



# CITY OF YORK

10 NORTH ROOSEVELT • P.O. BOX 500  
YORK, SOUTH CAROLINA 29745  
(803) 684-2341 • (803) 684-1705 FAX  
[www.yorksc.gov](http://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, October 6, 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. Presentation City Manager Seth Duncan
  - ◆ New Employee Recognition A.C.T. Representative
  - ◆ A.C.T. Community Organization
  - ◆ Christmas Parade York Entertainment Society
5. Public Hearings
  - ◆ Second Reading, Ordinance 20-635, Conditionally Allow Guest Houses in R15 District
6. Comments from the Public on Agenda Items
7. City Manager's Report City Manager Seth Duncan
  - ◆ City Park Update
8. Council Minutes: Regular, September 1, 2020, and Work Session, September 14, 2020
9. Monthly Financial Report Finance Director Barbara Denny
10. Old Business:
  - ◆ Second Reading, Ordinance 20-635, Conditionally Allow Guest Houses in R15 District
  - ◆ First Reading, Ordinance 20-636, Annexation/PUD Rezoning (Fergus Crossroads)
11. New Business:
  - ◆ First Reading, Ordinance 20-637, 2020 MASC Debt Setoff Program
  - ◆ First Reading, Ordinance 20-638, Water & Sewer Rates
  - ◆ Business License Penalty Refund Request
  - ◆ Approvals for Bids and Awards
    - Fishing Creek WWTP Existing Roof System to ATD Restoration for \$23,350
  - ◆ Special Events
    - Movie Under the Stars
    - Halloween
    - WUCO Application
    - Christmas Parade Application
12. Mayor's Report
  - ◆ Board and Commission Openings
  - ◆ Election Day November 3rd
13. Adjourn



A.C.T. Mission and Values: Adopted 6/18/2020

**A.C.T.'s Mission:**

The mission of A.C.T. is to promote community understanding and racial equality for all citizens of Western York County. Working in partnership with local government, area churches, and other agencies, we hope to effect change by developing honest communication, building bridges of trust, and holding all parties accountable for decisions that affect our community.

**A.C.T.'s Core Values:**

Accountability: We believe that those who are in position to create policies and laws, those who are called to protect and serve, and citizens of our community should be held accountable for their actions. We hold ourselves and others accountable to racial reform and commit ourselves to bringing the plight of underrepresented and underserved individuals into focus in order to eradicate inequality.

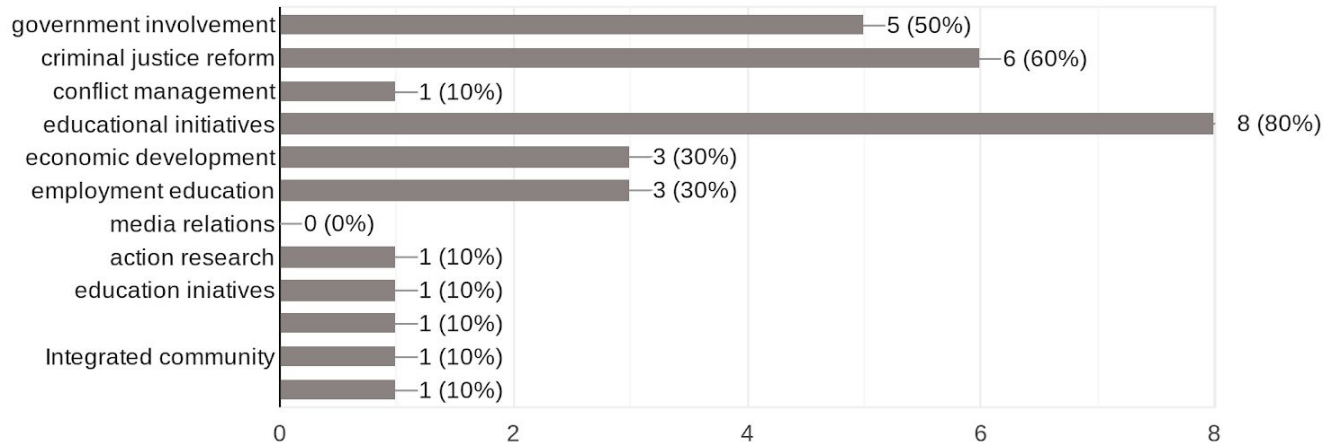
Communication: We believe that there must be honest, genuine, tough conversations with one another at all levels about race and injustice so that all voices are heard and represented in the decision making process to ensure that how we live and govern ourselves is best for everyone.

Trust: We believe that marginalized citizens must have a voice they can trust that will explore the issues which divide our community while promoting unity and improving the quality of life for all citizens. We recognize the need for a foundation of trust to be built as we commit ourselves to working diligently to bring to the forefront issues of inequality.

# A.C.T. Goals and Objectives Survey Data: Review

As we move forward building our committee, please select the areas that are most important to you for our goals and objectives. Select your top 3.

10 responses



## Specific goal setting data by area:

### 1. Educational Initiatives:

Equity in Resources	Educator Education	Educator Recruitment
<ul style="list-style-type: none"> <li>-partner with programs at the schools to bring in diverse speakers or mentors for students.</li> <li>-partner with area schools to identify educational needs.</li> <li>- identify the specific educational needs in our community and how we might address those.</li> <li>- access to the same tools and resources</li> <li>- equity in education;</li> <li>-help educators better teach all angles of our state and national history</li> </ul>	<ul style="list-style-type: none"> <li>-Education around implicit bias, white privilege and the dehumanization of black and brown persons in our community</li> <li>- "flatten the ground" for educational success in our school district</li> <li>-help educators better teach all angles of our state and national history</li> </ul>	<ul style="list-style-type: none"> <li>- Support minority recruitment efforts in the school system and work to promote racial equity in educational practices</li> </ul>

## 2. Criminal Justice Reform

Public Understanding	Communication between Agencies	Accountability Resource
<ul style="list-style-type: none"> <li>- a better understanding of our current legal system and how it may be impacting minority communities in an unjust way</li> </ul>	<ul style="list-style-type: none"> <li>-ongoing conversation with the York PD, the County Sheriff, and the Circuit solicitor on law enforcement best practices</li> </ul>	<ul style="list-style-type: none"> <li>-we need to be sure that laws are equally applied regardless of color or culture.</li> <li>- Demilitarization of police</li> <li>- removing police immunity if a crime is committed by an officer</li> <li>- banning certain tactics like choke holds and using the knee to pin a person down</li> <li>- deliberate efforts to recruit more African American, Hispanic</li> <li>- it would be helpful to have a non-governmental group that can have a voice in this issue, and advocate for "equal justice," and accountability for elected positions</li> <li>-Change in policies around policing, arrests, sentencing and bias towards black and brown individuals</li> </ul>

## 3. Government Involvement:

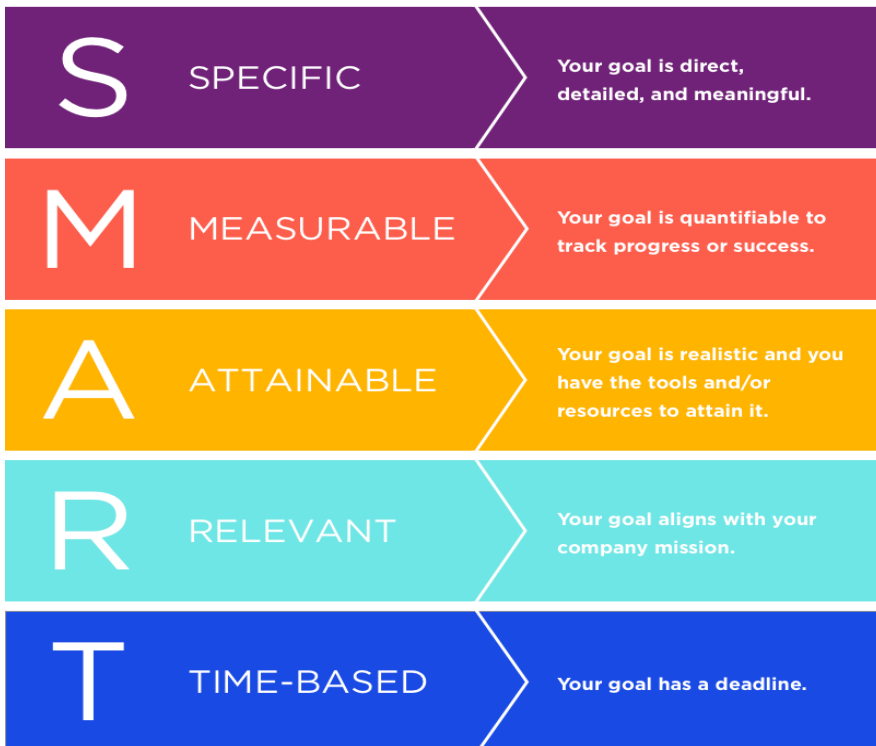
Leadership Buy-in	Consistent Communication	Becoming Actively Anti-Racist
<ul style="list-style-type: none"> <li>-In order to make changes we must have change from the top down. We need government officials to understand the issues that face their citizens</li> <li>-Hold politicians accountable for justice and what's fair and right for all</li> </ul>	<ul style="list-style-type: none"> <li>-I would like for us to build a bridge of communication and understanding with the City and County government which will lead to government action on issues we advocate.</li> </ul>	<ul style="list-style-type: none"> <li>-Governmental stance against racism of any form</li> </ul>

4. Other Ideas:

Public Works	Healthcare	Integration of Community Events
<p>- I know that what we see makes an impact on us. I would like for us to display our diversity by creating visible murals and to promote diversity through our agencies like the YCL.</p> <p>- building membership and getting more people on board</p>	<p>-I think it is important for us to look at it, and I would like to be part of what our group is able to do in this area, especially helping women and children find affordable housing and healthcare.</p>	<p>-As a Christian in a mono-cultural church, I have deeply benefited from the opportunities I've had to work with and worship with fellow believers in the African-American churches in our area. Yet, it is not lost on me that these times are the exception to the rule. Perhaps along with the Ministerial Association, we could provide other community events that might bring together different parts of our community.</p>

**Next Steps:**

1. Members need to pick a subcommittee
2. Each subcommittee needs to create at least one S.M.A.R.T. goal for their initiative area
3. Bring goals to the next full committee meeting





## 2020 Christmas Activities Overview

### York's Great Light Fight - 11/25/20

This will be the 2<sup>nd</sup> consecutive year for this Holiday Charity Event. This year we are requesting that City Hall join in on the festivities to expand this program drive additional donations for 2020 Charity of Choice. In 2019 we selected PATH as our Charity and this year (2020) we have chosen Tender Hearts Ministries as the Charity to receive the donations and/or proceeds. Last year we collected just over 3,000 canned and non-perishable food items with the help of the City of York, York FD, and York PD.

The unveiling of the Light Fight will occur on Wednesday 11/25/20 and voting will occur by making donations in the lobby of choice. Voting will end on 12/3/20 at 11:00PM. Votes (Donations) will be counted on the morning of 12/4/20 and donation delivered to Tender Hearts Ministries. Winning Building will be announced during the Tree Lighting Ceremony on 12/4/20 after the 81<sup>st</sup> Annual Christmas Parade.

### Hometown Christmas Activities:

- Abbreviated Holiday Parade on 12/4/20 starting at 6:30 PM
  - Color Guard
  - Police Chief
  - Mayor
  - Fire Trucks
  - COVID Grinch
  - Mounted Patrol from YSO
  - Mr. and Mrs. Claus on Santa Truck
- Tree Lighting immediately following the Parade at The City Marketplace
  - Caroling through Streets
  - Live Music Performers in Downtown
  - Shopping Events by Downtown Merchants
- Saturday 12/5/20 Shopping Events
  - Live Music Performers in Downtown
  - Shopping Events by Merchants
  - Carolers through the Streets
  - Extended Shopping Hours into the Evening
- Event Safety Protocols
  - We will be Live Streaming the Parade and Tree-Lighting via Facebook for Citizens to watch at home.
  - Parade will only have local participation and focus on local marketing.
  - No Outside food vendors other than Downtown Restaurants and eateries.
  - Tree-Lighting ceremony will be condensed.
  - No Indoor Santa Pictures this year.
  - If we receive a waiver or if large group event restrictions end, we can implement a larger parade event focusing on Local Participation.

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
David Breakfield, Planning Director  
**SUBJECT:** Ord. 20-635, Conditionally allow Guest Houses in R15 District  
**DATE:** September 29, 2020

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### **ISSUE**

Council is being asked to consider Second Reading of Ordinance 20-635 to conditionally allow guest houses in the R15 district in parcels with at least 20 acres.

### **DISCUSSION**

We have received a zoning amendment application and supporting information to conditionally allow a single guest house where a property has at least 20 acres and a single primary residence in the R15 – Restricted Residential zoning district.

A guest house is defined as a living quarters situated within a detached or semidetached accessory building located on the same premises with the principal building. Such quarters shall: (1) be used only by a bona fide nonpaying guest or relatives of the occupants of the premises; and (2) not be rented or otherwise occupied as a separate dwelling. Cooking facilities are permitted.

The Comprehensive Plan indicates that innovative land use practices that provide diversity of housing types should be encouraged. The submitted proposal seems to fit this objective by providing an additional housing option where appropriately-sized lots are available.

At its August 24th meeting, the Planning Commission reviewed and recommended approval of the application. City Council approved First Reading of this Ordinance at its September 1<sup>st</sup> meeting.

The proposed ordinance is found to only impact a few parcels within the city limits, but will allow the applicant to construct a guest house on their parcel of 20+ acres in the City.

### **RECOMMENDATION**

The Planning Commission and Staff recommend that Council approve second reading of an ordinance amending the zoning ordinance to conditionally allow a single guest house where a property has at least 20 acres and a single primary residence in the R15 – Restricted Residential zoning district.

**Definition of Guesthouse from City of York Zoning Ordinance**

Guesthouse. Living quarters situated within a detached or semidetached accessory building located on the same premises with the principal building. Such quarters shall: (1) be used only by a bona fide nonpaying guest or relatives of the occupants of the premises; and (2) not be rented or otherwise occupied as a separate dwelling. Cooking facilities are permitted.



**Proposed Annexation/rezoning Application**  
**York South Carolina**  
 Page 1

<b>Type of application</b> Annexation: _____ Rezoning: _____	Fee - <b>\$300.00</b> (Date Paid) _____
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To the Honorable Mayor and City Council:  
 The undersigned hereby respectfully requested that the City of York Zoning Ordinance be amended as described below:

- 1) This is a request for a change in the: (check one)  
 Zoning map (fill in items # 2, 3, 4, 5, 6, and 9 only)  
 Zoning Text (fill in items # 7 and 9 only)  
 Zoning Schedule of district Regulations (fill in items # 8 and 9 only)

<b>Tax map change</b>	<p>2) Give exact address, and plat map reference for property for which you propose a zoning change:                  Address _____                   District No. _____ Block No. _____ lot (s) _____                  _____                  _____</p> <p>3) Area of subject property _____ Sq. ft. or acres</p> <p>4) How is this property presently zoned: (check one)  <input type="checkbox"/> R-15   <input type="checkbox"/> R-7   <input type="checkbox"/> R-5   <input type="checkbox"/> PUD   <input type="checkbox"/> MH   <input type="checkbox"/> B-1  <input type="checkbox"/> H-C   <input type="checkbox"/> G-1   <input type="checkbox"/> TU   <input type="checkbox"/> R-7 MH   <input type="checkbox"/> HD</p> <p>5) What new zoning do you propose for this property: (check one)  <input type="checkbox"/> R-15   <input type="checkbox"/> R-7   <input type="checkbox"/> R-5   <input type="checkbox"/> PUD   <input type="checkbox"/> MH   <input type="checkbox"/> B-1  <input type="checkbox"/> H-C   <input type="checkbox"/> G-1   <input type="checkbox"/> TU   <input type="checkbox"/> R-7 MH   <input type="checkbox"/> HD</p> <p align="center">UNDER ITEM # 9 EXPLAIN WHY THIS AREA SHOULD BE ZONED AS YOU PROPOSED.</p> <p>6) Does the applicant own all of the property proposed for this zoning change:  <input type="checkbox"/> Yes   <input type="checkbox"/> No   If NO, give address of the property involved which he does not own and owners name in property owner list on page 2 of this application.</p>
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<b>Text Change</b>	<p>7) If this involves a change in the Zoning Text, what section or sections will be affected: <u>Section 8 R-15</u>                  *SHOW PROPOSED CHANGE AND REASONS THEREFORE UNDER #9 <u>Subpart 2 with permitted uses</u></p>
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<b>Schedule change</b>	<p>8) If this involves a change in the Schedule of District Regulations, what column(s)                  _____ District(s) _____</p>
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9) Explanation Section 8 R-15, sub part 2 with permitted uses, please add the following permitted use:  
A second home on the property if the property in the  
 If more space is need continue on next page

**Proposed Annexation/rezoning Application  
York South Carolina**

Page 2

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rest with the applicant

Date July 21, 2020 Signed [Signature] Deborah Anne Shamp  
Phone 704-361-0189 Address 1532 Fairhope Rd, York, SC 29745

9) Explanation (Cont.) R-15 Residential District has 20 or more acres. -

See Cover letter

10) Property Owners within Request:

Property Address	Owner	Owners's address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11) Property Owners Adjacent to the Request:

Owner/Address	Owner/Address
<u>No owners in city adjacent... all in county</u>	_____
_____	_____
_____	_____
_____	_____

**DO NOT WRITE IN THIS SECTION-FOR OFFICIAL USE ONLY**

Date received by Planning Department \_\_\_\_\_

Date Advertised - (1<sup>st</sup>) \_\_\_\_\_ (2<sup>nd</sup>) \_\_\_\_\_

Date posted \_\_\_\_\_

Date Public Hearing held \_\_\_\_\_

Date of City Council Action (Approved) \_\_\_\_\_ (1<sup>st</sup>) \_\_\_\_\_ (2<sup>nd</sup>) \_\_\_\_\_

Date applicant notified \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATIONS:**

( ) APPROVED ( ) DENIED ( ) DEFERRED

**CITY COUNCIL ACTION:**

( ) APPROVED ( ) DENIED ( ) DEFERRED

Gary and Deborah Shamp  
1532 Fairhope Rd. York, SC 29745  
704.361.0189

July 21, 2020

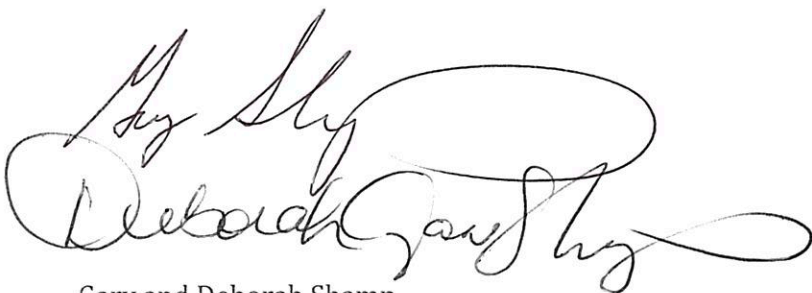
The Honorable Mayor and City Council  
City of York  
10 N. Roosevelt St.  
York, SC 29745

Dear Sirs and Madams:

We are enclosing an application for proposed rezoning text change. This 25.52-acre property was purchased by us in August of 2018. In August of 2019, we were instructed to demolish the existing barn on our property by our homeowner's insurance because of its unsafe condition. A demo permit was issued for this. We would now like to build a structure where the barn previously was. This building would be used for storage and to provide a place for our large family to have a place to stay, periodically, when they come to visit. Our plan would be to have an office/bedroom, bathroom, open rec area, small kitchenette, and attached garage. Due to present zoning ordinances, we are unable to proceed. Please note, this would not be an additional full-time residence. We have a large extended family, with aging parents, and would need additional space for them when they visit occasionally. When we purchased this beautiful land with over 25 acres, and being a contractor, we had always planned to build a small space for our family to be able to come out and enjoy a weekend with us from time to time. Unfortunately, we misinterpreted the ordinances when we read them at time of purchase.

Please consider our application.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Shamp". The signature is written in a cursive style with large, flowing loops and a long horizontal flourish extending to the right.

Gary and Deborah Shamp

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

CITY OF YORK

ORDINANCE 20-635

AMENDING APPENDIX A, ZONING ORDINANCE TO CONDITIONALLY  
ALLOW A GUEST HOUSE IN THE R15 – RESTRICTED RESIDENTIAL  
ZONING DISTRICT

WHEREAS, the York City Council and Planning Commission find that the R15 –  
Restricted Residential zoning district is intended to be developed and  
reserved for low-density residential purposes;

WHEREAS, the York City Council and Planning Commission find that the City’s  
Comprehensive Plan indicates that innovative land use practices should  
be employed to provide diversified housing opportunities; and

WHEREAS, the York City Council and Planning Commission find that a guest house  
is an acceptable land use in the R15 district based on appropriate  
conditions being met.

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, Section XIII, R15 – Restricted Residential Zoning District, Conditional Uses  
as follows:

- 1. A single guest house where a property has at least 20 acres and a single primary  
residence.

