissions, comply with the Governor’s various requests, and grant the City Manager necessary authority to ensure the life, health, and safety of all people, among other things; and

WHEREAS, York City Council deems it proper and necessary to adopt additional measures in order to slow the aggressive spread of Covid-19 and limit person-to-person contact when conducting official City business.

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

1. The City of York shall continue utilizing the standards and processes for conducting meetings by electronic means as previously stated in Emergency Ordinance 20-622.
2. The imposition of late fees and penalties for tax payments, utility payments, and other monthly reoccurring charges assessed by the City of York that were suspended by Emergency Ordinance 20-622 is hereby repealed.
3. The City Manager shall implement the necessary protocols to open City facilities to the public within the parameters outlined by the Governor of South Carolina and shall reasonably comply with standards and recommendations to ensure sanitary conditions exist and maintained.
4. The City Manager is authorized to cancel and revoke any special events permits issued prior to the date of this resolution for event taking place until July 31, 2020.

5. This emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

Michael D. Fuesser, MAYOR

ATTEST:

Municipal Clerk

Emergency Reading:

MEMORANDUM

TO: City Council
FROM: Seth Duncan, City Manager
Andy Robinson, Chief of Police
SUBJECT: Authorization to sign SRO Agreement with York School District One
DATE: May 26, 2020

ISSUE

Each year the City of York and York School District One enter into an agreement to share the costs of the School Resource Officer program for local schools. City Council is being asked to consider continuing the SRO program and authorize the City Manager to sign the annual SRO Agreement.

DISCUSSION

The City of York and York School District One have partnered for many years to provide the SRO program to schools in York. The program provides for a trained law enforcement officer to be assigned to a home school during instructional hours and provide traditional law enforcement services. The SRO also serves as role model and connection point for the community.

The SRO program is currently deployed to the following schools: Harold C. Johnson Elementary, Hunter Street Elementary, York Comprehensive High, York Intermediate, York Middle, and York One Academy. The cost of the SRO program are shared between the District and City 75/25 and include officer salary, benefits, equipment and vehicle. Three of the six SRO positions are fully funded by a SC Department of Education grant.

The only significant change in the agreement this year was the inclusion of language folding the costs of the state funded SRO positions into the 75/25 split if the grant funding becomes unavailable.

RECOMMENDATION

Staff recommends the continuation of the SRO program and asks Council to provide authorization to the City Manager to sign the SRO Agreement.

**SCHOOL RESOURCE OFFICER
AGREEMENT AND MEMORANDUM
OF UNDERSTANDING**

This Agreement and Memorandum of Understanding is made by and between:

**THE CITY OF YORK
10 N. Roosevelt Street
York, South Carolina 29745**

Including its

**YORK POLICE DEPARTMENT
12 N. Roosevelt Street
York, South Carolina 29710**

and

**YORK SCHOOL DISTRICT ONE
1475 E Liberty Street
York, South Carolina 29745**

THIS AGREEMENT and MEMORANDUM OF UNDERSTANDING for law enforcement services is entered into by and between The City of York and its York Police Department (hereinafter "City") and York School District One, (hereinafter "District"), all subject to the following terms and conditions:

1. The City through its York Police Department will provide on-site law enforcement services to the District as specified herein. Services by the City will be provided by Officer(s) specially trained to be School Resource Officer(s) (hereafter referred to as "SRO(s)"). The SRO(s) will be assigned to the District for eight and one-half hours per day, including a meal break, for all school days in the school term. The SRO(s) will work during hours agreed upon by the City and the District on the campuses of the following:

Harold C Johnson Elementary
Hunter Street Elementary
York Comprehensive High
York Intermediate
York Middle
York One Academy