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

\_\_\_\_\_  
Michael D. Fuesser, MAYOR

ATTEST: \_\_\_\_\_  
Municipal Clerk

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

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

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

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
**SUBJECT:** Manager's Report  
**DATE:** October 6, 2020

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### **City Park Update**

The redevelopment of City Park is nearing completion. Since the last update Carolina Recreation & Design has completed the two picnic shelters, City crews have completed the installation of water and sewer lines, Duke Energy has installed park lighting, and Faulkner Development has nearly completed work on the splash pad, parking lot, bike path, and park interior. Remaining items to be completed include the installation of the exterior fence, seeding, and landscaping. Though the original completion timeline forecasted the park to be completed by September 30<sup>th</sup>, we were granted an extension to December 31<sup>st</sup>.

As mentioned earlier this summer, we do anticipate a cost overrun on the project. This was largely due to the volume of unsuitable soil, remnants of the old pool found at the site, and additional grading and erosion control measures for swale from pond outlet along Raille St. To date, five change orders have been issued to Faulkner Development including:

- an additional 4,107 cubic yards of unsuitable soil export and import of suitable soils
- demolition of pool walls per geotech recommendation
- demolition of pool bottom per geotechnical recommendation
- grading and erosion control measure for swale from pond outlet along Raille St. to road crossing outfall, and
- splash pad layout plan set

These change orders have increased the overall cost of the project by \$119,775, with the bulk of the cost increase (about \$115k) due to the significant volume of unsuitable soil present at the site and pool demolition. These cost overruns will be paid for by fund balance.

Though the project is not complete, the City has submitted all documentation necessary for reimbursement of \$65,000 in PARD funds (total grant awarded) and \$191,056.50 of the \$355,000 in LWCF funding. Once the project is complete, the City will request the balance of LWCF grand funding.

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# City Council Meeting September 2020

Date and time: Tuesday, September 1, 2020 06:00 PM

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## **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  
Finance Director Barbara Denny  
Events Coordinator/PIO Karen Fritz  
Planning Director David Breakfield  
Charles Brewer  
Beth Baker  
Dale Baker  
Tom Dickerson  
JJ Mattingly  
Gary Good  
Terri Good  
Gary Shamp  
Debbie Shamp  
Matt Hickey

Ronnie Taylor  
Mia Levetan  
Paulajo Gross  
Gary Gross  
Richard Dover  
Elizabeth Dover  
Jeanette Reeves  
James Reeves  
Tom Lovelace  
Bonnie Gilfillan  
Randy Coulter  
Pam Coulter  
Bou baker  
Sherry Whitesides  
Mike Whitesides

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

Mayor Fuesser presented Maxabilites with a Proclamation for Direct Support Professionals Appreciation Week.

## 5. Public Hearings

- 5.1 Second Reading, Ordinance 20-629, Fiscal Year 2020-2021 Budget  
There was no public comment.
- 5.2 Second Reading, Ordinance 20-630, Garbage Fees  
There was no public comment.

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# City Council Meeting September 2020

## 5.3 Second Reading, Ordinance 20-631, Water and Sewer Rates

There was no public comment.

## 5.4 Second Reading, Ordinance 20-632, Administrative Fee Debt Set-off Program

There was no public comment.

## 6. Comments from the Public on Agenda Items

Charles Brewer, Mia Levetan, Mark Shirley, JJ Mattingly, Mike Dover, Tom Dickerson, Dale Baker, Kim Bailey, Jeff Ligon, Melanie Campbell, Bou Baker, Terri Good, and Gary Good all spoke in opposition to the Fergus Crossroads project. The following citizens e-mailed comments in opposition of the Fergus Crossroads project: JJ and Crystalen Mattingly, Charles Brewer, Kristen Betlow, Lowell Bomar, and Gene, Carroll, & Catherine Catoe,

Dan D'Agostino spoke in favor of allowing a guest house in the R15 District.

Gary Gross spoke against removal of the property from historic district.

## 7. City Manager's Report

### 7.1 City Facilities Reopening

A final plan is being drafted by staff on how to reopen city hall. The recreation center remains closed, except for registration. There is not a date set to open the rec center for free play. The police and fire departments will remain closed for the foreseeable future.

### 7.2 Movie In The Park

The city will be hosting a free family friendly movie in October at the York Recreation Complex. Concessions and face masks will be available for attendees. Attendees are also welcome to bring their own concessions.

## 8. Council Minutes: Regular, August 4, 2020, and Work Session, August 17,2020

Mayor Pro Tem Ed Brown made a motion to approve both sets of minutes which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

## 9. Monthly Financial Report

Finance Director Barbara Denny

Finance Director Denny reported that the current report was for the time period ending July 31, 2020. Expenses are staying within budget and the city is doing well with revenue. In September, we will receive three vehicles from the lease.

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# City Council Meeting September 2020

## 10. Old Business

### 10.1 Second Reading, Ordinance 20-629, Fiscal Year 2020-2021 Budget

Councilmember Bradford made a motion to approve second reading of Ordinance 20-629 which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

### 10.2 Second Reading, Ordinance 20-630, Garbage Fees

Councilmember Ramsey made a motion to approve second reading of Ordinance 20-630 which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 10.3 Second Reading, Ordinance 20-631, Water and Sewer Rates

Councilmember Love made a motion to approve second reading of Ordinance 20-631 which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

### 10.4 Second Reading, Ordinance 20-632, Administrative Fee Debt Set-off Program

Councilmember Ramsey made a motion to approve second reading of Ordinance 20-632 which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 10.5 Application for Removal of Property From Historic District

Councilmember Bradford made a motion to postpone taking action until the planning commission can review the entire plan usage for the historic properties and make a recommendation which was seconded by Councilmember Lowry. Councilmember Ramsey recused himself. Mayor Pro Tem Brown and Councilmembers Lowry, Bradford, and Love voted in support and Mayor Fuesser and Councilmember Jarrett voted in opposition. The motion passed.

## 11. New Business

### 11.1 Emergency Reading, Ordinance 20-634, Emergency Ordinance Extension

Councilmember Bradford made a motion to approve emergency reading of Ordinance 20-634 which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 11.2 First Reading, Ordinance 20-635, Conditionally Allow Guest Houses in R15 District

Councilmember Ramsey made a motion to approve first reading of Ordinance



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## City Council Meeting September 2020

20-635 which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 11.3 First Reading, Ordinance 20-636, Annexation/PUD Rezoning (Fergus Crossroads)

Councilmember Ramsey made a motion to table first reading of Ordinance 20-636 until the workshop meeting which was seconded by Councilmember Lowry. The motion passed with unanimous approval.

### 11.4 Approvals for Bids and Awards

- Concrete Slab at Recreation Complex to Ken L. Spears, General Contractor for \$2,498

Councilmember Ramsey made a motion to award the bid to Ken L. Spears, General Contractor which was seconded by Councilmember Bradford. The motion passed with unanimous approval.

- Remove, Repave, & Stripe the Rec. Center Parking Lot to Rock Hill Industrial Piping & Fabrication for \$51,535

Councilmember Bradford made a motion to award the bid to Rock Hill Industrial Piping & Fabrication which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

- Repair & Replace the Public Works Storage Building Roof to Ken L. Spears, General Contractor for \$7,884

Councilmember Bradford made a motion to award the bid to Ken L. Spears, General Contractor which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

- Remove and Install Chain Link Fence at Public Works Facility to A-1 Fence for \$8,177

Councilmember Lowry made a motion to award the bid to A-1 Fence which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

- Fire Hydrant Flow Testing & Services to Holliday Utility Services for \$38.50 Per Fire Hydrant

Councilmember Jarrett made a motion to award the bid to Holliday Utility Services which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

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## City Council Meeting September 2020

- Replace Fire Dept. HVAC Unit to Harper Company of the Carolinas for \$5,136.00

Councilmember Ramsey made a motion to award the bid to Harper Company of the Carolinas which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 11.5 Professional Services

- CodeRED Notification System

Councilmember Jarrett made a motion to approve signing the contract with CodeRED Notification system which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

- Legislative Consulting Services

Councilmember Bradford made a motion to approve signing the contract for legislative consulting services which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

### 11.6 Special Event Applications

- Veteran's Day Parade

Councilmember Love made a motion to approve the Veteran's Day Parade event application which was seconded by Councilmember Jarrett. The motion passed with unanimous approval.

### 11.7 Discussion of Sale of Fire Engine

Councilmember Bradford made a motion to have Brindlee Mountain Fire Apparatus sell the spare fire engine which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

### 11.8 Approval of H-Tax Events Program

Councilmember Jarrett made a motion to approve the H-Tax Events program which was seconded by Councilmember Ramsey. The motion passed with unanimous approval.

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## City Council Meeting September 2020

### 12. Mayor's Report

Mayor Fuesser reported that since attending the 100<sup>th</sup> birthday celebration for Pearline McKinney Thomasson a few weeks ago, that she passed away on August 24th.

### 13. Executive Session: To Discuss Personnel Matters Related to the City Manager's Performance Review

Councilmember Bradford made a motion to enter into executive session which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

### 14. Upon Returning to Open Session, Council May Take Action on Matters Discussed in Executive Session

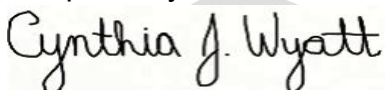
Councilmember Bradford made a motion to return to open session which was seconded by Councilmember Love. The motion passed with unanimous approval.

Mayor Fuesser stated that no action was taken in executive session and that a letter will be placed in the city's manager file regarding his job performance.

### 15. Adjourn

Mayor Pro Tem Brown made a motion to adjourn the meeting which was seconded by Councilmember Love. The motion passed with unanimous approval. The meeting was adjourned at 8:40 pm.

Respectfully Submitted,



Cynthia J. Wyatt  
Municipal Clerk

## CONCERNS ABOUT PROPOSED ULTRA HIGH DENSITY DEVELOPMENT IN YORK

My name is JJ Mattingly, thank you for letting me speak. My wife and I own 26 acres that border this proposed development. You might want to take some notes.

As probably the most impacted neighbor, I was astonished to learn of the advanced stages of this plan not from City or County government but from my neighbor, Charles Brewer., who lives in Pebble Creek.

It seems highly suspicious this plan in being fast tracked just when Covid 19 is being used as a reason not to give the public the customary input in planning such a huge development, especially taking into account the three high density developments already approved this year. How many units will this make totaling all four high density areas? THIS IS EXPLOSIVE GROWTH, AND WE ARE DEEPLY CONCERNED.

I have identified 17 concerns so far, I will list them briefly, beginning with environmental and safety issues.

- 1) The plan for storm water runoff is vague. The soil in this area washes away very easily. When 5 Bypass was being widened, I warned about overuse of curbs and storm drains, no one listened. I now have a 300' long, 40' wide, 40' deep GRAND CANYON across my property from the unbelievable torrent of runoff that comes off the road. I can provide pictures and video. Now it appears these developers plan on using my land for their runoff!
- 2) It appears this plan calls for destroying the natural pond on the property, a haven for ducks and other wildlife.
- 3) The plan completely ignores the feeder spring and stream that starts on my land, goes across theirs, and feeds my pond. Will it be destroyed as well?
- 4) There is no detail how the Fishing Creek feeder will be bridged or preserved. It feeds Hidden Lake.
- 5, 6, 7) This plan could increase the population of York by 20%. Where will the funds come from for a 20% increase in water and sewer capacity, and who will be paying to build the 4 lane access road necessary for 353 units to enter and exit 5 Bypass. Turn lanes? Traffic light?
- 8, 9, 10) The plan shows two entrances at the back where there are no roads, and the third of the four entrances at Cricket Run will be a security concern. Also, Gabbyford road is gravel, narrow, and cannot handle double access points even if extended.
- 11) The "active open spaces" have no road access and will be a security concern as well.
- 12) Will any adjacent properties, such as mine, be involuntarily annexed into the City?
- 13) What is the plan for security and upkeep of this huge complex?
- 14) Is the City of York being targeted by these developers because there are NO IMPACT FEES?
- 15) Is York ready for a 20% increase in population? Where are the jobs?

16) When Hunter Park was built, the homes were offered at this same price point, \$250K, but when the market collapsed, many became section 8 housing, and the Bloods street gang now brags that Hunter Park is theirs. This development is nearly as dense as Hunter Park.

17) Last but not least, there is a large abandoned landfill on this property. Apparently nobody checked with DHEC! 20 to 30 lots are shown on top of the area, and the access road runs through the middle of it. How is THAT going to work?

Our opinion is that development more similar to Hidden Lakes or Pebble Creek would be infinitely more desirable than this. We want GOOD growth, not high density mayhem.

JJ and Crystalen Mattingly  
Mighty Motors  
803-684-3007

**Cindy Wyatt**

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**From:** Gene Catoe <genecatoe@comporium.net>  
**Sent:** Tuesday, September 1, 2020 2:49 PM  
**To:** Denise Lowry; Public Comments  
**Subject:** Pebble Creek

Dear Ms. Lowry,

I hope this letter finds you well. I am writing to express my concerns regarding the proposed development that will border the Hidden Lakes and Pebble Creek neighborhoods.

My wife, our two children, and myself have lived in Pebble Creek since 1991. We built our house and have thoroughly enjoyed the uniqueness of our neighborhood. It is quiet and woody, but also close to town. The roads are safe, as it is a small neighborhood, and the traffic is limited. Families can walk with their children and their pets without having to worry about speeding cars or excess traffic. Our children grew up playing in the woods and creek behind our home. The wildlife is abundant and the woods are thick, offering a private and serene backyard. Our children are now grown, and my wife and I are spending more time at home since retiring. We have been renovating our backyard to create the perfect quiet space to enjoy our newfound free time.

A few months ago, we were made aware of a proposed development to be built on the land behind our house. More recently, we received an outline of the development that was startling. The dense forest behind our house would be stripped bare and houses would be built right behind us, leaving little to no privacy for our home. Even more unsettling, there are plans for a retention pond directly behind our property. Anyone who knows anything about stormwater runoff can see that this is a disaster waiting to happen. South Carolina is no stranger to severe weather, especially in the summer. The creek behind our home is subject to flooding with even the slightest bit of heavy rain. The hill across the creek in our backyard will surely erode heavily if the trees and vegetation are removed, leaving mud and debris to flow freely into the creek and our backyard. This will continue downstream to our neighbors' backyards, causing extensive damage. We have seen this happen with other developments in York County.

Another issue with this development is the proposed access through our neighborhood streets. As mentioned above, our neighborhood is very quiet. There is very little traffic during the day, and it is safe to go for walks. Especially now with our health concerns over the COVID pandemic, we value the safe space to get outside. Regardless of the alleged plan to only allow emergency access to Cricket Run, it is evident that this is the only current access to the land and will be used during construction. Heavy equipment and debris will create numerous hazards for ourselves and our neighbors. Our roads are narrow and cannot handle that kind of traffic. After homes are built and residents start moving into this new development, they will create at least ten times the traffic that we currently have. Our neighborhood should not have to bear this burden.

My wife and I both grew up in York County and we chose to build our life in York because of the unique atmosphere. It is a small town, and we take great pride in that. Charlotte is growing larger and closer to us but for the most part, York has remained steadfast in their small-town stature. Rock Hill, Fort Mill, and Clover are unfortunate examples of what can happen when overdevelopment is allowed. Rural towns all over the state are giving in to expansion and

overgrowth, but York has managed to fight it off. My wife and I are concerned about the major population increase that this development will create. Our schools will be strained, and traffic will increase all over the city. Population increase brings higher crime rates as well. It is heartbreaking to think that York will go the way of many other small towns overrun by packed developments and overcrowded schools.

As heartbreaking as it would be for us, our family is now being forced to consider moving from our home of the past 28 years due to these recent and drastic changes. My wife and I are asking that, if this development is approved, the builders are required to leave an ample, wooded buffer of at least 300 feet behind all homes in Hidden Lakes and Pebble Creek. We also would ask that access to Cricket Run be restricted to prevent our residents from being put at risk. We would love nothing more than for our grandchildren to be able to experience the same kind of upbringing that our own children had. We simply want to preserve the wonderful neighborhood that we have lived in for the entirety of our marriage and ensure that our residents can continue to enjoy the homes and lives that they have worked so hard to build.

We know that you take pride in our city and we sincerely appreciate any help you are able to give.

With warmest regards,

Carroll and Catherine Catoe

**Cindy Wyatt**

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**From:** Charles Brewer <charles\_brewer@msn.com>  
**Sent:** Tuesday, September 1, 2020 12:51 PM  
**To:** Mike Fuesser; Ed Brown; Steve Love; Marion Ramsey; Stephanie Jarrett; Denise Lowry; Jim Bradford; Public Comments  
**Subject:** Council Meeting Comments (Fergus Crossroads)

City Council Meeting Comments (Fergus Crossroads)

9/1/2020

Charles Brewer

1899 Rain Forest Dr.

Many residents including myself are against high density development, especially when proper thought and consideration for the communities it impacts have not been given.

**PUD Zoning - Municipal Ordinance 08-483, 9-2-2008) Section VII, #9,**

**Paragraph F, clearly states a site plan must be submitted 30 days before a planning commission meeting, the site plans initial submission to the city as noted on the site plan copies provided to me by the city states 07/31/2020 as the initial submission, and a revised plan submitted on 8/20/2020. The planning commission meeting was on 8/24/2020. This is a clear violation of the municipal code as the site plan was not submitted 30 days before the meeting.**

Additionally, the following issues are noted with the site plan in regards to the municipal code adopted by the City of York to protect the Citizens of York :

- Scale of the site plan is required to be 50ft:1inch the one provided is 200ft to 1in
- Existing zoning and boundaries are not listed on the plan
- Existing sanitary sewer, storm drains, water mains and underground facilities near the project are not listed or shown
- General locations and character of proposed signage is not listed
- It is missing a general location map to show reference to the city limits
- Proposed home location and bedroom type of the homes are not listed

This concludes the issues with the site plan.

The application for annexation according to the municipal code requires all property owners to submit the application. The application submitted to the city and provided to me through a Freedom of Information request on 8/27/2020 is only signed by one property owner (Rick Walliser). This is a violation of the municipal code as it should be signed by all three property owners, SRAM1 , Rock Walliser, and Gordon Sinyard. The official use box of the document provided on 8/27/2020 also has not been filed out with a received date and as such would make it invalid.

What does this have to do with anything? The city has shown that it cannot follow its own written rules and procedures when it comes to the initial steps of this proposed development. What confidence do we have that they will protect our interests throughout the project.



Flooding practices proposed are 2 year and 10 year the bare minimum for DHEC permitting, however York County requires 100 year spillway from the detention and retention basins outlined in the Stormwater Management Design Manual on page 44 and this should be required for this project considering the close proximity to the Fishing Creek watershed that already put homes in Pebble Creek extremely close to the flood boundary. I would like to see the retention basins and storm water designed for 100 year flow, and I would also like a 3<sup>rd</sup> party flood study paid for by the developer to protect these residents homes.

I think a Traffic study should be conducted prior to approval a development this size, as there will be significant impact to traffic on Hwy.5 with all of the developments.

Additionally, I am not fond of the proposed emergency access gate. It will create a hangout area with a dark alley way for people to go undetected. Also, when the traffic gets so bad in the development that residents are complaining and the HOA sues the City to solve the issue or SCDOT demands to alleviate traffic on Hwy. 5 because of accidents with multiple traffic lights etc... What will happen likely our promised gate will disappear unless we own the land and permit and easement for the City access that gives us more peace of mind.

The buffers on this project are laughable and horrendous have you looked at a 25 stand of trees pines and oaks you can see right through them. What will pebble creek see some fenced retention basins and crappy contractor grade grass and the back side of small shotgun style homes. Currently we have wildlife deer and foxes in the area along with protected vultures that would be disturbed by such development.

Additionally, I would like the city council to change the process to align better with Rock Hill's planning and development process. (Planning Commission Meeting, (Public Notification Period), Planning Commission Hearing, Council 1, Council 2, Council 3). The City of York's process is extremely closed minded and expedient and may violate administrative rules and procedures that protect citizens (Planning Meeting, Council 1, (Posting Period), Council 2).

I urge the City to reconsider this project at a minimum send it back to the planning commission so it can better align with the present community in the area. **My preference would be for the council to reject the project because of the violations of the municipal code in bringing the project forth. It should be rejected until such a time proper oversight can be handled by the planning and development staff.**

## Cindy Wyatt

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**From:** Kristen H. Betlow <kristen.haltiwanger@gmail.com>  
**Sent:** Tuesday, September 1, 2020 2:46 PM  
**To:** Public Comments  
**Cc:** Jason Betlow  
**Subject:** Proposed Fergus Crossroads Development

### To Whom it May Concern:

I am a resident of Pebble Creek Subdivision (1890 Rain Forest Drive), and as a resident I have legitimate concerns about the poor design of this development. I am for development, but as a community we should develop well. This proposal is not developed well, and honestly, very cheap. The developer and engineer have shown no concern of the surrounding community in its design or even created a design with character. Maybe if the developer can come to the table with a subdivision with character and take into account the surrounding subdivisions, then possibly you wouldn't have so many people fighting this proposal. I have many concerns, but I will just list two of the most concerning.

1. The gate that is proposed is crap. There is no better way to say it. I am even disappointed in what RJ Harris has recommended as an appropriate solution. I have designed or been a part of multiple designs for gates and fences for the City of Rock Hill, and this gate is completely unacceptable. If you would like, I can send pictures and design details of a classy gate that is acceptable for our subdivision. This gate will break before the road is even graded.