For the consideration set forth herein, to be paid by the District to the City, each SRO will provide general law enforcement services for their assigned school. Each SRO will

perform duties as the City shall assign for other times of the year, when their school is not in session, and s/he will be under no obligation to the District for other than the assigned school days. Each SRO may utilize the equipment furnished under this Agreement for such other duties as may be directed by the City. First and foremost, the SRO will perform law enforcement duties in the school such as handling assaults, thefts, burglary, bomb threats, weapons and drug related incidents. The SRO will provide a visible and positive image; arriving at school on time every morning and remaining on the school premises until school is recessed for the day. The SRO will keep the Principal and SRO Supervisor informed of his/her school activities and Police department activities, unless in an emergency situation. In the event of an emergency situation and the SRO needs to leave the school, the SRO should make a reasonable attempt to let the Principal know he/she will be away from the school. It is also the responsibility of the SRO to notify the school Principal of their pending absence. In the event that the SRO is absent from the school for an extended period of time, the City will assign another SRO to assume their duties until he/she returns. In the event that no other SRO is available, the City will assign an Officer to assume such duties on a temporary basis. Furthermore, the SRO shall at all times, when on duty or off duty, strive to protect the school environment and help to maintain an atmosphere therein where teachers feel safe to teach and students can feel safe to learn. The SRO is not a counselor nor a disciplinarian. When assigned, the officer shall perform other duties that shall provide for a safe environment for the schools and the public in general. The SROs and their crime prevention duties shall result from specific programs assigned, implemented, and approved by the Chief of Police and the District Superintendent.

2. Compensation and work schedule: The City of York police officers shall be assigned on a full time basis during the school year. Additional hours may be assigned to the district during the regular school year. In addition, arrangements may be made for the SRO to make periodic visits to City schools where summer activities are scheduled. The Chief of Police may temporarily reassign the SRO during school holidays or during a period of law enforcement emergency. As a general rule, the SRO will spend 75% of his time with York School District One and 25% of his time with the City of York. Calculated percentages are noted below. These percentages are agreed to be general rather than specific which should allow minimal flexibility if necessary:

- Generally, there are 260 workdays during a 365 - day calendar year. (365 days minus Saturdays and Sundays= 260 work days)
- Of these 260 days, the designated police officers should spend 75% of his / her time with York School District One as an SRO. Generally, this percentage amounts to 195 days ($260 \times .75 = 195$). These 195 days are expected to be inclusive of the full school term from August through May.
- The designated police officers should spend 25% of his/ her time with the City of York Police Department. Generally, this amounts to 65 days ($260 \times .25 = 65$). These 65 days are expected to include non-school term, summer months from June through July plus days declared school holidays during the school term.

Generally figured:

June= 22 work days

July= 23 work days

School Calendar Holidays = 20

Total 45 work days *

*In addition, the SRO assigned from the City Police Department is available to the Chief of Police in the event of an emergency situation.

3. Travel to off campus for school events: At the request of the Superintendent or Assistant Superintendent, and with consent of the Chief of Police or his designee, the SROs assigned to York School District One will be permitted to travel to off campus programs that are a part of the District's educational efforts for educational purposes and emergencies.

4. Funding for Salaries and Benefits, Equipment and Supplies: The District will provide funding for seventy-five percent (75%) of salary and benefits for the SRO(s) from the beginning date of the Agreement. The City will provide funding for twenty-five percent (25%) of salary and benefits for the same period of time. The compensation paid to the City of York will be based on an annual salary for each SRO. The City of York understands that grant monies from the State of South Carolina will be used to compensate three SRO positions at Hunter Street Elementary, Harold C. Johnson Elementary, and York Intermediate School.

In the event it should become necessary for the City to pay overtime compensation to the SRO(s) to provide services contemplated under this Agreement and mandated by Federal Wage and Hour guidelines, the parties agree the responsibility for funding such compensation to be as follows:

- If the overtime is the result of a law enforcement emergency, the City will be responsible for covering overtime costs;
- If the overtime is required for school-sponsored activities such as ball games, dances, or similar activities, the District shall contract directly with the officer within the guidelines of Departmental Policy and shall be responsible for covering any compensation due to the SRO. The assigned SRO is the designated point of contact for all off duty employment requests made by each school.
- The District has no authority to authorize overtime to be paid by the City.

The benefits paid on behalf of the City to the SRO(s) will include the employer's portion under the Federal Insurance Contributions Act (FICA), employer's portion of the Police Retirement System, health insurance, life insurance, General Tort Insurance and Workers Compensation Insurance.