I would also highly recommend making this entrance a one way entrance for City employees only, and not mass grading between both subdivisions so we can maintain our privacy. Plus our neighborhood is already a cut through from 161 to highway 5, and you add this route for a development that is created to house a ridiculous amount of homes, then you place our neighborhood in an unsafe place. Let me give you an example of a prime cut through neighborhood, and that is Bristol Park in Rock Hill, SC. If you don't know where that neighborhood is located, then go and find it. That neighborhood is far from a safe neighborhood with the amount of vehicles cutting through to get from Mt. Gallant to 161 at I-77.

Remember, you are the Planning Commission, and you can set the standard very high. Don't sell yourself short and end up with a maintenance nightmare. I can promise you this developer has money, and force them to design something great, not something that is less than mediocre, which ultimately will be the City of York's responsibility to fix with our tax dollars. I personally would like to see a solution that doesn't not use our road as an access, and I would also highly recommend a traffic study. The impact of this neighborhood will put a strain on Highway 5 causing additional car accidents. I beg of you to do your due diligence before you sign on the dotted line.

2. This property design for stormwater places our neighborhood at great risk. You have only completed a hydrology design of a 2 year or 10 year storm event if I was informed correctly. I highly recommend that a flood study be completed for our neighborhood and I also highly recommend that you complete the hydraulic study for a 50 year and 100 year storm event, similar to what York County requires. I can promise you that the City of York does not want to see some of these residents from our neighborhood in court after their yard or house has been flooded by a poorly designed development upstream. I have already started making contacts with SCDHEC before this project gets sent to be permitted. SCDHEC needs to know that this design, mass grading, and the additional impervious areas will only bring major impacts to our subdivision, that possibly would have York and SCDHEC in the news. Trust me, it doesn't look good to be in the news, especially when it could have been prevented in the design. I have seen it one time too many, and you don't want to be a part of

it. We are currently living in a time where weather averages look the same, but one time weather events are extreme, with 50 year and 100 year storm events are common, not a "once in a lifetime" event. Prepare well now before you are left with multiple lawsuits because land and homes are potentially damaged from a development that was designed under your watch.

To be honest, we don't want to be connected or a part of this subdivision at all. I would love the developer to start finding another way to find a second entrance that doesn't even include us. However, I will say, that if this is the only way, we will fight to make sure our neighborhood is protected from crazy drivers, and that the homes along the floodplain downstream of this development are protected from being destroyed. As I stated earlier, I am already making my contacts with SCDHEC for them to know what they are reviewing and how it can adversely impact our neighborhood.

If you have any questions or concerns, you are more than welcome to contact me via email at [kristen.haltiwanger@gmail.com](mailto:kristen.haltiwanger@gmail.com) or at (803) 804-3448.

Thank you,  
Kristen

## Cindy Wyatt

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**From:** LOWELL BOMAR <lhbomar@att.net>  
**Sent:** Tuesday, September 1, 2020 11:43 AM  
**To:** Public Comments  
**Subject:** Council Meeting 9-1-20

Fergus Crossroads Development:

I will not be able to attend but living on Cricket Run I know this planned project will have a huge impact on the road integrity, traffic, making the road unsafe for travel, littering which is already a problem with the thru traffic we have, walking in the neighborhood, peacefulness of the neighborhood and impact on property values! No way the City of York Public Works can take on any more responsibility when it can barely keep up with the city as it stands now. As far as the developer stating it would be too expensive to use any other access but Cricket Run, then scrap the project! Why should the residents suffer and the city/county bare the expense of their destroying what is a fragile street already! The only way a project should EVER be approved on this property would be if the same restrictions that are in place that we have for Pebble Creek be incorporated!!! A project such as this will not enhance the image of the City of York or the this part of York County! It will only cause more low quality high density projects to tear down the quality of life and burden the school system, law enforcement, city and county maintenance. Alexander Love is a mess already and in poor condition. What will a project like this do but make it worse!! In spite of what I am sure the developer describes as a glorious enhancement on paper, it will be a disaster for the entire area and something once underway will be nothing but a nuisance!!

This development will benefit no one but the developer and a few real estate agents none of which will be impacted with the issues outlined.

I hope the city council denies this project and if it isn't that the residents impacted directly will proceed with legal action.

Thank you!

Lowell G. Bomar  
1754 Cricket Run  
York, SC

Sent from my iPhone

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# City Council Special Called Meeting & Work Session September 2020

Date and time: Monday, September 14, 2020 06:00 PM

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## **Members Present :**

Mayor Mike Fuessler

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

Finance Director Barbara Denny

Planning Director David Breakfield

Richard Dover

Elizabeth Dover

JJ Mattingly

Harold Ramsey

Matthew Hickey

Terri Good

Gary Good

Dale Baker

Charles Brewer

Ernest Partlow

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## City Council Special Called Meeting

1. Welcome and Call To Order Mayor Mike Fuessler
2. Prayer Mayor Pro Tem Ed Brown
3. Pledge of Allegiance Mayor Mike Fuessler

4. Executive Session: To Discuss Receipt of Legal Advice Pertaining To Matters Covered By Attorney-Client Privilege

Councilmember Love made a motion to proceed into executive session to receive legal advice which was seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

5. Upon Returning to Open Session, Council May Take Action on Matters Discussed in Executive Session

Councilmember Bradford made a motion to return to open session which was seconded by Councilmember Love. The motion passed with unanimous approval.

There was no action taken.

6. Adjourn

Councilmember Bradford made a motion to adjourn the special called meeting and to begin the work session which as seconded by Mayor Pro Tem Brown. The motion passed with unanimous approval.

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# City Council Special Called Meeting & Work Session September 2020

## City Council Work Session

1. Welcome and Call To Order Mayor Mike Fuesser
2. Discussions City Manager Seth Duncan
  - 2.1 Council Work Session

The city manager discussed the previous committee structure and the current work session model. City Council discussed the benefits of both the committee structure and the work session model. City Council was to write down some ideas for the committee and work session structures.

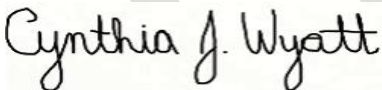
- 2.2 COLA Adjustment

City Manager Duncan discussed an idea on the application of the COLA adjustment for employees that have exceeded their maximum salary per the pay scales. The idea is to give the COLA as a bonus to the 12 or so employees that have exceeded their pay scale, in lieu of increasing their base salary. It was the consensus of council to go ahead and apply the COLA's to all employees' salaries and to re-evaluate this idea after the compensation study is complete.

3. Adjourn

Councilmember Bradford made a motion to adjourn the meeting which was seconded by Councilmember Jarrett. The meeting was adjourned at 7:32 pm.

Respectfully Submitted,



Cynthia J. Wyatt  
Municipal Clerk

**CITY OF YORK UTILITY FUND**  
**UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES**  
**FOR THE PERIOD ENDED AUGUST 31, 2020**

		Actual		Ammended Budget		Target % of Budget	Comments
<b>Gross Revenues</b>							
Water/Sewer Receipts		\$ 2,113,695.93		\$ 2,700,000.00	78.29%	91.67%	
Base Charge		\$ 1,389,761.78		\$ 1,461,000.00	95.12%	91.67%	
DHEC Charges		\$ 68,903.25		\$ 74,000.00	93.11%	91.67%	
Penalty		\$ 71,061.24		\$ 100,000.00	71.06%	91.67%	
Water/Sewer Taps		\$ 25,254.00		\$ 12,000.00	210.45%	91.67%	
Connection Fees		\$ 29,652.00		\$ 30,000.00	98.84%	91.67%	
Hydrant Fees		\$ 1,510.00		\$ 2,500.00	60.40%	91.67%	<i>Fee changed to monthly beg July</i>
Meter Reinstallation		2820		\$ 750.00	376.00%	91.67%	
Meter Installation		\$ 18,432.00		\$ 20,000.00	92.16%	91.67%	
Administrative Fees		\$ 40,105.68		\$ 52,000.00	77.13%	91.67%	
Pretreatment		\$ 39,470.36		\$ 14,000.00	281.93%	91.67%	
Hydrant Repair & Maint		\$ 7,037.00		\$ 10,000.00	70.37%	91.67%	<i>New \$1.00 fee in July</i>
Capacity Fees		\$ 172,272.00		\$ 220,000.00	78.31%	91.67%	
Interest		\$ 8,720.57		\$ 13,000.00	67.08%	91.67%	
Miscellaneous		\$ 2,612.44		\$ 2,500.00	104.50%	91.67%	
Grant Revenue		\$ 2,670.00		\$ 4,670.00	57.17%	91.67%	<i>SCMIT Grant</i>
<b>Total Revenue</b>		<b>\$ 3,993,978.25</b>		<b>\$ 4,716,420.00</b>	<b>84.68%</b>	91.67%	
				\$ -			
<b>Departmental Expenses</b>							
Utility Administration	\$ 2,783,697.32		\$ 3,483,886.00				
Personnel Services		\$ 786,484.16		\$ 904,751.00	86.93%	91.67%	
Operating Expenses		\$ 1,969,988.16		\$ 2,579,135.00	76.38%	91.67%	
Capital Outlay		\$ 27,225.00			0.00%	91.67%	<i>Interest exp on WWTP Bond</i>
Utility Non Departmental	\$ 1,174,093.73		\$ 1,232,534.00		95.26%	91.67%	
Personnel Services		\$ -		\$ -			
Operating Expenses		\$ 1,039,473.65		\$ 1,028,974.00	101.02%	91.67%	
Cap Fees Construction		\$ 134,620.08		\$ 203,560.00	66.13%	91.67%	<i>Bond Int \$32k; SCADA \$38k, Equip \$61k</i>
<b>Total Expenditures</b>		<b>\$ 3,957,791.05</b>		<b>\$ 4,716,420.00</b>	<b>83.92%</b>	91.67%	
<b>Revenues Over (Under) Expenditures</b>		<b>\$ 36,187.20</b>		<b>\$ -</b>			

**CITY OF YORK GENERAL FUND**  
**UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES**  
**FOR THE PERIOD ENDED AUGUST 31, 2020**

	Actual	Amended Budget	% of Budget	Target % of Budget	Comments
Property Taxes	\$ 2,989,199.09	\$ 2,928,450.00	102.07%	91.67%	<i>We are done with current collections</i>
Vehicle Taxes	\$ 258,234.66	\$ 280,000.00	92.23%	91.67%	
Franchise Fees	\$ 474,502.59	\$ 670,000.00	70.82%	91.67%	
Delinquent Taxes	\$ 215,413.32	\$ 128,000.00	168.29%	91.67%	<i>We will now only collect delinquent</i>
Fees in Lieu of Taxes	\$ 143,514.69	\$ 65,000.00	220.79%	91.67%	
State Shared Revenue	\$ 333,441.14	\$ 361,000.00	92.37%	91.67%	<i>We should get 1 more in Sept</i>
Business Licenses	\$ 538,557.95	\$ 560,000.00	96.17%	91.67%	
Business Licenses - Insurance	\$ 1,009,674.87	\$ 950,000.00	106.28%	91.67%	
Building Permits	\$ 86,229.80	\$ 95,000.00	90.77%	91.67%	
Court Fines and Fees	\$ 41,261.02	\$ 75,000.00	55.01%	91.67%	<i>Began to hold court again in July</i>
Interest	\$ 15,973.78	\$ 18,000.00	88.74%	91.67%	
Rent	\$ 2,750.00	\$ 3,000.00	91.67%	91.67%	
Garbage Fees	\$ 989,763.75	\$ 995,000.00	99.47%	91.67%	
Garbage Bags	\$ 4,048.00	\$ 4,000.00	101.20%	91.67%	<i>Will no longer offer bags for sale</i>
Fire Protection	\$ 95,561.62	\$ 81,750.00	116.89%	91.67%	
Recreation Fees	\$ 101,912.70	\$ 200,000.00	50.96%	91.67%	<i>1/2 Rec supp, WE WILL BE UNDER BUDGET</i>
Recycling Fees	\$ 23,128.00	\$ 53,275.00	43.41%	91.67%	
Transfer from Utility	\$ 779,166.63	\$ 850,000.00	91.67%	91.67%	<i>No billing for May, June</i>
Transfer from Hospitality Tax	\$ 279,675.00	\$ 280,100.00	99.85%	91.67%	
Transfer from Fund Balance	\$ -	\$ -	0.00%	91.67%	
PEBA Pension Credit	\$ 42,622.79	\$ 42,623.00	100.00%	91.67%	
Miscellaneous	\$ 96,032.05	\$ 65,000.00	147.74%	91.67%	<i>Ins claims \$29k; SCMIT surplus \$49k</i>
Sale of Fixed Assets	\$ 13,205.00	\$ 20,000.00	0.00%	91.67%	
Capital Lease Proceeds	\$ 760,547.21	\$ 1,083,800.00	100.00%	91.67%	<i>Offset by Capital Expense</i>
Grant Revenue	\$ 13,967.75	\$ 9,000.00	0.00%	91.67%	<i>REC grant, MASC Covid grant</i>
LWCF Grants	\$ -	\$ 355,000.00			
SRO Reimbursement	\$ 367,794.50	\$ 367,793.00	100.00%	91.67%	<i>3 NEW SRO's &amp; regular SRO agreement</i>
	<b>\$ 9,676,177.91</b>	<b>\$ 10,540,791.00</b>	<b>91.80%</b>	91.67%	



**CITY OF YORK GENERAL FUND**  
**UNAUDITED STATEMENT OF REVENUES AND EXPENDITURES**  
**FOR THE PERIOD ENDED AUGUST 31, 2020**

		Actual	Amended Budget	% of Budget	Target % of Budget	Comments
<b>Administrative</b>	\$ 664,873.55		\$ 818,659.00	81.21%	91.67%	
Personnel Services		\$ 558,302.17	\$ 663,719.00	84.12%	91.67%	
Operating Expenses		\$ 102,083.83	\$ 144,940.00	70.43%	91.67%	
Capital Outlay		\$ 4,487.55	\$ 10,000.00	44.88%	91.67%	
<b>Court</b>	\$ 123,877.91		\$ 148,658.00	83.33%	91.67%	IT Computers
Personnel Services		\$ 98,142.38	\$ 113,220.00	86.68%	91.67%	
Operating Expenses		\$ 25,735.53	\$ 35,438.00	72.62%	91.67%	
<b>Police</b>	\$ 3,179,959.34		\$ 3,523,447.76	90.25%	91.67%	
Personnel Services		\$ 2,663,211.06	\$ 2,909,608.95	91.53%	91.67%	
Operating Expenses		\$ 380,165.39	\$ 430,938.81	88.22%	91.67%	
Capital Outlay		\$ 136,582.89	\$ 182,900.00	74.68%	91.67%	Offset by Capital Lease Proceeds
<b>Fire</b>	\$ 1,254,801.86		\$ 1,431,582.00	87.65%	91.67%	
Personnel Services		\$ 840,650.81	\$ 977,082.00	86.04%	91.67%	
Operating Expenses		\$ 117,598.79	\$ 141,700.00	82.99%	91.67%	
Capital Outlay		\$ 296,552.26	\$ 312,800.00	94.81%	91.67%	Partial offset by Capital Lease Proceeds
<b>Fire County Suppression</b>	\$ 13,118.20		\$ 17,900.00	73.29%	91.67%	
Operating Expenses		\$ 13,118.20	\$ 17,900.00	73.29%	91.67%	
<b>Planning &amp; Zoning</b>	\$ 298,103.64		\$ 417,737.00	71.36%	91.67%	
Personnel Services		\$ 249,719.53	\$ 308,067.00	81.06%	91.67%	
Operating Expenses		\$ 33,028.26	\$ 69,670.00	47.41%	91.67%	
Capital Outlay		\$ 15,355.85	\$ 40,000.00	38.39%	91.67%	Plotter \$8k; Window glass \$6k; computer
<b>Recreation</b>	\$ 645,090.60		\$ 1,018,095.00	63.36%	91.67%	
Personnel Services		\$ 430,253.95	\$ 576,895.00	74.58%	91.67%	
Operating Expenses		\$ 167,980.55	\$ 315,050.00	53.32%	91.67%	
Capital Outlay		\$ 46,856.10	\$ 126,150.00	37.14%	91.67%	
<b>Public Works</b>	\$ 1,191,590.98		\$ 1,254,861.00	94.96%	91.67%	
Personnel Services		\$ 443,350.34	\$ 521,861.00	84.96%	91.67%	
Operating Expenses		\$ 458,245.31	\$ 432,000.00	106.08%	91.67%	
Capital Outlay		\$ 289,995.33	\$ 301,000.00	96.34%	91.67%	Repairs. Partial offset by Capital Lease Proceeds
<b>Public Works Commercial</b>	\$ 202,939.16		\$ 238,818.00	84.98%	91.67%	
Personnel Services		\$ 49,999.66	\$ 55,968.00	89.34%	91.67%	
Operating Expenses		\$ 152,939.50	\$ 182,850.00	83.64%	91.67%	
<b>Public Works Recycling</b>	\$ 68,331.55		\$ 238,030.00	28.71%	91.67%	
Personnel Services		\$ 46,996.90	\$ 54,330.00	86.50%	91.67%	
Operating Expenses		\$ 21,334.65	\$ 23,700.00	90.02%	91.67%	
Capital Outlay			\$ 160,000.00	0.00%	91.67%	Recycle truck should be in Sept
<b>Non Departmental</b>	\$ 1,024,258.69		\$ 1,433,003.24	71.48%	91.67%	
Personnel Services		\$ 260,949.17	\$ 174,618.00	149.44%	91.67%	Employee retire \$37k , Retiree Health ins \$92k
Operating Expenses		\$ 167,677.92	\$ 158,800.00	105.59%	91.67%	Street lights \$92k; Audit \$19k
Capital Outlay		\$ 595,631.60	\$ 1,099,585.24	54.17%	91.67%	Trans to CP \$520k; \$16k offset by Cap Lease Rev
		<b>\$ 8,666,945.48</b>	<b>\$ 10,540,791.00</b>	<b>82.22%</b>	91.67%	
<b>Revenues Over (Under) Expenditures</b>	<b>\$ 1,009,232.43</b>					

**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	<u>\$ 10,767.00</u>
June	<u>\$ 7,178.00</u>
July	<u>\$ 7,178.00</u>
August	<u>\$ 10,767.00</u>
September	<u>                    </u>
<b>Total</b>	<b><u><u>\$ 172,272.00</u></u></b>

**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	46,371.45	5,538.12	FINAL
April	40,833.33	48,217.37	42,636.21	1,802.88	FINAL
May	40,833.33	49,070.48	52,991.24	12,157.91	FINAL
June	40,833.33	48,593.38	49,506.49	8,673.16	FINAL
July	40,833.33	46,294.52	49,683.18	8,849.85	FINAL
August	40,833.33	48,378.17	40,691.23	(142.10)	
September	40,833.33	46,316.96			
<b>Total</b>	<b>\$ 490,000.00</b>	<b>\$ 545,783.33</b>	<b>\$ 518,996.40</b>	<b>\$ 69,829.73</b>	
<p>***Note Revenue is always a month behind. Eg: October is received in November, therefore, current month amount will be adjusted at month end.</p>					

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
David Breakfield, Planning Director  
**SUBJECT:** Ord. 20-636, Annexation/PUD Rezoning on Alexander Love Hwy  
**DATE:** August 25, 2020

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### ISSUE

Council is being asked to consider First Reading of Ordinance 20-636 to Annex/PUD Rezoning on Alexander Love Hwy for the future creation of Fergus Crossroads.

### DISCUSSION

We have received an Annexation/PUD Rezoning application and conceptual site plan submittal for the Fergus Crossroads PUD project to be located on Alexander Love Hwy near Cooperative Way. The project would include single family dwellings and townhomes as well as commercial outparcels along Alexander Love Hwy per the submitted site plan.

The City's zoning standards require that City staff provide a report regarding compliance with the 2019 Comprehensive Plan and other pertinent issues. To summarize the staff report, the proposed project seems to comply with numerous major objectives of the Comprehensive Plan including:

- a) The City should aggressively seek annexation of developing residential areas on the periphery of the City.
- b) Encourage harmonious site design and provide variety in building types, facades, open spaces, etc.
- c) Encourage a wide range of quality housing options should be available to all income levels that increase home ownership rate and housing values.
- d) High quality multifamily residential development should be encouraged where appropriate public infrastructure is available.
- e) Encourage innovative land use practices to preserve open space and cluster housing units.
- f) Encourage provision of interconnected greenways and corridors to help maintain small town character. Such interconnectivity should include hiking and biking trail systems.
- g) Encourage mixed commercial /residential areas per future land use map.
- h) Encourage quality development in the gateway areas of the City.

After reviewing the project, City staff finds that the submitted application complies with the noted major objectives in the following ways:

- The City recently approved three (3) single family dwelling (houses only) developments with housing densities ranging from 3.2 to 3.8 residential units per acre. The overall housing density

including townhome units is 3.19 residential units per acre; therefore, the proposed density is very comparable (and somewhat less) to that of previously-approved projects.

- The City has tried to encourage diverse, high-quality exterior architectural styles and housing materials; to that end, the City has approved recent projects that include criteria requiring greater diversity of exterior materials and colors as well as standards to prevent façade repetition. This project incorporates such standards.
- Quality multifamily residential projects are strongly needed in the City and the subject location would be ideal for townhomes due to its proximity to nearby infrastructure.
- The subject area has been identified as an ideal location for new development due to its proximity to a major collector street and highways, the availability of important infrastructure, etc.
- Per the City's future land use map, the subject area is ideal for a quality mixed-use development.
- The City requires that a minimum of 25% of the overall property be reserved as open space. The applicant has provided 46%.
- The vast majority of the lots have direct connection to large open space areas.
- The applicant has proposed several amenity areas for the project.
- The applicant has proposed an interconnected trail system throughout the project and the sidewalk system shall be connected to any existing nearby sidewalk.