The District will provide funding for seventy-five percent (75%) of the equipment and operating supplies for all SRO(s). This includes, but is not limited to: vehicle meeting the standards of the City; lights and siren for the vehicle; vehicle markings; portable radio; firearms; protective cages; mounting devices; vehicle insurance; gas/oil/fuel/vehicle maintenance costs; uniforms/clothing; police supplies; and training requirements for the three SROs in place prior to the placement of the grant funded SROs.

The parties further agree that all equipment and supplies may be utilized by Officers for duties outside the scope of this Agreement, if so directed by the City.

A marked vehicle will be provided to the SRO(s) at such time as a vehicle meeting the above specifications is available.

5. Equipment and Ownership: Uniforms/clothing/equipment purchased for the SRO(s) on a 75/25% split as in Paragraph 4 will be utilized for the particular SRO during the duration of this Agreement but will become the property of the City upon purchase and the District will have no rights to the uniforms/clothing/equipment upon termination of this Agreement.
6. SRO Office and Furniture: The District shall provide to the SRO the following materials and facilities which are deemed necessary to the performance of the SRO's duties:
 - a. Access to an air-conditioned and properly lighted, private office. This office shall contain a telephone that may be used for general business purposes.
 - b. A location for files and records which can be properly locked and secured within the office.
 - c. A desk with drawers, an office chair, work table, filing cabinet, office supplies, and access to a computer.
7. Selection of SRO Officers: The City will select the particular SRO(s) to fill positions based on the terms of this Agreement and will provide specialized training required for SRO Certification. The District and the Principal, or their respective designee, may participate in the selection of the SRO to be assigned. A good faith effort will be made to ensure compatibility between the school and the SRO. However, the City will be solely responsible for the selection and assignment of the SRO(s). The City understands the benefit of continuity in the school setting and will endeavor to keep the same SRO(s) assigned to the District under this Agreement unless the City determines, in its sole discretion, that a change in assignments should be made. The City also understands that conflicts arise and if the District notifies the City at any time during the term of this Agreement that a conflict with any SRO(s) assigned under this Agreement has arisen, the City will confer with the District to determine whether the conflict can be resolved. In the event that the conflict cannot be resolved to the satisfaction of the District

and the City by the same SRO(s) remaining at their assigned school(s), the City will assign another qualified and certified SRO(s) for the remainder of the term of this Agreement. It is agreed that an SRO who has completed certification requirements approved by the South Carolina Criminal Justice Academy will be assigned. If the assigned Officer is away from work for any reason for three (3) consecutive school days, the City will temporarily assign another Officer to the position. The replacement Officer may not have received specialized SRO training.

Reassignment/Resignation/Dismissal of School Resource Officers

a. In the event the principal of the school to which the SRO is assigned believes that the particular SRO is not effectively performing his or her duties and responsibilities, the principal shall state these reasons in writing to the Superintendent or his/her designee. Within a reasonable time after receiving the recommendation from the principal, the Superintendent or his/her designee shall advise the Chief of Police or his/her designee of the principal's concerns. If the Police Department so desires, the Superintendent and the Chief of Police, or their designees, shall meet with the SRO to mediate or resolve any problems. If, within a reasonable amount of time after commencement of such mediation, the problem cannot be resolved or mediated, or in the event the Police Department does not seek mediation, then the SRO shall be reassigned from the program at the school and a replacement shall be assigned.

b. The City of York Police Department may dismiss or reassign a SRO based upon the Police Department's rules, regulations, and/or general orders and when it is in the best interest of the citizens of the City of York.

8. Drug Seizures, Forfeitures, and Criminal Charge Disposition: The York Police Department, Solicitor's Office, or other eligible law enforcement agencies shall receive any cash or proceeds from cash or property seized and forfeited pursuant to Title 44, Chapter 53 of the South Carolina Code of Laws, (1976, as amended). All arrests made or citations given while on District property will be disposed of as provided by law through the Courts having jurisdiction over York Police Department charges and the Defendant.