As with any such request, the Planning Commission must review the application and the report from City staff and then make a recommendation regarding the matter to York City Council. At its August 24<sup>th</sup> meeting the Planning Commission conducted its review and made a 5 to 1 recommendation in support of the project. City Council is now to review the application and make a final decision on the issue.

Please be aware that we have received concerns from the adjacent Pebble Creek Subdivision regarding the proposed project including potential cut-through traffic. The developer has attempted to lessen potential impact on adjacent existing neighborhoods by providing a 200' bufferyard and a traffic-limiting device that limits the traffic flow to emergency vehicles only between adjacent neighborhoods.

Also, it is important to note that the International Fire Code requires at least two (2) remote entrance/exit points from the proposed project.

## **RECOMMENDATION**

The Planning Commission and Staff recommend that Council approve First Reading of Ordinance 20-636 to Annex/PUD Rezoning on Alexander Love Hwy for the future creation of Fergus Crossroads

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
David Breakfield, Planning Director  
**SUBJECT:** Ord. 20-636, Annexation/PUD Rezoning on Alexander Love Hwy  
**DATE:** September 29, 2020

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### ISSUE

Council is being asked to consider picking up from the Table, First Reading of Ordinance 20-636 to Annex and Rezone properties on Alexander Love Hwy for the future creation of Fergus Crossroads.

### DISCUSSION

On September 1<sup>st</sup>, Council Tabled First Reading of Ordinance 20-636 which would annex 115.8 acres of property connecting to Alexander Love Highway for the future creation of Fergus Crossroads. The petitioners are also asking that Council approve the annexation with the zoning designation of Planned Unit Development (PUD). The project would include single family dwellings and townhomes as well as commercial outparcels along Alexander Love Hwy per the submitted site plan.

The process of annexation is relatively straight forward. According to MASC's Annexation Handbook, "annexation of any area or property which is contiguous to a municipality may be initiated by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation." The City has been presented with the following signed petitions for annexation:

<u>Owner(s)</u>	<u>Tax Map #'s</u>
Richard & Dianna Walliser Revocable Trust	348-00-00-015, 348-00-00-019, 348-00-00-020
SRAM1, LLC	348-00-00-006, 348-00-00-007, 348-00-00-008 348-00-00-009, 348-00-00-010, 348-00-00-016
Gordon L. Sinyard Etal.	395-00-00-005

The City's Zoning Ordinance states that, "where property has not been specifically included within a district, or where territory has become a part of the city by annexation, such areas shall automatically be classed as being in the R-15 residential district, except that at the time of application for annexation is filed, the applicant(s) may request an alternative zoning classification." It goes on to state, "such a request must be submitted to the planning commission for study and recommendation to city council in accordance with the procedural requirements for amendments generally."

The applicants in this instance are requesting a zoning classification of PUD. As required, staff provided a report regarding compliance with the 2019 Comprehensive Plan and other pertinent issues to the Planning Commission. At its August 24<sup>th</sup> meeting, the Planning Commission conducted its review and made a 5 to

1 recommendation in support of the project and rezoning. The staff report was also provided to City Council for review.

Neither the annexation laws of South Carolina, nor ordinances of the City require a public hearing for owner petitions for annexation. However, a public hearing is required for zoning changes. Therefore, should Council wish to proceed with the petitioners request for annexation and approve First Reading, a public hearing will be scheduled at Second Reading.

**RECOMMENDATION**

The Planning Commission and Staff recommend that Council approve First Reading of Ordinance 20-636 to Annex/PUD Rezoning on Alexander Love Hwy for the future creation of Fergus Crossroads.



## R. Joe Harris & Associates, Inc.

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1186 Stonecrest Blvd., Tega Cay, S.C. 29708  
(803) 802-1799

Via: RJH Delivery  
September 25<sup>th</sup>, 2020

C. David Breakfield, Jr.  
City of York Planning Department  
10 N. Roosevelt Street  
P.O. Box 500  
York, South Carolina 29745

**RE: FERGUS CROSSROADS (SINYARD)  
Annexation Petition Submittal**

RJH Project No.: 4223

Dear Mr. Breakfield:

On behalf of South Fork Ventures, LLC (Developer), we have submitted the following items for the City of York's review and consideration for the above referenced project:

1. Annexation Petition for Richard & Dianna Walliser Revocable Trust  
Tax Map #s: 348-00-00-015, 348-00-00-019 & 348-00-00-020
  - completed annexation petition with legal descriptions/survey plats of record
  - signed application should have been received directly by the City
2. Annexation Petition for SRAM1, LLC  
Tax Map #s: 348-00-00-006, 348-00-00-007, 348-00-00-008, 348-00-00-009, 348-00-00-010  
348-00-00-016
  - completed annexation petition with legal descriptions/survey plats of record
  - copy of signed application (as signed by Seema Baniwal, Manager)
  - original of signed application will be delivered on 9/28/20
2. Annexation Petition for Gordon L. Sinyard Etal.  
Tax Map #: 395-00-00-005
  - completed annexation petition with legal descriptions/survey plats of record
  - original signed application executed by Gordon Sinyard
  - docusigned application executed by James Saul & Katherine Saul

If you should have any questions or require any additional information, please feel free to call me at (803) 802-1799 or via email at [brandonpridemore@rjoeharris.com](mailto:brandonpridemore@rjoeharris.com).

Sincerely,  
R. JOE HARRIS & ASSOCIATES, INC.

Brandon S. Pridemore, CPESC  
Vice President  
Lead Civil Consultant for South Fork Ventures, LLC





ATTACHED DESCRIPTION TO  
SRAM1, LLC  
TM#s: 348-00-00-006, 348-00-00-007, 348-00-00-008, 348-00-00-009  
348-00-00-010, 348-00-00-016  
PETITION

**TM#348-00-00-006**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Haskell L. Huskins Estate, made by Bradford M. Hucks, RLS, Registered Surveyor, dated July 27<sup>th</sup>, 1976, which plat is recorded in Plat Book 50 at Page 46 R.M.C. Office for York County, South Carolina, being shown as Tract Two (2) and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 14.90 acres, more or less on plat of Haskell L. Huskins Estate attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-007**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Property of James L. Bailes, made by John Quinn Hall, RLS, Registered Surveyor, dated July 18<sup>th</sup>, 1974, which plat is recorded in Plat Book 46 at Page 110 R.M.C. Office for York County, South Carolina, being situated on S.C. Highway S-117, near JCT S.C. Highway 161 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 1.00 acre, more or less on plat of Property of James L. Bailes attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-008**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Property of James L. Bailes, made by John Quinn Hall, RLS, Registered Surveyor, dated April 1<sup>st</sup>, 1965, which plat is recorded in Plat Book 27 at Page 241 R.M.C. Office for York County, South Carolina, being situated on S.C. Highway S-117, leading from York to S.C. Route 161 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 1.00 acre, more or less on plat of Property of James L. Bailes attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-009**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Property for Geraldine B. Dover, made by Rodney L. Smith, PLS, Registered Surveyor, dated July 16<sup>th</sup>, 1992, which plat is recorded in Plat Book 113 at Page 181 R.M.C. Office for York County, South Carolina, being situated on Alexander Love Highway and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 1.00 acre, more or less on plat of Property of Geraldine B. Dover attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-010**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Property of R. D. Morgan, made by John Quinn Hall, RLS, Registered Surveyor, dated May 16<sup>th</sup>, 1983, which plat is recorded in Plat Book 71 at Page 12 R.M.C. Office for York County, South Carolina, being situated on northeast side of S.C. Highway No. S-117 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 9.98 acres, after less and exceptions, more or less on plat of Property of R. D. Morgan attached hereto. Total acreage of plat is 14.21 acres, more or less.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**LESS AND EXCEPT:** All that certain piece, parcel, or tract of land lying and being situated on Limerick Lane, in York Township, York County, South Carolina containing two (2) acres, more or less, and being more particularly described according to plat of property of James P. and Crystal Jamieson, drawn by Rodney L. Smith, RLS, dated June 21<sup>st</sup>, 1993, which plat, recorded in Plat Book 118, Page 120, R.M.C. Office for York County, South Carolina, is by reference incorporated herein as part of this description and has current Tax Map #348-00-00-013.

**LESS AND EXCEPT:** All that certain piece, parcel, or tract of land lying and being situated on and located on the northeastern side of S.C. Highway No. 5 Bypass, in York Township, York County, South Carolina containing 2.230 acres, more or less, and being more particularly described according to plat of property entitled "Plat of Survey for Cedar E. Boomhower and Ann Hedden Boomhower", prepared by E.F. Woodward, RLS, dated January 3<sup>rd</sup>, 1986, which plat, recorded in Plat Book 79, Page 172, R.M.C. Office for York County, South Carolina, is by reference incorporated herein as part of this description and has current Tax Map #348-00-00-023.

**TM#348-00-00-016**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Property of James L. Bailes, made by John Quinn Hall, RLS, Registered Surveyor, dated August 2<sup>nd</sup>, 1975, which plat is recorded in Plat Book 47 at Page 256 R.M.C. Office for York County, South Carolina, being situated on S.C. Highway S-117, near JCT S.C. Highway 161 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 1.00 acre, after less and exceptions, more or less on plat of Property of James L. Bailes attached hereto. Total acreage of plat is 2.00 acres, more or less.

DERIVATION: The lot above was acquired by Petitioner by deed recorded June 5<sup>th</sup>, 2020 in Deed Book 18323, Pages 89-94, R.M.C. Office for York County, South Carolina.

**LESS AND EXCEPT:** All that certain piece, parcel, or tract of land lying and being situated on Alexander Love Highway, in York Township, York County, South Carolina containing one (1) acre, more or less, and being more particularly described according to plat of property of Geraldine B. Dover, drawn by Rodney L. Smith, PLS, dated July 16<sup>th</sup>, 1992, which plat, recorded in Plat Book 113, Page 181, R.M.C. Office for York County, South Carolina, is by reference incorporated herein as part of this description and has current Tax Map #348-00-00-009.



IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name by its undersigned officer this 27 day of MAY, 2020.

Signed, Sealed and Delivered in the presence of:

Supper 17, LLC

Witness ATM

By: [Signature]  
Shailender Baniwal, Manager

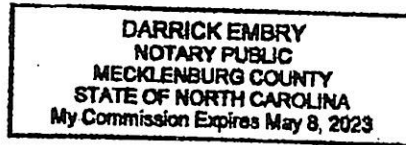
Witness [Signature]

STATE OF North Carolina )  
COUNTY OF Mecklenburg )

ACKNOWLEDGMENT

I, Darrick Embry, a Notary Public for the State of North Carolina, do hereby certify that Shailender Baniwal as Manager of Supper 17, LLC personally appeared before me and acknowledged the execution of this instrument this 27 day of May, 2020.

[Signature]  
Notary Public for North Carolina  
My Commission Expires: May 8, 2023



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Real Property A:**

All that certain piece, parcel, or lot of real property, with any and all improvements that might be situate and located thereon, lying and being situate in York Township, York County, South Carolina, containing 14.90 acres, more or less. This property is located on the North side of SC Highway No 117 and is described as Lot 2 on a plat of survey entitled "Haskell L. Huskins Estate" prepared by Bradford M. Hucks, RLS, dated July 27, 1976 and recorded in Plat Book 50 at Page 46, RMC Office for York County SC. For a more complete description as to metes and bounds reference is hereby made to the above referenced plat and record thereof.

This being the same property conveyed to Corona Corp., LLC by deed of Richard R. Walliser and November J. Walliser recorded in the Office of the Register of Deeds for York County on December 12, 2005 in Deed Book 07646 at Page 00109, thereafter conveyed by Foreclosure Deed of S. Jackson Kimball, as Master in Equity for York County, to Bank of North Carolina, recorded on March 15, 2013 in Book 13276 at Page 0184 in the Office of the Register of Deeds for York County.

TMS No.: 348-00-00-006

**Real Property B:**

**TRACT ONE**

One-A: All that certain piece, parcel, or tract of land lying, being, and situated about two miles east of the city of York, in York Township, York County, South Carolina, on S.C. Highway S-117, leading from York to S.C. Route 161, containing One (1) Acre, more or less, and being more particularly described in a plat of survey by John Quinn Hall, RLS, April 1, 1965, which plat, recorded in Plat Book 27, Page 241 in the Office of the Clerk of Court for York County, is by reference incorporated herein as part of this description.

One-B: All that certain piece, parcel, or tract of land containing One (1) Acre, more or less, as shown and set forth on plat of survey entitled "Property of James L. Bailes" prepared by John Quinn Hall, dated July 18, 1974, which plat, recorded in Plat Book 46, Page 110 in the Office of the Clerk of Court for York County, is by reference incorporated herein as part of this description.

One-C: All that certain piece, parcel, or tract of land containing One (1) Acre, more or less, and being more particularly described as follows: All that certain piece,

parcel, or tract of land containing Two (2) acres, more or less, as shown on plat of property of James L. Bailes, drawn by John Quinn Hall, RLS, August 2, 1975, which plat, recorded in Plat Book 47, Page 256 in the Office of the Clerk of Court for York County, is by reference incorporated herein as part of this description.

LESS AND EXCEPT: All that certain piece, parcel, or tract of land containing One (1) Acre, more or less, as shown on plat of property of Geraldine B. Dover, drawn by Rodney L. Smith, P.L.S., July 16, 1992, which plat recorded in Plat Book 113, Page 181 in the Office of the Clerk of Court for York County, is by reference incorporated herein as part of this description, together with a ten foot right of way for ingress and egress running from the northern edge of S.C. Highway No. 5 Bypass to the southern edge of said property, as shown on the above referenced survey.

This being the same property conveyed to Ryan Scott Holdings, LLC by deed of Lynda Bailes Counterman, f/k/a Lynda Bailes, dated February 22, 2008 and recorded in the Office of the Register of Deeds for York County on February 29, 2008 in Deed Book 9844 at Page 152, thereafter conveyed by Foreclosure Deed of S. Jackson Kimball, as Master in Equity for York County, to Bank of North Carolina, recorded on March 15, 2013 in Book 13276 at Page 0184 in the Office of the Register of Deeds for York County.

TMS No.: 348-00-00-008 (as to Tract One-A)  
348-00-00-007 (as to Tract One-B)  
348-00-00-016 (as to Tract One-C)

## TRACT TWO

All that certain piece, parcel, or tract of real property with any and all improvements that might be situated and located thereon, consisting of approximately 12 acres, more or less, and being located on the northeast side of S.C. Highway No. S-117, east of York, South Carolina, all in York Township, County and State aforesaid and being remaining portion of a tract originally being located in Plat Book 71, Page 12, R.M.C. Office for York County, SC and the original 14.21 acre tract was conveyed to John R. Green and Nancy C. Green by deed recorded in Deed Book 703 at Page 150, R.M.C. Office for York County, SC and from said 14.21 acre tract of real property has been conveyed a tract of 2.230 acres having been recently conveyed to Edward H. LeCroy, et al. by deed recorded in Deed Book 808, Page 178, R.M.C. Office for York County, SC.

LESS AND EXCEPT: All that certain piece, parcel, or tract of land lying and being situated on Limerick Lane, in York Township, York County, South Carolina containing two (2) acres, more or less, and being more particularly described according to plat of property of James P. and Crystal Jamieson, drawn by Rodney L. Smith, RLS, June 21, 1993, which plat, recorded in Plat Book 118, Page 120,



R.M.C. Office for York County, SC, is by reference incorporated herein as a part of this description.

This being the same property conveyed to Ryan Scott Holdings, LLC by deed of Cheryl Ann B. Armstrong and Crystal C. Jamieson dated February 22, 2008 and recorded in the Office of the Register of Deeds for York County on February 25, 2008 in Deed Book 9830 at Page 138, thereafter conveyed by Foreclosure Deed of S. Jackson Kimball, as Master in Equity for York County, to Bank of North Carolina, recorded on March 15, 2013 in Book 13276 at Page 0184 in the Office of the Register of Deeds for York County.

TMS No.: 348-00-00-010

### **TRACT THREE**

All that certain piece, parcel, or tract of land containing One (1) Acre more or less, and being more particularly described according to plat of Property of Geraldine B. Dover drawn by Rodney L. Smith, PLS, June 16, 1992 which plat, recorded in Plat Book 113, Page 181, RMC Office for York County, SC, is by reference incorporated herein as part of this description.

Also conveyed herewith is all of grantors' interest in and to the ten foot easement for egress and ingress shown on the plat recorded in Plat Book 113, Page 181 RMC Office for York County, SC, and as described in the deed of distribution recorded in Deed Book 528, Page 316.

This being the same property conveyed to Ryan Scott Holdings, LLC by deed of Geraldine B. Dover dated February 22, 2008 and recorded in the Office of the Register of Deeds for York County on February 25, 2008 in Deed Book 9830 at Page 66, thereafter conveyed by Foreclosure Deed of S. Jackson Kimball, as Master in Equity for York County, to Bank of North Carolina, recorded on March 15, 2013 in Book 13276 at Page 0184 in the Office of the Register of Deeds for York County.

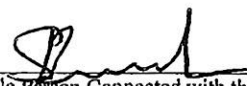
TMS No.: 348-00-00-009

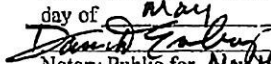
STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

Affidavit

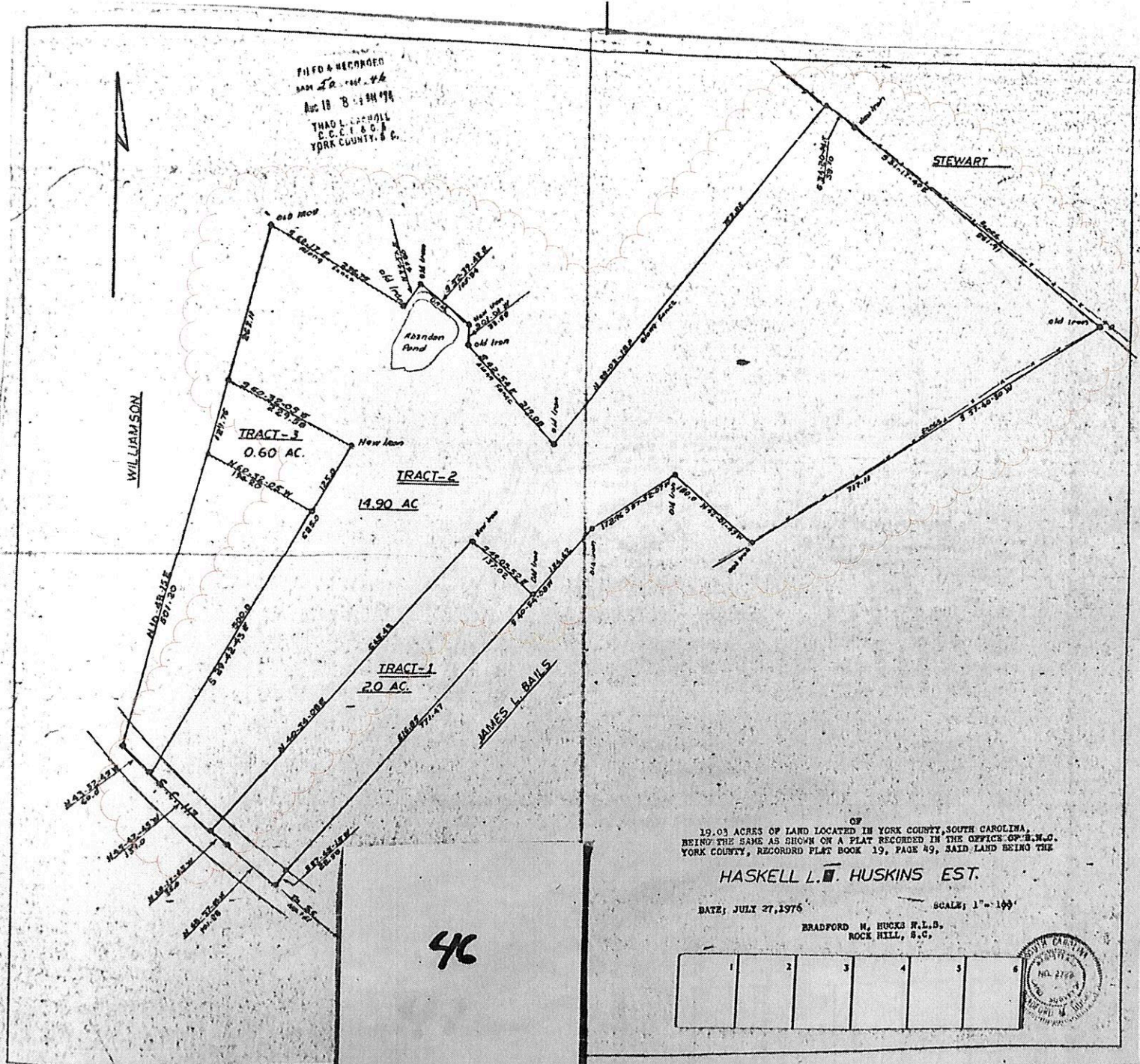
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at various bearing York County Tax Map Number 348-00-00-006, 008, was transferred by Supper 17, LLC 2017, 2018, 2019 + 2016 to Sram 1, LLC on \_\_\_\_\_.
3. Check one of the following: The deed is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c)  exempt from the deed recording fee because (see information section of affidavit): no gain or loss (exchange between mutually owned LLCs) (If exempt, please skip items 4 – 7 and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_.
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_.
5. Check Yes \_\_\_\_\_ or No \_\_\_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "yes" the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.
6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: \_\_\_\_\_
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here)
  - (c) Subtract line 6(b) from line 6(a) and place result here: \_\_\_\_\_
7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is : \_\_\_\_\_.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: \_\_\_\_\_.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

  
 Responsible Person Connected with the Transaction  
**SHAIENDER BANJWAL**  
 Print or Type Name Here

SWORN to before me this 27  
 day of May 20 20  
  
 Notary Public for North Carolina  
 My Commission Expires: May 8, 2023

**DARRICK EMBRY**  
 NOTARY PUBLIC  
 MECKLENBURG COUNTY  
 STATE OF NORTH CAROLINA  
 My Commission Expires May 8, 2023



OF  
19.03 ACRES OF LAND LOCATED IN YORK COUNTY, SOUTH CAROLINA,  
BEING THE SAME AS SHOWN ON A PLAT RECORDED IN THE OFFICE OF S.W.C.  
YORK COUNTY, RECORDED PLAT BOOK 19, PAGE 49, SAID LAND BEING THE

**HASKELL L. HUSKINS EST.**

DATE: JULY 27, 1975 SCALE: 1" = 100'

BRADFORD M. HUCKLE R.L.S.  
ROCK HILL, S.C.