9. Term: This Agreement will become effective upon provision of services/signing and will last until a new agreement is signed, or one or more signees are no longer in their respective positions. It is agreed that officer services will be provided through the last day of the 2020-2021 school year; however, the Agreement will remain effective as previously stated for billing and payment purposes. The City will bill the District quarterly. The quarterly bill amount will be based on a proration of the annual cost for the District. Reconciliation will be completed at the end of the fourth quarter and an invoice or check, whichever is appropriate, will be sent to the District. This will ensure that the District is not billed more than the actual expenses. The invoices should be received by the School District during the first month of the quarter. Payment is due upon receipt of invoice. If the grant funding from the State of South Carolina that is funding the SRO positions at Hunter Street Elementary, Harold C. Johnson Elementary, and York Intermediate school becomes unavailable, the District agrees to continue the fund these SRO positions as outlined above..

10. Performance Evaluation of Services: The City and District agree to establish a system to evaluate the performance of services contemplated under this Agreement. This is to be accomplished by an annual review of services performed by the School Resource Supervisor and the Principal or his/her designee, of each school to which an SRO is assigned pursuant to this Agreement, in conjunction with the District's Supervisor of Student Services. The results of the review shall be reduced to writing, signed by the School Resource Supervisor and the School's representative. A completed copy shall be retained by each party. Any concerns or deficiencies noted shall be addressed in follow-up memorandum. This process is in no way intended to limit the City or the school officials from discussing service delivery at any time during the contractual period.
11. Cooperation between SRO(s) and Assigned Schools: Each SRO assigned under this Agreement shall abide by District policies, rules and regulations, as applicable to an SRO, during the period of the time they are working on behalf of the School/District, provided such policies, rules and regulations do not conflict with City policies or conflict with the City's (or the SRO's) duties and responsibilities under the law. Each SRO shall endeavor to work cooperatively with School/District Administration. The City shall retain sole authority to assign specific duties for the SRO; however, the Principal of each site to which the SRO is assigned may make requests to the City concerning such assigned duties, which requests, if appropriate in the sole discretion of the City, may be granted by the City.
12. Severability: This Agreement contains all matters considered by the parties. There have been no oral agreements made and this document shall reflect the entire agreement. The parties may amend this Agreement at any time by executing a signed written Addendum.

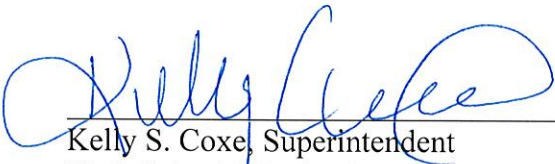
IN WITNESS WHEREOF, the parties, with the approval of their governing bodies and by and through their undersigned duly authorized representatives, execute this Agreement as follows:

 Seth Duncan, City Manager
 City of York

 Witness as to City

Dated: _____

 Witness as to City



 Kelly S. Coxe, Superintendent
 York School District One



 Witness as to District

Dated: May 11, 2020



 Witness as to District

MEMORANDUM

TO: City Council
FROM: Seth Duncan, City Manager
Karen Fritz, Events Coordinator/PIO
SUBJECT: Upcoming City Events with Covid-19 Guidelines
DATE: May 26, 2020

ISSUE

Two significant City of York events are set to take place in the coming months, but now face an uncertain future due to Covid-19. The latest guidelines drafted and released by the State of South Carolina offers unique logistical challenges for the City and will add additional costs to each event.

BACKGROUND

The City of York will be hosting two longstanding York events in the coming months – 4th of July and Summerfest. Each of these events take several months to a year to plan, are attended by thousands, and require significant investment of public resources.

The Governor of South Carolina recently released guidance to businesses and organizations to aid in reopening amidst Covid-19. These guidelines, in short, add significant requirements in the areas of cleanliness, social distancing, and communication. While these guidelines are only a recommendation, they have been developed utilizing the latest information from both federal regulators and medical professionals. To the greatest extent possible, the City should follow these guidelines as prescribed to minimize liability and ensure public health.

Basic Guidelines

- Social distancing (6 feet) from non-family units must be maintained and enforced.
- Regular sanitation of public services, and some objects/surfaces must be sanitized after each use.
- Publically available self-sanitation products (hand sanitizer and wipes for the public).
- Signs posted and regular oral communication made to attendees
- Install physical distancing barriers available to avoid close contact between staff and public.
- Install visible markers for queue lines that indicate correct social distance.
- Controlled entrance/exit procedures.
- Encourage cashless payment methods.
- Procure an adequate inventory of cleaning supplies and PPE for staff use (still a challenge).
- Determine appropriate quest capacity levels for each facility/event.

RESOURCES

[Guidelines for Attraction Facilities](#) – includes both facilities and outdoor venues.

[Guidelines for Athletic Fields, Sports, etc.](#) – useful for parks and recreation.

RECOMMENDATION

Staff is requesting guidance from City Council to make the following changes to each event accordingly:

4th of July

Staff are planning to significantly scale back the City's 4th of July event. While the fireworks and band have been secured, the City is extensively planning how to operate the event within the framework recommended above. Since we don't know how many people to plan for and to spread out the event across a large area for proper social distancing, this year's event will not be the same as in years past.

The City will have a live band, food trucks, and fireworks. We will not be having close contact activities like bounce castles. Staff are still developing a map, but are planning for a drive-in style event. This will help reduce the likelihood of person-to-person contact. We will also have to procure hand washing stations, regularly clean restrooms or port-a-jons, and make investments in signage for social distancing, queuing, and crowd control. YPD will have to actively enforce social distancing, and all staff will have to wear some degree of PPE. The question before Council is should we continue to plan for the event as proposed, scale it back further, or cancel it.

Summerfest

Summerfest 2020 was supposed to be the City's inaugural opportunity to showcase the City and celebrate our community. The event is typically visited by tens of thousands of people in close contact watching demonstrations, shopping with crafters, eating, and enjoying amusements. Due to covid-19 and the guidelines referenced above, staff do not believe a traditional Summerfest event can be held.

In addition to the sanitation and social distancing requirements, sponsors have begun pulling out or are reluctant to commit to the event. Some businesses are facing financial hardship, others are struggling to adhere to the social distancing requirements. Many communities are beginning to focus on late fall or 2021 for larger events.

Lastly, Summerfest as a brand has a specific meaning and celebration many have come to expect. Instead of diluting the event to the point it's not recognizable, staff recommends canceling Summerfest 2020, and begin focusing on Summerfest 2021. Instead of Summerfest 2020, staff would focus on smaller events that are able to be effectively held within the parameters of the guidelines provided by the state. Staff are asking Council to cancel Summerfest 2020 and instead, begin preparing for a huge Summerfest 2021.

A PROCLAMATION

Class of 2020

WHEREAS, students in the Class of 2020 entered the world before, during, and after September 11, 2001, arriving at a fundamental turning point for our nation amidst fear and hope; and

WHEREAS, our seniors have come of age during the post millennial boom only to witness a national financial crisis and recession that would affect nearly every American family; and

WHEREAS, our seniors have matured in this digital age that has transformed nearly every aspect of how humanity lives, works, and plays; and

WHEREAS, these students began their senior year of high school with excitement for the future have now experienced an interruption of their educational and social lives like few others have faced; and

WHEREAS, our seniors have missed out on many of the “lasts” that other classes have had and will have, including the last high school dance, the last game, the last concert, the last day of school, and other “last” senior experiences; and

WHEREAS, the graduating Class of 2020 deserve and have earned either achievements and the opportunity to be recognized by people within their community and beyond; and

WHEREAS, the government of the City of York is exceedingly glad to acknowledge and support the future success of the 2020 graduating class of York Comprehensive High School.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF YORK THAT

We acknowledge that this class of students has excelled, despite the enormous challenges set before them and they are thereby worthy of great commendation from their family, friends, and community. On behalf of the City of York, we wish them the absolute best in all of their future efforts.

Adopted in York, South Carolina this 2nd day of June 2020.

Michael D. Fuesser, Mayor
City of York, SC