1	2	3	4	5	6
---	---	---	---	---	---



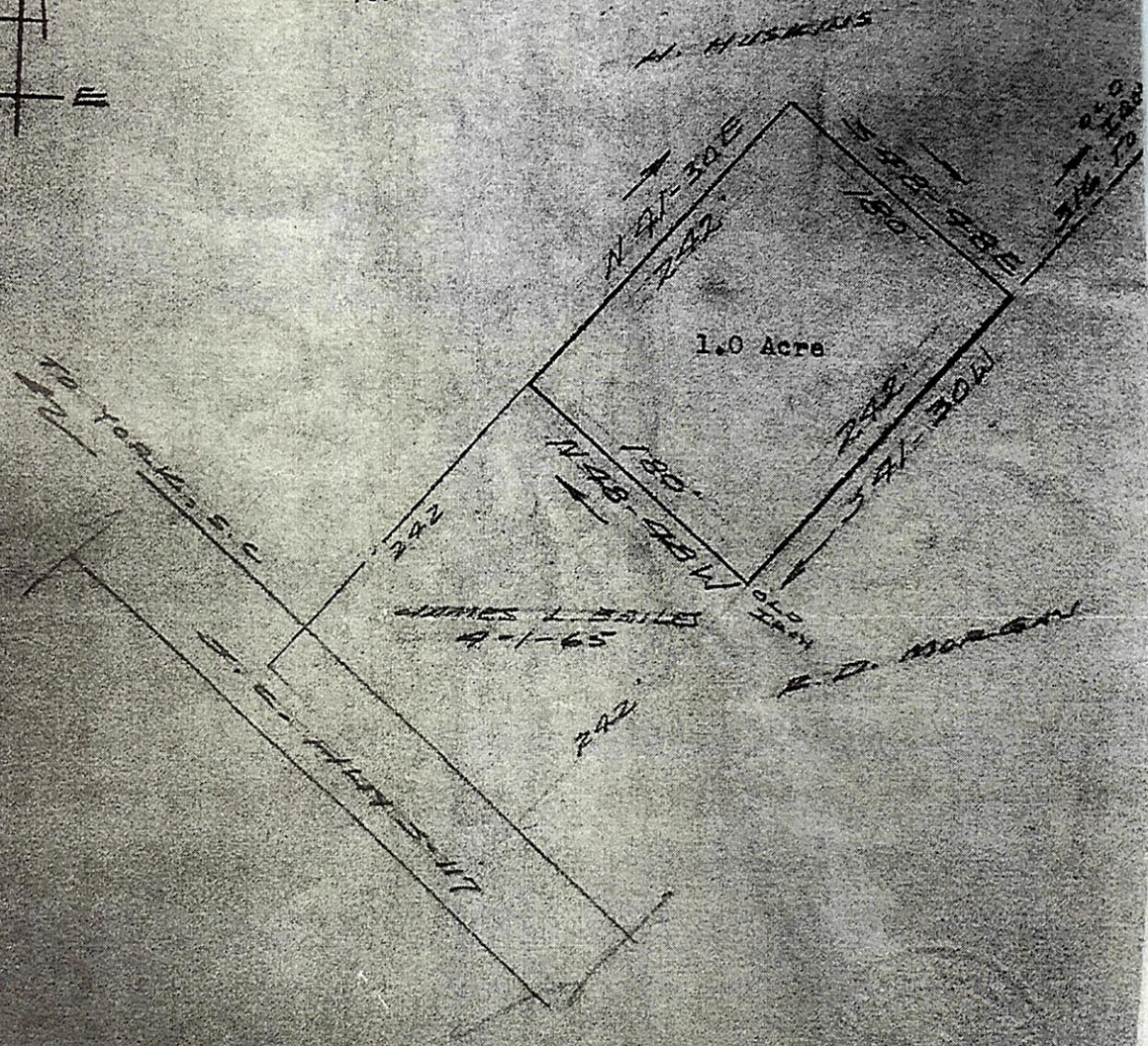


FILED & RECORDED

BOOK 46 PAGE 110

JUL 24 2 25 PM '74

THAD L. CARROLL  
C.C.C.P. & G.S.  
YORK COUNTY, S.C.



Property of

JAMES L. BAILES

of S. C. Hwy 161, near JCT S. C. Hwy 161 - York Township

York County, South Carolina

7-19-74 Signed By *John L. Carroll*

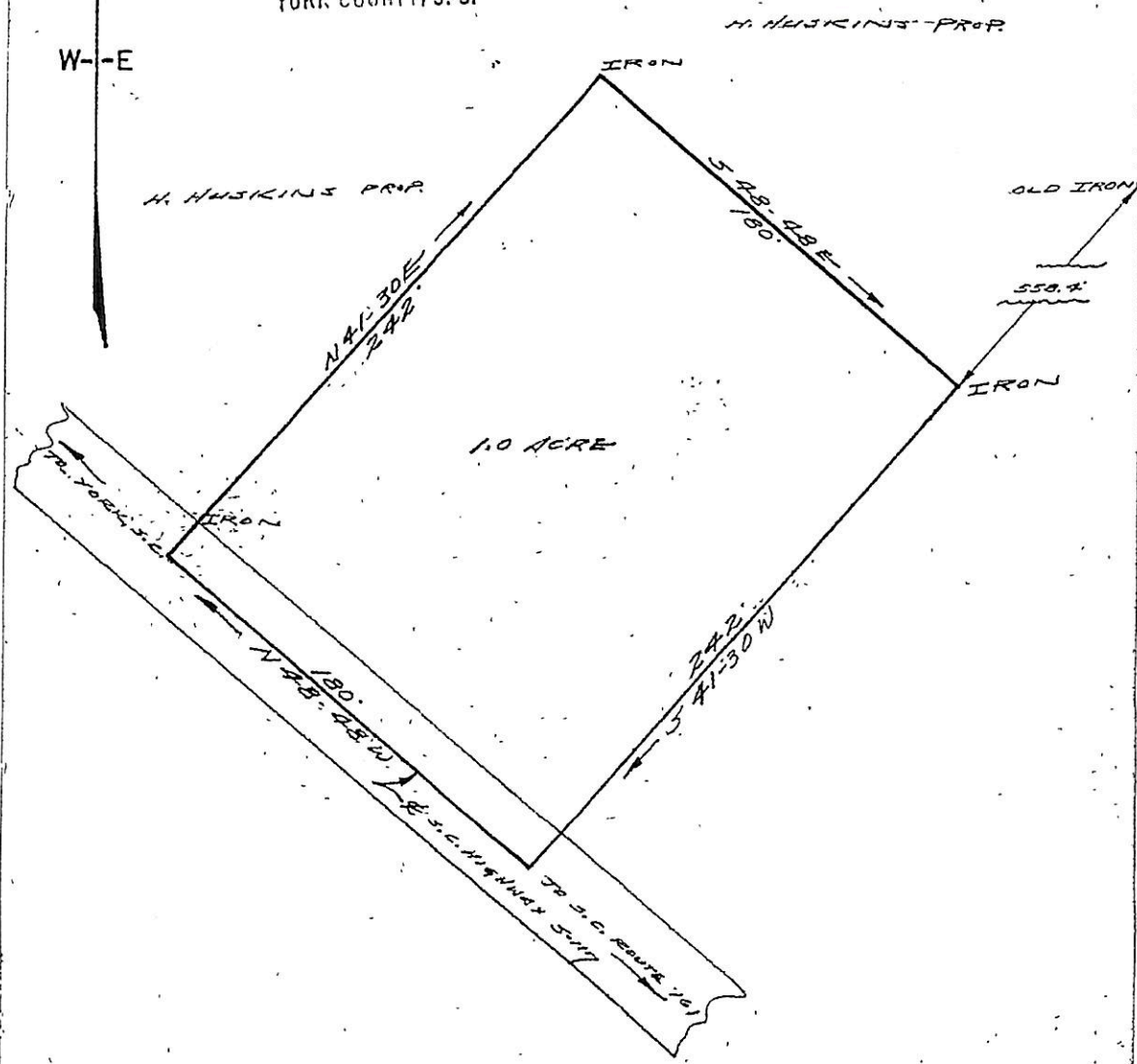
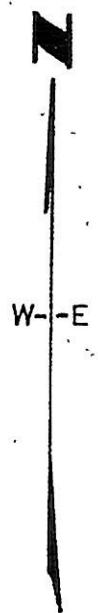
*Recd July 24, 1974*

FILED & RECORDED

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

APR 15 4 17 PM '65

THAD L. CARROLL  
C. C. F. & G. S.  
YORK COUNTY, S. C.



Property of

JAMES L. BAILES

Located S. C. Highway S-117 - York Township

York County, South Carolina

Scale 1"=50' Date 4-1-65

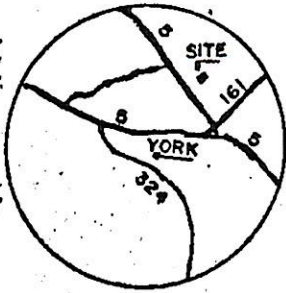
Drawn By J.L.H. No 99-68

Signed By *[Signature]*  
241A

Plat Book 27 Page 211

Recorded April 16, 1965

TM#348-00-00-009  
SRAM1, LLC

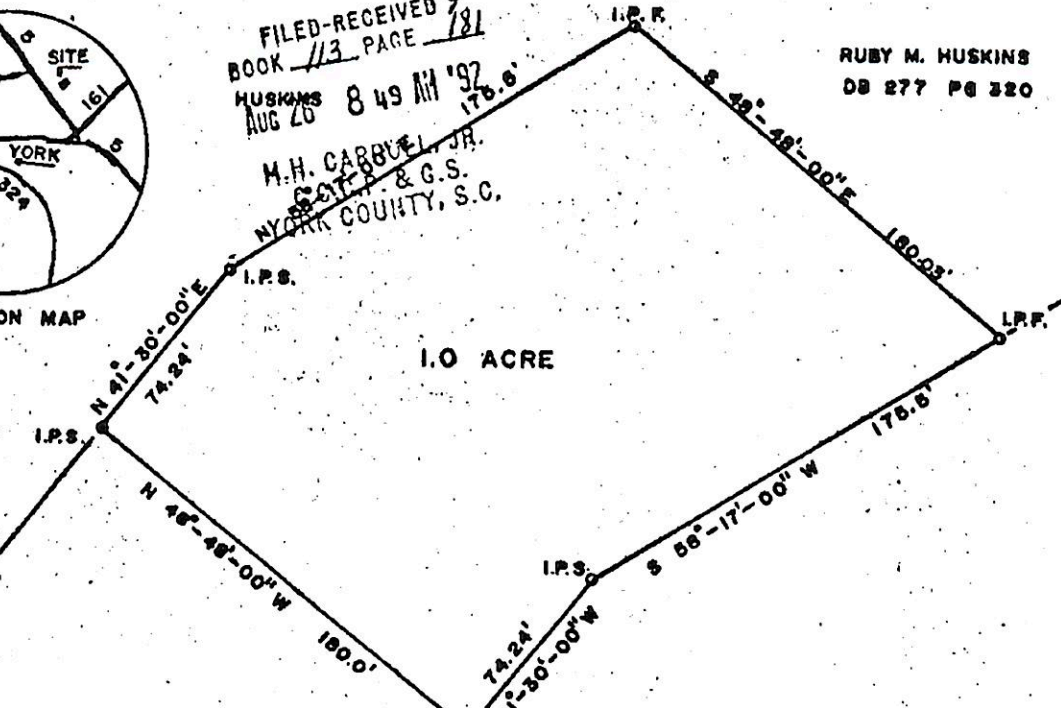


LOCATION MAP

FILED-RECEIVED  
BOOK 113 PAGE 181  
MUSKINS  
AUG 20 8 49 AM '92

M.H. CARBELL, JR.  
S.C. & G.S.  
YORK COUNTY, S.C.

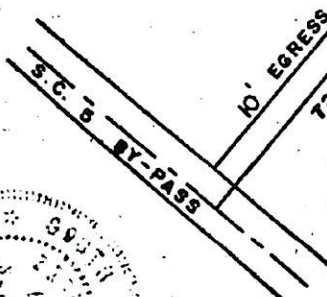
RUBY M. MUSKINS  
DB 277 PG 320



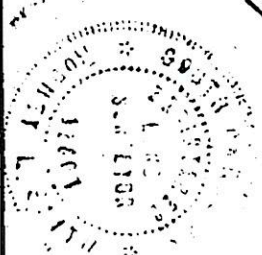
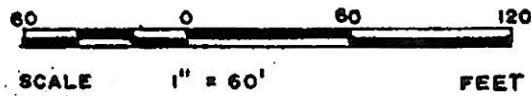
1.0 ACRE

JAMES L. BAILES, EST.  
DB 336 PG 41  
DB 517 PG 34

JAMES L. BAILES  
AND  
JOHNNY M. DOVER  
DB 872 PG 91



PLAT  
OF PROPERTY FOR  
GERALDINE B. DOVER  
ALEXANDER LOVE HWY  
YORK COUNTY - SOUTH CAROLINA



*Rodney L. Smith*  
RODNEY L. SMITH, P.L.S.  
1831 GARVIN RD.  
YORK, S.C.  
REG. NO. 11607

DATE: JULY 16, 1992

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN;





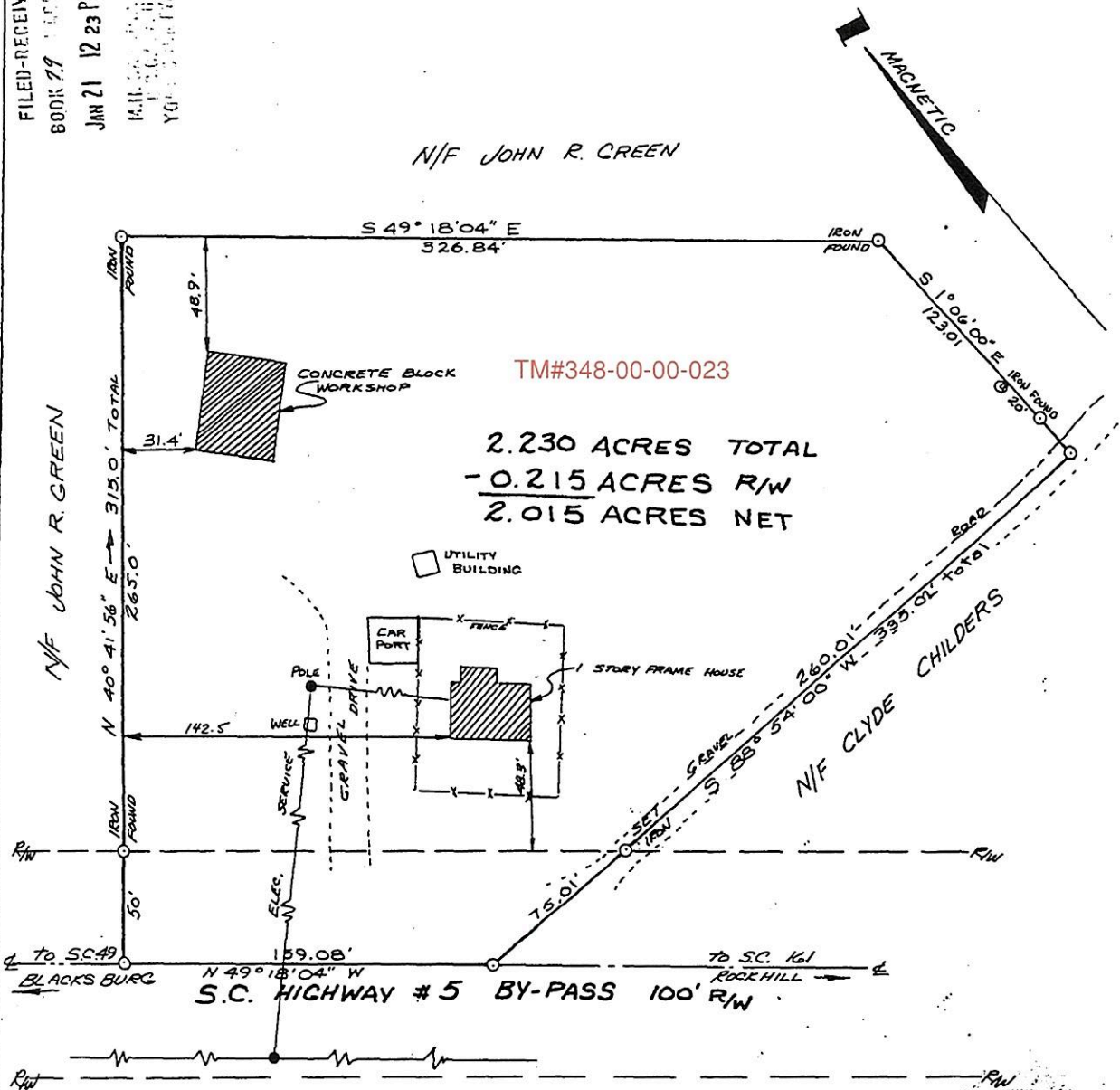


PLAT OF SURVEY FOR  
CEDAR E. BOOMHOWER AND ANN HEDDEN BOOMHOWER  
YORK TOWNSHIP, YORK COUNTY, SOUTH CAROLINA

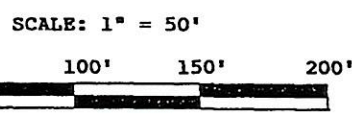
JANUARY 3, 1986

REFERENCES: PLAT BOOK 71, PAGE 12; DEED BOOK 703, PAGE 150; AND N.F.I. MAPS FOR YORK COUNTY

FILED-RECEIVED  
BOOK 71 PAGE 124  
JAN 21 12 23 PM '86  
M.H. WOODWARD JR.  
P.L.S.  
YORK COUNTY, S.C.

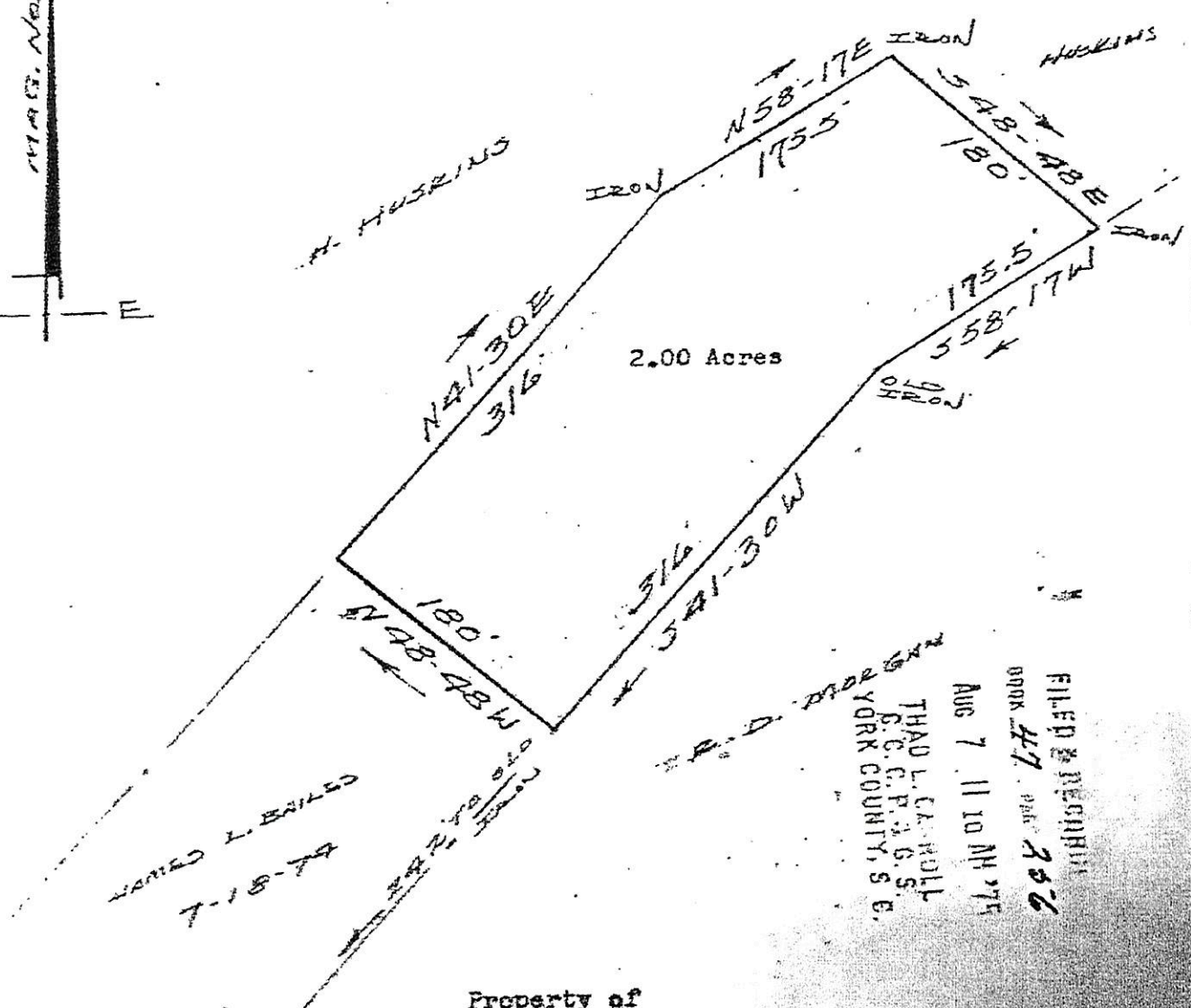
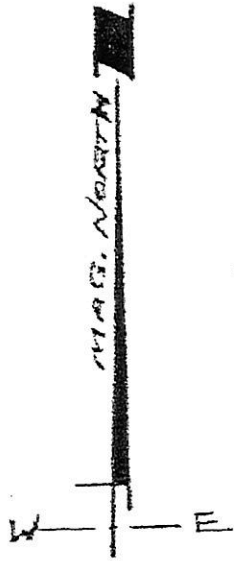


TM#348-00-00-023  
2.230 ACRES TOTAL  
- 0.215 ACRES R/W  
2.015 ACRES NET



ASHMARK LAND SURVEYORS  
222 SALUDA STREET  
ROCK HILL, SOUTH CAROLINA  
PHONE (803) 324 2475

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY BY ME THIS DATE, AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN, AND THAT THE STRUCTURES SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE.  
E. F. WOODWARD R.L.S. #8613



FILED & RECORDED  
BOOK 47, PAGE 256  
AUG 7 11 10 AM '75  
THAD L. CANNOLL  
S. C. P. & S. E.  
YORK COUNTY, S. C.  
P. D. MORSE

Property of

**JAMES L. BAILES**

Located on S. C. Hwy S-117, near JCT S. C. Hwy 161 - York Township

York County, South Carolina

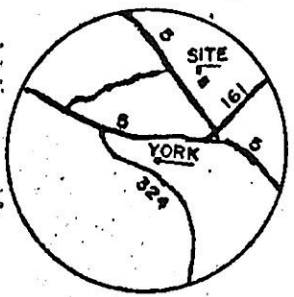
Scale 1"=100' Date 8/2/75

Signed By *John L. Cannoll*

PB 47-256

*Recorded August 7, 1975*

LESS, & EXCEPT FROM  
TM#348-00-00-016



LOCATION MAP

FILED-RECEIVED  
BOOK 113 PAGE 181  
MUSKINS  
AUG 26 8 49 AM '92

M.H. CARROLL, JR.  
S.C.T.S. & G.S.  
YORK COUNTY, S.C.

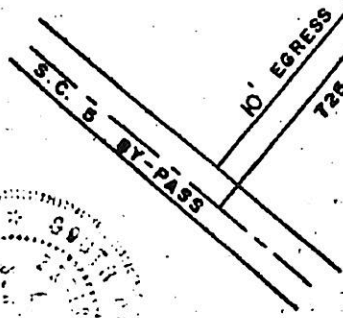
RUBY M. HUSKINS  
DB 277 PG 320

1.0 ACRE  
TM#348-00-00-009

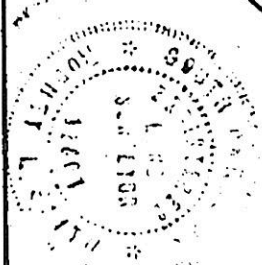
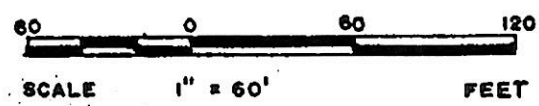


JAMES L. BAILES, EST.  
DB 336 PG 41  
DB 517 PG 34

JAMES L. BAILES  
AND  
JOHNNY M. DOVER  
DB 872 PG 91



# PLAT OF PROPERTY FOR GERALDINE B. DOVER ALEXANDER LOVE HWY YORK COUNTY - SOUTH CAROLINA



*Rodney L. Smith*  
RODNEY L. SMITH, P.L.S.  
1831 GARVIN RD.  
YORK, S.C.  
REG. NO. 11607  
DATE: JULY 16, 1992

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN!



ATTACHED DESCRIPTION TO  
RICHARD W. WALLISER & DIANNA L. WALLISER REVOCABLE TRUST  
TM#s: 348-00-00-015, 348-00-00-019, 348-00-00-020  
PETITION

**TM#348-00-00-015**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of F.M. Huskins Estate, made by W.C. White, RLS, Registered Surveyor, dated January 12<sup>th</sup>, 1960, which plat is recorded in Plat Book 19 at Page 49 R.M.C. Office for York County, South Carolina, being shown as Tract Seven (7) and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 1.36 acres, more or less on plat of F.M. Huskins Estate attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded February 4<sup>th</sup>, 2016 in Deed Book 15433, Pages 84-89, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-019**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Haskell L. Huskins Estate, made by Bradford M. Hucks, RLS, Registered Surveyor, dated July 27<sup>th</sup>, 1976, which plat is recorded in Plat Book 50 at Page 46 R.M.C. Office for York County, South Carolina, being shown as Tract No. 3 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 0.60 acres, more or less on plat of Haskell L. Huskins Estate attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded February 4<sup>th</sup>, 2016 in Deed Book 15433, Pages 84-89, R.M.C. Office for York County, South Carolina.

**TM#348-00-00-020**

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey of Haskell L. Huskins Estate, made by Bradford M. Hucks, RLS, Registered Surveyor, dated July 27<sup>th</sup>, 1976, which plat is recorded in Plat Book 50 at Page 46 R.M.C. Office for York County, South Carolina, being shown as Tract No. 1 and said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 2.00 acres, more or less on plat of Haskell L. Huskins Estate attached hereto.

DERIVATION: The lot above was acquired by Petitioner by deed recorded February 4<sup>th</sup>, 2016 in Deed Book 15433, Pages 84-89, R.M.C. Office for York County, South Carolina.

201600330129  
Electronic Filing  
From: Palmetto Law Associates, LLC  
Thru: SIMPLIFILE

Instrument VOL PAGE  
201600330129 OR 15433 84

201600330129  
Filed for Record in  
YORK COUNTY, SC  
DAVID HAMILTON  
02-04-2016 At 12:45 pm.  
DEED Q CL 12.00  
State Tax .00  
County Tax .00

**AFTER RECORDING RETURN TO:**

Palmetto Law Associates, LLC  
1171 Market Street, Suite 204  
Fort Mill, SC 29708  
Firm File # 07-177

RECORDED  
YORK COUNTY  
TAX ASSESSOR'S OFFICE  
DATE 02/04/2016  
TAX MAP NO. 348-19.15.20  
INITIALS TDellinger

NO TITLE SEARCH PERFORMED

----- Space above this line for recording information -----

STATE OF SOUTH CAROLINA ) Quitclaim Deed  
 )  
 ) TITLE TO REAL ESTATE  
COUNTY OF YORK )

**KNOW ALL MEN BY THESE PRESENTS**, that Richard William Walliser and Dianna Lynn Walliser (hereinafter called "Grantor"), in consideration of **Ten and 00/100 Dollars**, and other valuable consideration, to the Grantor in hand paid at and before the sealing of these presents, by Richard William Walliser and Dianna Lynn Walliser as Trustees of The Richard W. Walliser and Dianna L. Walliser Revocable Trust Dated March 3, 1997, (hereinafter called "Grantee") in the State aforesaid, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto

**Exhibit "A"**

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: *PO Box 550903, South Lake Tahoe, CA 96155*

Tax/Map No. 348-00-00-015, 348-00-00-019 and 348-00-00-020

**TOGETHER** with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

**TO HAVE AND TO HOLD** all and singular the premises before mentioned unto the Grantees, and the Grantees' heirs and assigns forever.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantees.

WITNESS the Grantors' hands and seals this the 20 day of Jan, 2016.

**SIGNED, SEALED AND DELIVERED**

in the presence of:

Karin Leal  
Witness 1

Richard W. Walliser  
Richard W. Walliser

[Signature]  
Witness 2 / also Notary Public

[Signature]  
Dianna L. Walliser

State of CA )  
County of EL DORADO )

**PROBATE**

**PERSONALLY APPEARED BEFORE ME** the undersigned witness and made oath that (s)he saw the within-named sign, seal, and, as their act and deed, deliver the within-written Title to Real Estate, and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 20 day of Jan, 2016

Karin Leal  
Witness 1

See attachment (SEAL)  
Notary Public for \_\_\_\_\_  
My Commission Expires: 07-18, 2019

### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of El Dorado

On Jan. 20, 2016 before me, Erika M Stevens, Notary Public  
(insert name and title of the officer)

personally appeared Richard William Walliser and Dianna Lynn Walliser  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Erika M Stevens (Seal)





AFFIDAVIT OF CONSIDERATION

STATE OF SOUTH CAROLINA

Date of Transfer of Title

COUNTY OF York

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.  
 2. The property is being transferred by Richard William Walliser and Dianna Lynn Walliser to Richard William Walliser and Dianna Lynn Walliser as Trustees of The Richard W. Walliser and Dianna L. Walliser Revocable Trust Dated March 3, 1997 contemporaneously herewith.

3. Check one of the following: The Deed is

(A)		Subject to deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(B)		Subject to deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(C)	X	EXEMPT from the deed recording fee because (Exemption Number 1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than \$100.00.

4. Check one of the following if either item 3(A) or item 3(B) above has been checked.

(A)		The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of: \$0.00
(B)		The fee is computed on the fair market value of the realty which is \$0.00.
(C)		The fee is computed on the fair market value of the realty as established for property tax purposes which is \$0.00.

5. Check Yes  or No  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_.

6. The deed recording fee is computed as follows:

(A)	\$0.00	The amount listed in item 4 above.
(B)	\$0.00	The amount listed in item 5 above (no amount, place zero).
(C)	\$0.00	Subtract line 6(B) from line 6(A) and place result here.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: \_\_\_\_\_.

8. Check if Property other than Real Property is being transferred on this Deed.

- (A)  Mobile Home
- (B)  Other

9. DEED OF DISTRIBUTION-ATTORNEY'S AFFIDAVIT: Estate of \_\_\_\_\_ deceased CASE NUMBER \_\_\_\_\_ Personally appeared before me the undersigned attorney, who being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. In the Estate of \_\_\_\_\_ deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.

10. I understand that a person required to furnish this Affidavit who wilfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN TO before me this 20 day of Jan, 2016

*See attached*  
 Notary Public for South Carolina (Seal)  
 My Commission Expires:

Signed  
 Grantor, Grantee, or Attorney that prepared this form  
*Richard W. Walliser*  
 Richard W. Walliser

### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of El Dorado

On Jan. 20, 2016 before me, Erika M Stevens, notary public  
(insert name and title of the officer)

personally appeared Richard William Walliser and Dina Lynn Walliser  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Erika M Stevens (Seal)

Exhibit "A"

Tract 1: A 0.60 acre tract, more or less, situate on the north side of S.C. Highway No. 117 and described as Tract No. 3 on a plat of survey entitle "Haskell L. Huskins Estate" prepared by Bradford M. Hucks, RLS, and dated July 27, 1976, and recorded in Plat Book 50, Page 46, RMC Office of York County, South Carolina. Reference to plat is hereby incorporated for a more complete description.

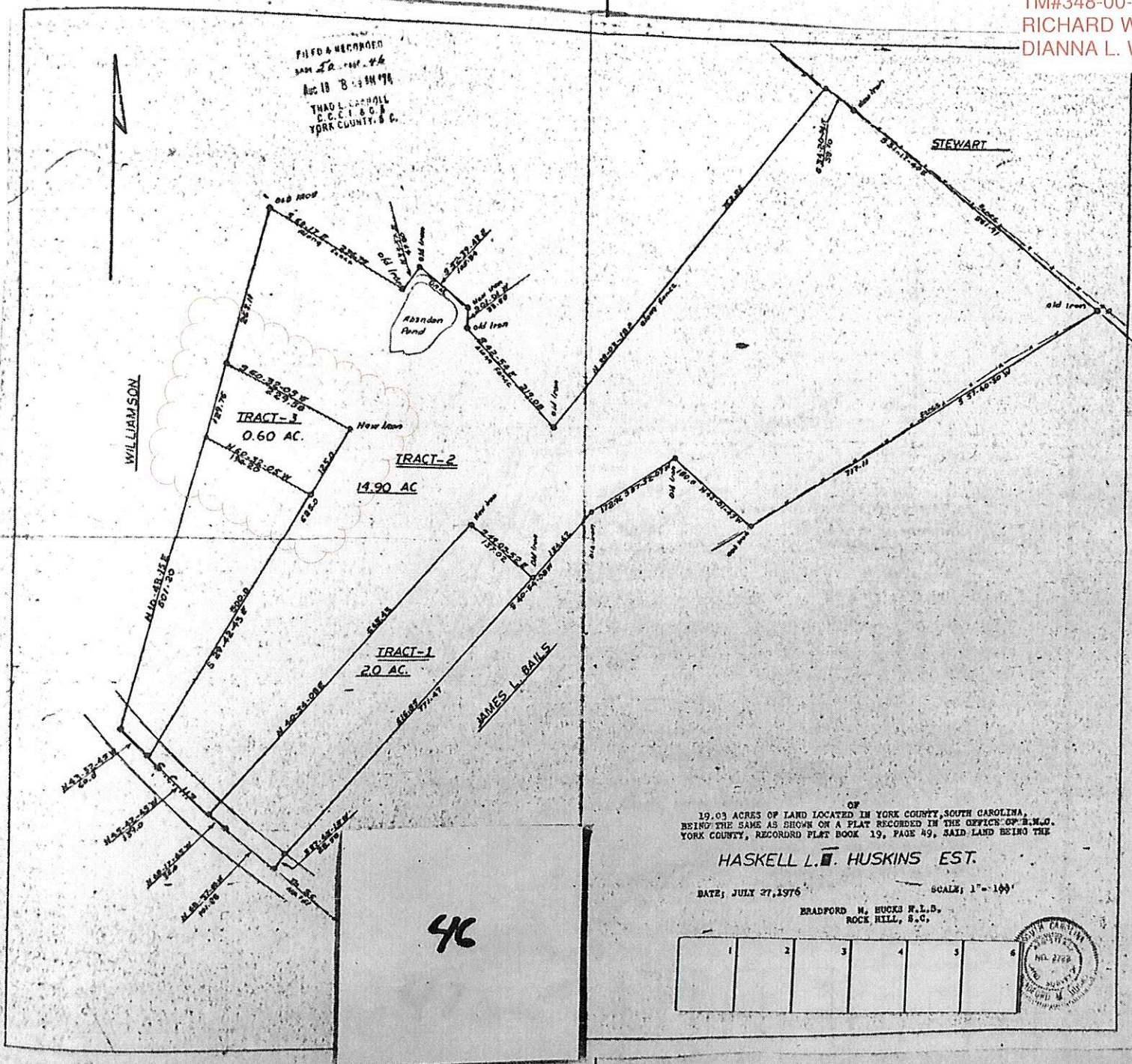
Tract 2: A 1.36 acre trace, more or less, situate about two (2) miles east of the Town of York, South Carolina, being Tract Number Seven (7) as shown on the plat of the F.M. Huskins Estate made by W.C. White, RLS, dated January 12, 1960, which tract contains 1.36 acres, more or less, the aforesaid plat being recorded in Plat Book 19, Page 49 and recorded in the RMC Office of York County, South Carolina. Reference to said plat is hereby incorporated for a more complete description.

Derivation: This being the same property conveyed unto Oak River, LLC by Deed form Richard W. Walliser dated December 12, 2006 and recorded in Book 8655 at Page 299 in the Clerk of Court for York County, S.C.

Tract 3: All that certain piece, parcel or lot of land with improvements situated thereon and located on the north side of S.C. Highway No. 117 and containing 2.0 acres, more or less, and located in York Township, and set forth and described as Tract No. 1 on a plat of survey entitled "Haskel L. Huskins Estate" prepared by Bradford M. Hucks, RLS and dated July 27, 1976, and recorded in Plat Book 50 at Page 46 of the RMC Office for York County, South Carolina. Reference to said plat is hereby incorporated for a more complete description.

Derivation: This being the same property conveyed unto Oak River, LLC by Deed from Richard Walliser dated December 12, 2006 and recorded in Book 8654 at Page 234 in the Clerk of Court for York County, S.C.





FILED & RECORDED  
 SAM L. ...  
 AUG 18 8 11 AM '76  
 THAD L. ...  
 C.C. ...  
 YORK COUNTY, S.C.

OF  
 19.03 ACRES OF LAND LOCATED IN YORK COUNTY, SOUTH CAROLINA,  
 BEING THE SAME AS SHOWN ON A PLAT RECORDED IN THE OFFICE OF R.M.C.  
 YORK COUNTY, RECORDED PLAT BOOK 19, PAGE 49, SAID LAND BEING THE

HASKELL L. HUSKINS EST.

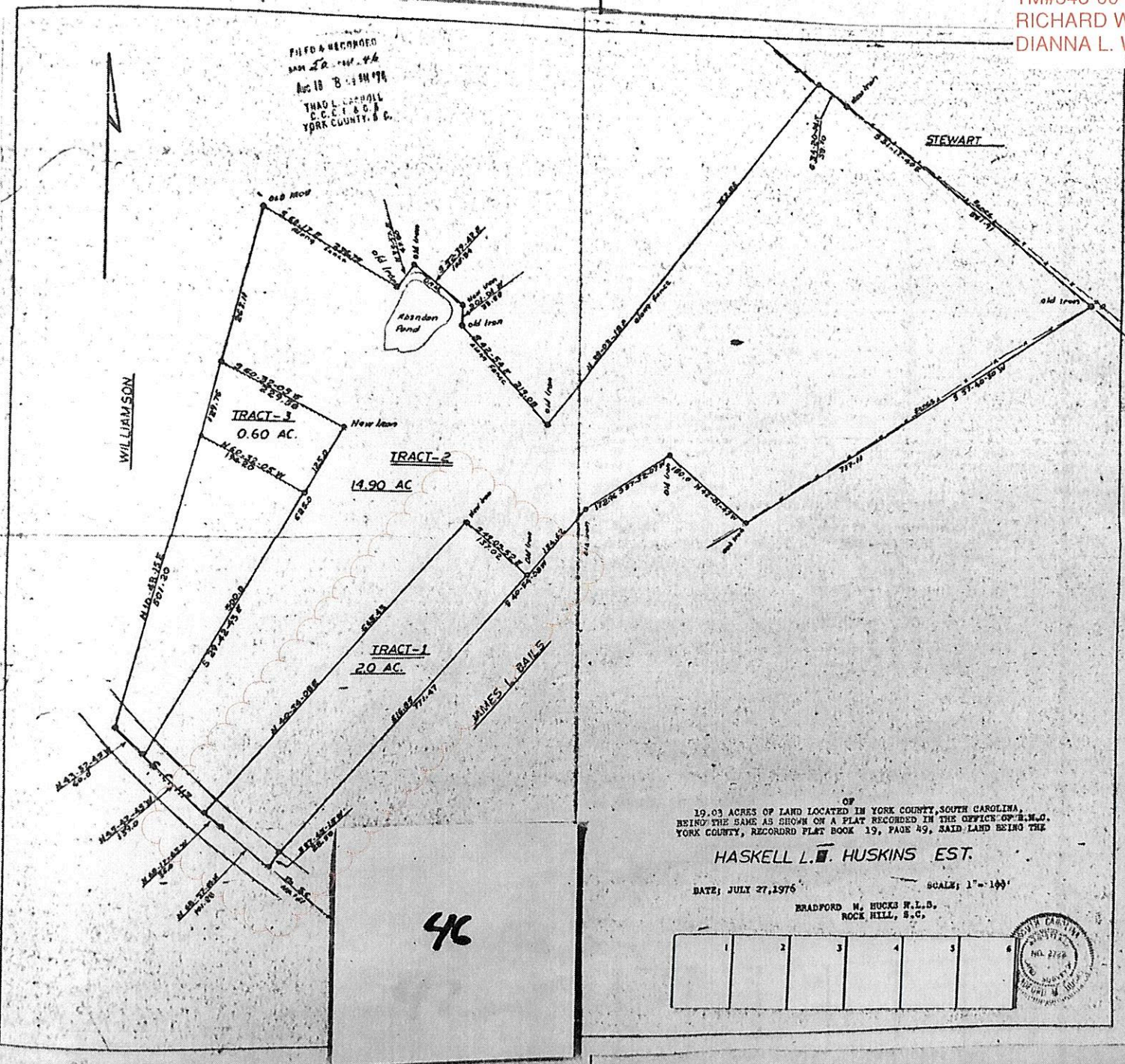
DATE: JULY 27, 1976 SCALE: 1" = 100'

BRADFORD M. HUCKS F.L.D.  
 ROCK HILL, S.C.

1	2	3	4	5	6
---	---	---	---	---	---



46



OF  
 19.03 ACRES OF LAND LOCATED IN YORK COUNTY, SOUTH CAROLINA,  
 BEING THE SAME AS SHOWN ON A PLAT RECORDED IN THE OFFICE OF R.M.C.  
 YORK COUNTY, RECORDED PLAT BOOK 19, PAGE 49, SAID LAND BEING THE

HASKELL L. HUSKINS EST.

DATE: JULY 27, 1976 SCALE: 1" = 100'

BRADFORD M. HUCKS W.L.D.  
 ROCK HILL, S.C.

1	2	3	4	5	6
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STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF YORK                    )

CITY OF YORK

**PETITION FOR ANNEXATION OF REAL PROPERTY  
TO THE CORPORATE LIMITS OF THE  
CITY OF YORK, SOUTH CAROLINA**

This Petition for Annexation by Gordon L. Sinyard, James Saul, and Katherine Saul is requesting the York City Council to annex by Ordinance the hereinafter described real property and is dated as of this the 24<sup>th</sup> day of September, 2020, and is herewith dated before the first signature being affixed hereto. This Petition for Annexation is following the provisions as set forth in Section/Paragraph/Title 5-3-150 of the Code of Laws of South Carolina, 1976, and as amended. The Petition is signed by Gordon L. Sinyard, James N. Saul & Katherine Saul. The Petition requests that the real property in the area as shown on the attached description consisting of one (1) parcel, known currently as York County Parcel 395-00-00-005, of the real property lying adjacent to the existing corporate limits of the City of York, and joining the eastern portion of the City of York, South Carolina, be annexed into the corporate limits of the City of York, South Carolina. The real property involved herein is more fully described and set forth on the attached plat as follows:

**SEE ATTACHED DESCRIPTION AND MAP**

It is requested that the above real property be annexed to the City of York, South Carolina, with Planned Unit Development District (P.U.D.) zoning designation per the attached conceptual site plan.

This Petition and request for annexation is expressly contingent upon the purchaser or developer of this project receiving complete and final approval of the submitted (attached) rezoning master development plan from the City of York. The applicants have the absolute right, independent of any other simultaneous petitions, to

withdraw the Petition without delay or penalty at any time before second reading. The City of York, by acceptance of this Petition and by holding any first reading on the Petition, accepts and acknowledges this condition.

WITNESSES

GORDON L. SINYARD, ETAL

  
\_\_\_\_\_  
*Witness*

By:   
\_\_\_\_\_  
*Gordon L. Sinyard, Property Owner*

\_\_\_\_\_  
*Witness*

By: \_\_\_\_\_  
*James Saul, Property Owner*

\_\_\_\_\_  
*Witness*

By: \_\_\_\_\_  
*Katherine Saul, Property Owner*



withdraw the Petition without delay or penalty at any time before second reading. The City of York, by acceptance of this Petition and by holding any first reading on the Petition, accepts and acknowledges this condition.

WITNESSES

GORDON L. SINYARD, ETAL

\_\_\_\_\_  
*Witness*

DocuSigned by:  
*Deborah W. Weatherby*

\_\_\_\_\_  
*Witness* DE5C97EB56E64EC...

DocuSigned by:  
*Deborah W. Weatherby*

\_\_\_\_\_  
*Witness* DE5C97EB56E64EC...

By: \_\_\_\_\_

*Gordon L. Sinyard, Property Owner*

DocuSigned by:

By: *James N. Saul*

*James N. Saul, Property Owner*

DocuSigned by:

By: *Katherine Saul*

*Katherine Saul, Property Owner*

ATTACHED DESCRIPTION TO  
GORDON L. SINYARD ETAL  
TM#: 395-00-00-005  
PETITION

All those certain pieces, parcels or lots of real property with any and all improvements, thereon, lying and being in York Township, York County, South Carolina, as shown on a plat of survey for United Development Corp. Property (Compiled Boundary Survey), made by Lawrence R. Isbell, Registered Surveyor, dated June 11<sup>th</sup>, 1987, which plat is recorded in Plat Book 89 at Page 17 R.M.C. Office for York County, South Carolina, being situated on Fishing Creek, near S.C. Highway 161, east of the City of York, said plat being incorporated herein by reference thereto as a part of this description and also being more fully described as 83.68 acres, more or less, on plat of Compiled Boundary Survey for United Development Corp. Property attached hereto.

DERIVATION: The lot above was acquired by Petitioner Gordon Sinyard by deed recorded on June 18<sup>th</sup>, 1993, and Petitioners James N. Saul and Katherine Saul through Deed of Distribution from the Estate of Martha Sinyard filed on June 4<sup>th</sup>, 2019 in Deed Book 17579, Pages 59-61, R.M.C. Office for York County, South Carolina.



2019021878

DEED  
RECORDING FEES \$10.00  
STATE TAX \$0.00  
COUNTY TAX \$0.00  
PRESENTED & RECORDED:

06-04-2019 12:17:52 PM

BK: RB 17579

PG: 59 - 61

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC  
BY: REGINA PRUITT CLERK

PROBATE COURT

DEED ONLY!  
NO TITLE EXAMINATION!

STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

YORK COUNTY ASSESSOR

Tax Map:

395-00-00-005

Date: 06/05/2019

E H

IN THE MATTER OF FRANCES CAROLYN HOLCOMBE  
CASE NUMBER 2019-ES-46-00319

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 28th day of February, 2016;

WHEREAS, the estate of the decedent was administered in the State of North Carolina, County of North Carolina. Probate Court File Number 16-E-316. and is now being administered in the Probate Court for York County, South Carolina, File Number 2019ES4600319, for the purpose of property distribution;

WHEREAS, the grantees herein are the heirs of the decedent pursuant to the terms of her Last Will and Testament;

WHEREAS, the decedent, Frances Holcombe, received a one-half (1/2) interest in the property described below under Corrective Deed of Distribution in the Estate of Martha Wofford Holcombe, formerly known as Martha Sinyard, deed being recorded February 1, 2019 in Deed Book 17388 at Page 461 in the Office of the Clerk of Court for York County, South Carolina. This being the same property previously conveyed to Martha Wofford Holcombe, formerly known as Martha Sinyard, and Gordon Sinyard by deed from Ray Bentley a/k/a Ransey Ray Bentley by deed recorded in June 17, 1993 in Deed book 736 at Page 83, corrective deed recorded February 21, 1996 in Deed Book 1455 at page 154, in the Office of the Clerk of Court for York County, South Carolina. Reference is hereby made to the documents referenced herein and to the York County Probate Court Estate File of Martha Wofford Holcombe, Case Number 2016-ES-46-00461;

WHEREAS, a prior Deed of Distribution to the within named Grantees was recorded in error on June 23, 2017 in Deed Book 16444 at Page 223 in the in the Office of the Clerk of Court for York County, South Carolina, and a prior Corrective Deed of Distribution to the Estate of Frances Holcombe was recorded in error on September 18, 2017 in Deed Book 16595 at Page 297 in the in the Office of the Clerk of Court for York County, South Carolina;

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Jamie Saul - Fifty (50%) percent interest  
Address: 4074 NE 7<sup>th</sup> Avenue, Portland, OR 97212

Name: Katherine Saul – Fifty (50%) percent interest  
Address: 1 Trotter Place, Asheville, NC 28806

The following described property:

**Legal Description:** All that certain piece, parcel or lot of land lying and being situated on Fishing Creek, near S.C. Highway 161, east of the City of York, in York County, South Carolina, containing EIGHTY-THREE and 68/100 (83.68) ACRES, more or less, and being more particularly described according to a compiled boundary survey for United Development Corp., dated June 11, 1987, which plat, recorded in Plain Plat Book 89 at page 17, in the office of the Clerk of Courts for York County, is by reference incorporated herein as a part of this description.

TOGETHER WITH a non-exclusive, perpetual right, privilege, easement and right of way to go over and across a roadway known as Cricket Run Drive, extending from the southernmost boundary line of the above-described property, across a tract of land purchased by Julian Dickerson from United Development Corporation by deed dated January 27, 1987, recorded in Deed book 931 at page 189, to the northern edge of S. C. Highway No. 5, for the purpose of access, ingress and egress to and from the property described above.

Tax Map Number: 3950000005  
Property Address: 1855 Cricket Run  
York, South Carolina 29745

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Katherine Louis Saul and James Neville Saul, their heirs and assigns forever.

**\*SIGNATURE AND ACKNOWLEDGEMENT ON FOLLOWING PAGE\***

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 21<sup>st</sup> day of May, 2019.

SIGNED, SEARLED, AND DELIVERED  
IN THE PRESENCE OF

Estate of:  
FRANCES CAROLYN HOLCOMBE

[Signature]  
Witness # 1 Signature

[Signature]  
Katherine Saul, Personal Representative

[Signature]  
Notary Public Signature

STATE OF North Carolina )                      **PROBATE**  
COUNTY OF Buncombe )

I, Johanna Kate OBriant Pierce, Notary Public, a notary for the State of North Carolina do hereby certify that Katherine Saul, as Personal Representative of the Estate of Frances Carolyn Holcombe, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution. I hereby certify that the subscribing witness is not a party to or beneficiary of this transaction.

Witness my hand and seal  
This 21<sup>st</sup> day of May, 2019.

[Signature]  
Notary Public for North Carolina (Buncombe Co.)  
Johanna Kate OBriant Pierce  
Notary's Printed Name  
My Commission Expires: 8/21/2021

(SEAL)

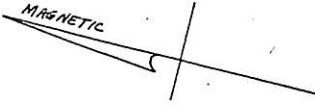


NO ACTUAL FIELD SURVEY WAS DONE AT THIS TIME.  
This map was compiled from maps of surveys made for United Development Corp. by John Q. Hall, SCRLS #2647, dated June 15, 1978; and Julian Dickerson, by Lawrence R. Isbell, dated November 18, 1986, as revised January 20, 1987. The area shown was determined by cross multiplication of coordinates.

*Lawrence R. Isbell*  
Lawrence R. Isbell, SCRLS #7167, York, SC 29745

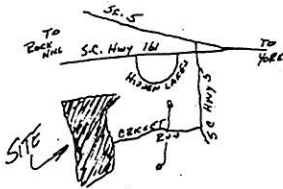
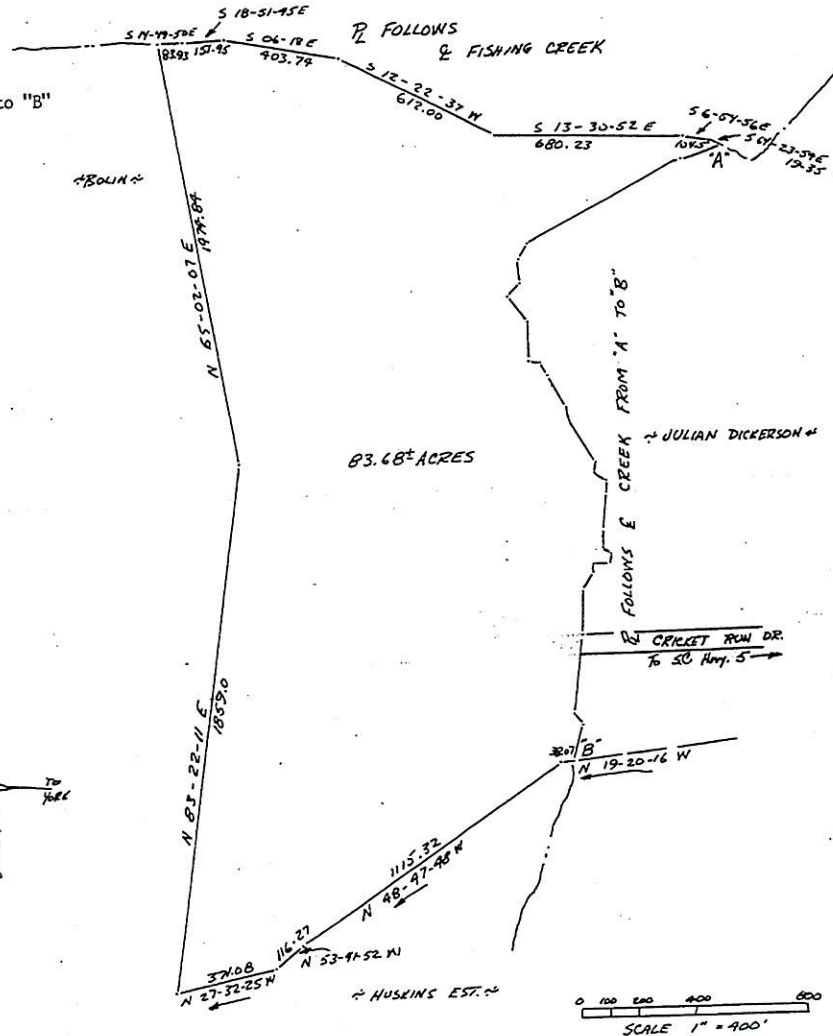
June 11, 1987

FILED-RECEIVED  
BOOK 87, PAGE 22  
JUL 16 4 35 PM '87  
M.H. CARRIGILL, JR.  
S.C.C.P. & C.S.  
YORK COUNTY, S.C.



Courses and distances "A" to "B" along Creek:

Bearing	Distance
N 36-08-55 W	147.81
N 43-01-15 W	615.98
N 64-14-15 W	51.27
S 77-25-02 W	93.78
N 59-43-33 W	62.45
S 37-39-09 W	119.29
S 71-32-11 W	130.33
S 05-06-24 E	35.84
S 44-28-05 W	49.13
S 73-51-56 E	40.21
S 58-56-41 W	161.31
S 58-09-00 W	35.81
S 47-14-03 W	178.94
S 81-52-23 W	28.35
S 18-21-36 W	55.78
S 63-27-56 W	32.45
S 84-56-57 W	146.62
S 73-05-26 W	55.44
S 34-55-45 W	34.64
N 88-46-20 W	20.88
N 33-15-11 W	60.35
S 58-34-59 W	27.33
N 73-27-13 W	71.88
S 81-39-59 W	149.64
S 79-02-00 W	259.86
S 60-01-16 W	56.98
N 89-25-23 W	133.66



COMPILED BOUNDARY SURVEY  
83.68 Acres, United Development Corp. Property  
Located on Fishing Creek  
Near SC Hwy. 161, East of York  
York Twp., York Co., S.C.

**FINAL PLAT APPROVAL**

The subdivision plat shown hereon has been found to comply with the York County subdivision Regulations and has been approved for recording in the office of the Clerk of Court of York County, South Carolina.

*Walter Wine*, 7/15/87  
Date  
*Director*  
Title



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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
Barbara Denny, Finance Director  
**SUBJECT:** MASC Debt Setoff 2020  
**DATE:** September 29, 2020

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### ISSUE

Council is being asked to consider Ordinance 20-637 adopting updated language provided by the Municipal Association of South Carolina to continue participating in the debt setoff program.

### DISCUSSION

MASC is asking the City to adopt updated language to continue participating in the Debt Setoff Program. Undenounced to the City, the Association recently updated the model ordinance for the debt setoff program by making the following changes in red:

1. The City of York **may impose a collection cost of up to** ~~hereby imposes an administrative fee in the amount of \$25.00~~ to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. **This cost** ~~This fee~~ is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.
2. The City of York hereby declares that the administrative fee charged by the Municipal Association **of South Carolina** ~~the state~~ is also a collection cost to the City, which shall also be added to the delinquent debt and recovered from the debtor.

To continue participating in the program, the City must update the language adopted and must do so by October 28<sup>th</sup>. Should Council desire to move forward, Second Reading would be scheduled for a Special Call Meeting in mid-October.

### RECOMMENDATION

Staff recommends Council adopt Ordinance 20-637 to continue participating in the MASC Debt Setoff Program.



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

CITY OF YORK

**ORDINANCE 20-637**

RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT AND FOR THE PURPOSE OF REPEALING AND REPLACING ANY INCONSISTENT STATEMENTS IN THE PRIOR VERSION ADOPTED IN SECTION 2-4, ADMINISTRATIVE FEE.

WHEREAS, the City of York is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of York;

AND WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

AND WHEREAS, the City of York has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

AND WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

AND WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of York that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the City of York as that term is defined in the Act;

AND WHEREAS, the City of York also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of York;

AND WHEREAS, the City of York may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

NOW THEREFORE, be it enacted by the Mayor and Council of the City of York as follows:

1. The City of York **may impose a collection cost of up to \$25.00** to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. **This cost** is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.
2. The City of York hereby declares that the administrative fee charged by the Municipal Association **of South Carolina** is also a collection cost to the City, which shall also be added to the delinquent debt and recovered from the debtor.
3. All Ordinances in conflict with this Ordinance are hereby repealed.
4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

---

Michael D. Fuesser, Mayor

Attest: \_\_\_\_\_  
Municipal Clerk

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

Final Reading Approval: \_\_\_\_\_

STATE OF SOUTH CAROLINA

)

CITY OF YORK

COUNTY OF YORK

)

)

ORDINANCE 20-638

**AMENDING THE CODE OF ORDINANCES BY REVISING CHAPTER 44, UTILITIES, ARTICLE II, RATES AND CHARGES, AS PERTAINS TO WATER AND SEWER RATES**

**BE IT ORDAINED** by the York City Council on the dates hereinafter set forth, that Chapter 44, *Utilities*, Article II, *Rates and Charges*, Sec. 44-41, *Water rates*, and Sec. 44-43, *Sewer rates*, be amended as follows:

*There shall be a base rate of twenty-six dollars and twenty-two cents (\$26.22) per month for each dwelling or living unit, whether all of said units are located within one building or in separate buildings, and providing that the units are located within the corporate limits of the City of York.*

*There shall be a base rate of twenty-six dollars and twenty-two cents (\$26.22) per month for each dwelling or living unit, whether all of said units are located within one building or in separate buildings, and providing that the units are located outside the corporate limits of the City of York.*

**Sec. 44-41. Water rates.**

(a)	Water rates shall be as follows:	<b>Inside City Limits</b>	<b>Outside City Limits</b>
	1,000 gallons	4.74	9.48

(b) No change.

(c) For large-volume users on a single meter, a declining rate scale will be used, as follows:

<b>Gallons/Month</b>	<b>Water</b>	<b>Sewer</b>	<b>Water/Sewer Outside*</b>
0-500,000	4.74/1000	4.74/1000	\$ 9.48/1000
500,001 - 1,000,000	4.16/1000	4.16/1000	6.24/1000
1,000,001 - 2,000,000	3.97/1000	3.97/1000	5.97/1000
2,000,001 -	3.80/1000	3.80/1000	5.71/1000

(d) Residential Base Rate 26.22

(e)	Non-Residential Base Charge	
	5/8 or 3/4 inch	36.00
	1.0 inch	60.00
	1.5 inch	120.00
	2.0 inch	192.00
	3.0 Inch	264.00
	4.0 inch	324.00
	6.0 inch	600.00
	8.0 inch	960.00
	10.0 inch	1500.00

**Sec. 44-43. Sewer rates.**

(a)	Sewer rates shall be as follows:	<b>Inside City Limits</b>	<b>Outside City Limits</b>
	1,000 gallons	4.74	9.48

(b) No change.

(c) For large-volume users on a single meter, a declining rate scale will be used, as follows:

<b>Gallons/Month</b>	<b>Water</b>	<b>Sewer</b>	<b>Water/Sewer Outside*</b>
0-500,000	4.74/1000	4.74/1000	\$ 9.48/1000
500,001 - 1,000,000	4.16/1000	4.16/1000	6.24/1000
1,000,001 - 2,000,000	3.97/1000	3.97/1000	5.97/1000
2,000,001 -	3.80/1000	3.80/1000	5.71/1000

\* Outside rates for large-volume users are calculated at 1.5x the inside rates.

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Michael D. Fuesser, Mayor

ATTEST: \_\_\_\_\_  
Municipal Clerk

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

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

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

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
David Breakfield, Planning Director  
**SUBJECT:** Business License Refund Requests  
**DATE:** October 6, 2020

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### ISSUE

The City has received two requests from businesses seeking refunds of penalties paid for business licenses taxes. Ambassador Packaging and First Industrial B&L have operated businesses at the same location (200 Ratchford Road) since 2017 without a business license. Both recently paid their taxes, and penalties, but believe the penalties to be excessive. Both are now requesting a refund by the City.

### BACKGROUND

The City of York adopted MASC's Model Business License Ordinance in August 2008, and updated it again this past June. The model ordinance requires that "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, is required to pay an annual license tax for the privilege of doing businesses and obtain a business license as herein provided." It is incumbent upon the business owner, agent or legal representative to register with the City for the purposes of this ordinance.

In addition, entities that fail to obtain a business license are subject to a late penalty prescribed by the ordinance. Sec. 10-42 states that "the license official shall levy and collected a late penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid." And it goes on to state that "penalties shall not be waived." Only Council has the authority to refund penalties, or portion thereof, at its discretion.

### REQUEST FOR REFUNDS

First Industrial B&L, according to its statement, acquired and began leasing a warehouse at 200 Ratchford Road (Tax Map Parcel # 070-18-01-034) in 2018 to Ambassador Packaging. Neither First Industrial B&L nor Ambassador Packaging obtained a business license until 2020 – though both were required to.

Both entities believe the penalties for failing to obtain a business license until 2020 to be excessive. The penalty breakdown is as follows:

2017	200% of business license tax (40 months)
2018	140% of business license tax (28 months)
2019	80% of business license tax (16 months)
2020	20% of business license tax (4 months)

The State Supreme Court has ruled that municipalities have the implied power to impose civil penalties by ordinance for late payment of business license taxes. In *Municipal Association of SC v. AT&T*, 361 SC 576, 606 S.E. 2d 468 (2004), the court upheld a five percent per month penalty for late payment.

Delinquent penalties are not limited by statute, and municipal ordinances vary widely in this regard. The Municipal Association's model ordinance provides for a penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. The civil penalties that accrue monthly on unpaid license taxes provide a strong incentive for prompt payment.

Due to Sec. 10-48, Confidentiality, it is "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." Therefore we are unable to provide Council in an open session the amount of taxes paid and penalty paid other than the above.

In addition, a Certificate of Occupancy has not been issued to Ambassador Packaging for their use of the warehouse due to ongoing and outstanding Fire Code violations. The Fire Marshall recently held a re-inspection of the facility and found several items still out of compliance. A Municipal Summons was issued, and the Court gave Ambassador Packaging additional time to correct the violations. Staff believes that these remaining violations can be resolved by the end of October. It should be noted, it is has been the Fire Marshall's past practice to issue fire code violations to the occupant of building rather than the owner. The rationale behind this decision is that the City does not have access to the lease agreement and therefore does not know who is responsible for what in terms of maintenance and repair. Thus, violations are issued to the occupant.

## **DISCUSSION**

Though both entities have now paid for their 2020 business license as well as licenses for 2017, 2018, and 2019 under protest, both are asking Council to refund the penalty amount. Council is under no requirement to issue a refund, but consideration should be provided under the following circumstances:

- All fire code violations have been resolved
- A Certificate of Occupancy is issued to Ambassador Packaging

## **CONSIDERATION**

Staff is asking Council to strongly consider the refund of penalties if the above circumstances are met and because both entities have acted in good faith to obtain past and present business licenses.

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## MEMORANDUM

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**TO:** Mayor and Council

**FROM:** Seth Duncan, City Manager  
Ben Wright, Utilities Director

**SUBJECT:** Selection of Lowest Bidder to replace Roofing on the Fishing Creek WWTF Buildings located at 2498 Ecology Rd.

**DATE:** September 25, 2020

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### ISSUE

City Council is being asked to approve an award for the lowest qualified bidder to make necessary repairs to roofs at the Fishing Creek WWTF.

### DISCUSSION

Council allocated funds in the FY2020-2021 budget to make much needed repairs to the Blower Room, Influent Lift Station/ Electrical Room, Office/Lab, and the Chemical Storage buildings roof systems. The previous budget included \$50,000 to making these repairs prior to the end of the fiscal year. Due to Covid and staff changes, the RFP was not released until after the onboarding of the new Utilities Director.

An RFP was released in early September to identify a contractor capable of making repairs within a limited scope as advertised: As needed removal of existing roofing material to install one (1) new layer of 2' ISO insulation mechanically over the existing built up roof to the existing concrete roof deck per manufacturer's specifications. Install new .060 white TPO roof system over new insulation mechanically attached to the existing concrete roof deck per manufacturer's specifications. Flashing of walls, roof curbs and pipe penetrations per manufacturer's specifications Fabricate and install new coping caps. Clean up all associated debris and haul away. Provide manufacturer, labor, and material warranties.

Bids were accepted and opened September 24, 2020 at City Hall. The results of the RFP is as follows:

ATD Restoration	\$23,350
LCM Builders	\$160,000
DACH Enterprises	\$32,000
CSS Enterprises	\$44,664
The Phoenix Group	\$124,845
Summit BST Roofing	\$49,750
Rock Hill Industrial	\$47,256

### RECOMMENDATION

Staff recommends that City Council approve ATD Restoration in the amount of \$23,350 to make the repairs to the roofs at the Fishing Creek WWTF as the lowest qualified bidder.

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## MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Seth Duncan, City Manager  
Karen Fritz, Events Coordinator/PIO  
**SUBJECT:** Special Events  
**DATE:** September 30, 2020

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### **Movie Under the Stars – Friday, October 9th**

City Sponsored Event: A family friendly FREE movie night will take place at the York Recreation Complex on baseball field #1 with a limit of 250 attendees. The date is confirmed for Friday, October 9, 2020. Gates at 7:30pm, Movie at 8:45pm – 10:15pm. The movie featured is “Trolls World Tour”. This event will include adherence to the mask ordinance and social distancing. Separating each family on the field. Reservations will be required and may be made through Eventbrite, City Facebook, Website or by calling the Recreation Center. Alcohol is not permitted. Face masks will also be distributed to each attendee upon entry.

### **Halloween Discussion – Saturday, October 31<sup>st</sup>**

Halloween 2020 will take place on Saturday, October 31<sup>st</sup>. In addition to the ghost and ghouls, costumes and candy, families will also contend with the presence and threat of covid-19. Though staff have been actively planning a safe, family-friendly one-way drive-thru trunk or treat at the York Recreation Complex, Council is being asked to weigh in on the event and Halloween night, in general, within the context of CDC Guidelines.

The City’s One-Way Drive-Thru Trunk or Treat on Halloween night at the York Recreation Complex, as proposed, would take place in the main parking lot from 5:00 p.m. – 6:30 p.m. Area churches and community organizations would give out candy from the back of their vehicles as cars circle the perimeter of the parking lot to trunk or treat. All attendees would remain in their vehicles, and no pedestrian traffic would be allowed. In addition, all participants and partners distributing candy would be required to wear masks and gloves throughout the duration of the event.

Confirmed partners thus far include First Baptist Church, Trinity UMC, First Presbyterian Church, York YMCA, P.A.T.H., Tender Hearts, York Police Department, York Fire Department, and York Recreation Department.



This event would take the place of the traditional trunk or treat that is normally held within walking distance of the Recreation Center. Unfortunately, we will not have our pumpkin painting or pumpkin hunt due to COVID 19, the first time in over 25 years.

Currently, the CDC is recommending the avoidance of higher risk activities including traditional door-to-door trick or treating and trunk or treating in favor of low risk, family-based activities. Staff is aware of some neighborhoods that have polled residents to determine what those residents were comfortable with (which was that they were in favor of traditional door-to-door activities and individual responsibility). We have also heard from the school district, who has asked that we encourage everyone to make smart, safe decisions by following recommend guidelines of federal, state, and local officials.

### **Christmas Parade and Tree Lighting – Friday, December 4, 2020 at 6:30pm**

The City of York and the York Entertainment Society will be hosting the 81<sup>st</sup> Annual Christmas Parade and Tree Lighting Ceremony in downtown York on Friday, December 4<sup>th</sup> at 6:30pm. YES has submitted an application requesting closure of Congress from Liberty St. to Madison. Proceeds from this year's parade and activities will benefit Tender Hearts Ministries. The event as planned is considerably scaled down from last year with organizers focusing on creating a Hometown Christmas event. The abbreviated holiday parade will consist of a handful of participants, consist of only local participation, and streamed online to avoid having a large crowd. Organizers are applying for a waiver, or if large group restriction end, they may increase the size of the parade, but remain focused on local participation. In the event the size of the parade does grow, they will seek additional approval of the City.

### **WUCO – Saturday, May 15, 2021**

WUCO “We’re United Community Association” a non-profit organization. Point of contact is Jarrod McCoy. Requesting use of Jefferson Field for a community based event to include grill-off and presentation of two (2) scholarships to local high school seniors based on essays submitted about what community means to them. Event time is 9am to 8pm. There will be live music, a couple of food trucks, but the main purpose is to have folks come together for a grill-off and in the name of community spirit. There may be a bouncy house and there will be children’s activities. They will provide hand-sanitizing stations. At this time they have not requested any city services, however, the city may need to consider a traffic control officer.

## **Halloween**

Many traditional Halloween activities can be high-risk for spreading viruses. There are several safer, alternative ways to participate in Halloween. If you may have COVID-19 or you may have been exposed to someone with COVID-19, you should not participate in in-person Halloween festivities and should not give out candy to trick-or-treaters.

### **Lower risk activities**

These lower risk activities can be safe alternatives:

- Carving or decorating pumpkins with members of your household and displaying them
- Carving or decorating pumpkins outside, at a safe distance, with neighbors or friends
- Decorating your house, apartment, or living space
- Doing a Halloween scavenger hunt where children are given lists of Halloween-themed things to look for while they walk outdoors from house to house admiring Halloween decorations at a distance
- Having a virtual Halloween costume contest
- Having a Halloween movie night with people you live with
- Having a scavenger hunt-style trick-or-treat search with your household members in or around your home rather than going house to house

### **Moderate risk activities**

- Participating in one-way trick-or-treating where individually wrapped goodie bags are lined up for families to grab and go while continuing to social distance (such as at the end of a driveway or at the edge of a yard)
  - If you are preparing goodie bags, [wash your hands](#) with soap and water for at least 20 second before and after preparing the bags.
- Having a small group, outdoor, open-air costume parade where people are distanced more than 6 feet apart
- Attending a costume party held outdoors where protective masks are used and people can remain more than 6 feet apart
  - A costume mask (such as for Halloween) is not a substitute for a cloth mask. A costume mask should not be used unless it is made of

two or more layers of breathable fabric that covers the mouth and nose and doesn't leave gaps around the face.

- Do not wear a costume mask over a protective cloth mask because it can be dangerous if the costume mask makes it hard to breathe. Instead, consider using a Halloween-themed cloth mask.
- Going to an open-air, one-way, walk-through haunted forest where appropriate mask use is enforced, and people can remain more than 6 feet apart
  - If screaming will likely occur, greater distancing is advised. The greater the distance, the lower the risk of spreading a respiratory virus.
- Visiting pumpkin patches or orchards where people use hand sanitizer before touching pumpkins or picking apples, wearing masks is encouraged or enforced, and people are able to maintain social distancing
- Having an outdoor Halloween movie night with local family friends with people spaced at least 6 feet apart
  - If screaming will likely occur, greater distancing is advised. The greater the distance, the lower the risk of spreading a respiratory virus.
  - Lower your risk by following CDC's recommendations on [hosting gatherings or cook-outs](#).

### **Higher risk activities**

Avoid these higher risk activities to help prevent the spread of the virus that causes COVID-19:

- Participating in traditional trick-or-treating where treats are handed to children who go door to door
- Having trunk-or-treat where treats are handed out from trunks of cars lined up in large parking lots
- Attending crowded costume parties held indoors
- Going to an indoor haunted house where people may be crowded together and screaming
- Going on hayrides or tractor rides with people who are not in your household
- Using [alcohol or drugs](#), which can cloud judgement and increase risky behaviors

- Traveling to a [rural](#) fall festival that is not in your community if you live in an area with community spread of COVID-19

Giveaway & Scholarships



CITY OF YORK  
SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: August 11<sup>th</sup>, 2020

Name of Festival or Special Event: Wuco Cookoff

Location and/or Route of the Event: Jefferson Field  
*Note: A sketch/diagram must be attached to the application.*

Proposed Date(s) of Event: May 15<sup>th</sup>, 2021

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

Event Setup time: 8 am to 9 am

Actual Event: 9 am to 8 pm

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

Breakdown time: 8 pm to 9 pm

Estimated number of attendees (including event staff): \_\_\_\_\_

Requesting Organization: Wuco (We're United Community Organization)

Address: 210 West Madison Street, York SC 29745

Purpose of the Event: To unite the community

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

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

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

Permit Holder/Event Point of Contact: Garrad McCoy

Mobile Number: 803-810-2982 Email: Mccoy7890@gmail.com

Street Address: 210 West Madison Street, York SC 29745

Additional Authorized Contact: Robert Harris

Mobile Number: (803) 610-5301 Email: Robert-Harris 82377@yahoo.com

Planned Activities: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

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

Will alcohol be served at the event?  Yes  No

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

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

Will amplified sound be used at the event?  Yes  No

If yes, explain: need electricity →

Will tents be used at the event?  Yes  No

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

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

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

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

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

Have arrangements been made for restroom facilities?  Yes  No

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

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

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

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

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Please provide any additional information that may be helpful:

Grill cookoff, children's games, possible inflatable -  
hand washing stations & security provided.

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**RELEASE and INDEMNIFICATION**

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

Application Submitted By: *Name & Title* \_\_\_\_\_

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





**CITY OF YORK  
SPECIAL EVENT PERMIT REQUEST  
ACKNOWLEDGEMENT FORM**

Name of Festival or Special Event: \_\_\_\_\_

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

The undersigned business representatives acknowledge notification of the above-referenced event and/or road closure(s).

Authorized Official: Name and Title Fish on The Spot

Signature Betty Aden Date 8/22/2020

Authorized Official: Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Authorized Official: Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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Signature \_\_\_\_\_ Date \_\_\_\_\_

Authorized Official: Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

A special event permit is required for any/all organized activity using publicly owned, managed or controlled property (including Right-of-Ways) when the event is expected to have 50 or more attendees OR require any city services OR any activities covered by this application.

*Please Note: All City of York ordinances (zoning, noise, signage etc.) must be adhered to. A special event permit does not guarantee the use of the covered picnic shelters/pavilions as those accommodations are on a first come, first serve basis.*

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### PERMIT PROCESS

As a clearing house for events, the Recreation and Events Committee serves as a communication tool and facilitator among various City of York (City) departments affected by festivals and events. Although the Recreation and Events Committee administers the application process, each City department is responsible for ensuring that its requirements have been met.

All applicable attachments must be included with your Special Event Permit Application before the City will begin the review process. All applications must include:

- Proposed Site Sketch/Diagram
- Proposed Schedule of Events
- Signed Acknowledgement form for events that include road closure requests and/or impacts businesses.

During the review process you will be notified if your event application requires additional documentation.

Staff in all appropriate City of York Departments will review the permit application. Should there be any specific questions or concerns about your event, City staff will contact you.

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### DEADLINES

Applications for all events shall be submitted no less than sixty (60) days in advance of the requested event date.

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### COMPENSATION FOR CITY STAFF

Depending on the size and type of event, the City of York may require City personnel including Police, Fire & Rescue, Public Works, and/or Parks & Recreation to work the event. All City personnel involved during the day(s) of the event will be charged back to the organizing agency. The City shall determine the number necessary to ensure the safety of participants, minimize the inconvenience to our residents and reduce the public liability exposure to the organizing agency, as well as the City. **The payment for city staff will be due 14 days prior to the event. If payment is not received 14 days prior to the event, the event will be cancelled. To minimize the cost for race events, an approved standard race route with the costs is included.**

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### ROAD CLOSURES

Depending on the size and nature of your event, closing the road to traffic may be required. This process takes a minimum of thirty days and requires permission from the SCDOT. Once your application is approved, then the City of York Police Department will begin the road closure process. Applicant must obtain a signed Special Event Permit Request Acknowledgement form signed by all businesses impacted by the road closure.

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### COOKING

Please be aware that if you will be cooking food that you will need to have fire extinguishers on hand. If cooking under a tent and the tent is larger than a 10X10, it must be flame retardant. Tents 10X10 or smaller do not need to be flame retardant.

**The event organizer is responsible for notifying all food vendors they are required by the City of York Fire Department to have an easily accessible and fully operational ABC fire extinguisher on-site the day of the event. Fire inspections are**

**required for any special event serving food on-site or any event with open flames. Organizers are responsible for coordinating inspections. Contact the City of York Fire Department at 803-684-1700 with questions regarding fire safety requirements and scheduling an inspection.** In addition, the event organizer is responsible for making sure all food vendors meet SCDHEC regulations. Contact SCDHEC at 803-909-7379. The event organizer is responsible for collecting hospitality tax from any food vendors at the event and remitting that to the City of York within five (5) business days of the event's end date.

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#### **CITY-OWNED PROPERTY**

The City of York does not allow the use of any City-owned property for the purpose of profit (unless for charitable donations). No admission fees can be charged except entry fees to races/walks for the purpose of raising funds for a designated non-profit charity.

Special rules, regulations and restrictions unique to each site or facility may apply. Event permit holders will be given information specific to the site that they are requesting to use if applicable.

**Per City Ordinance in Sec. 4-2, it states that it shall be unlawful to openly display or consume any beer or wine or other alcoholic beverage in or from any container on any public street or sidewalk, in any public parking areas, parks, recreation areas, or at any public gathering place excluding private businesses.**

Most public property cannot be reserved for the exclusive use of one group, and access to the general public must be available at all times.

The City of York does not provide water or additional power at any of the parks. If additional power is needed the event host must provide generator power.

The location of all toilets, hand wash stations and garbage receptacles must be approved by the City of York. Toilets, hand wash stations and garbage receptacles may be set-up no earlier than 24 hours in advance of the event and must be removed from City property within 24 hours post event. If the event is on a Saturday, items can remain until 8:00 AM

Monday unless there is an event scheduled for that Sunday.

The clean-up and removal of all trash is the sole responsibility of the event host. Garbage receptacles provided in various parks are for general, daily park use and may not be utilized for special event waste.

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#### **BUSINESS LICENSES/PERMITS**

All vendors participating in your event must obtain a business license or special permit with the City of York. The license/permit can be obtained from the City of York Planning Department. There is a 2% Hospitality Tax that applies and can be remitted to the City of York Finance Department.

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#### **CERTIFICATE OF INSURANCE**

A certificate of insurance naming the City of York as an also insured will be required for all Major Events and in some cases, for smaller events as determined by the City of York and the property owner.

***Note: A Major Event is a Special Event that impacts multiple city departments, has 500 or more people in attendance, and has an impact on any street, right-of-way, and/or City-owned or managed park or facility.***

All events that include the use of, live animals, motorized/mechanical vehicles or equipment, inflatables (jump castles etc.) or other amusement rides, bungee cords and similar devices, trampolines, rebounding equipment or alcohol are required to obtain a copy of the contracting companies certificate of liability insurance naming the City of York and the property owner as an also insured on general liability. **Inflatables must be provided by a commercially owned business with a ride attendant. The inflatables provider must obtain a business license with the City of York. No personally owned inflatables will be permitted.**

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#### **BLOCK PARTIES**

One lane of travel must be kept free of chairs, tables, etc. to allow for access by emergency vehicles. Alcohol is strictly prohibited on public property, which includes the streets and the street rights-of-way. The Block/Street party must respect all city ordinances and state laws such as the youth curfew, the noise ordinance, and the alcohol regulations. A 95% participation from people in the area including name, address, and phone number. The person who requests the block party will be the person responsible for activities at the party.

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**SCHEDULE OF FEES AND CHARGES FOR SPECIAL EVENTS**

<b>Police Officers</b>	<b>\$45.00/hour per officer</b>
<b>Fire Inspector (special inspection)</b>	<b>\$45.00/hour</b>
<b>Public Works /Parks and Rec. Staff</b>	<b>varies/per hour per staff member</b>
<b>Race Signage and Billboards</b>	<b>Required for each race</b>
<b>Returned Check Fee</b>	<b>\$35.00 may also result in event cancellation</b>

**DAMAGE/REPAIR/CLEANUP**

If for any reason there is damage to any part of the area, which was reserved for the special event, or damage to another area as a direct result of the event, the extent of damage, as determined by the sole discretion of the City of York, shall be determined and the dollar amount of any repair or replacement and restitution will be billed to the applicant to be paid in full no more than thirty (30) days from the billing date. If payment is not received within the allotted time, all future special event permit requests will be denied until such time as payment is received and, in addition, City of York may take legal action to recover costs, including attorney's fees.

The following documents must be submitted in order for your permit to be processed:

- \_\_\_\_\_ Completed Special Events Permit Application
- \_\_\_\_\_ Schedule of Events
- \_\_\_\_\_ Sketch or diagram of the event/ or roads to be closed.
- \_\_\_\_\_ Certificate of Insurance (if applicable)
- \_\_\_\_\_ Special Event Permit Request Acknowledgement Form (if applicable)

Signed application with all of the supporting documents (as required) should be sent to Karen Fritz, Events Coordinator to the below address, and/or scanned and e-mailed to [kfritz@yorksc.gov](mailto:kfritz@yorksc.gov) or faxed to (803) 684-1705.

City of York  
Attn: Karen Fritz, Events Coordinator  
PO Box 500  
York, SC 29745  
(803)684-2341



CITY OF YORK  
SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: 9/29/2020

Name of Festival or Special Event: Christmas Parade

Location and/or Route of the Event: same as previous years  
*Note: A sketch/diagram must be attached to the application.*

Proposed Date(s) of Event: 12/4/2020

Alternate Date(s) for Event: 12/5/2020

Event Setup time: 4:00 to 6:00

Actual Event: 6:00 to 7:00

Road Closure time: 5:30 to 7:00

Breakdown time: 7:30 to 9:00

Estimated number of attendees (including event staff): TBD

Requesting Organization: YES

Address: 43 N. Congress St.  
York, SC 29745

Purpose of the Event: Christmas Parade

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

Will the proceeds benefit your organization? If no, please specify which organization it will benefit Food drive to be donated to Tender-Hearts

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

Permit Holder/Event Point of Contact: Kathy Holbert

Mobile Number: 803-610-8771 Email: yorkentertainmentsociety@gmail.com

Street Address: Congress St.

Additional Authorized Contact: Chris Holbert

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

Planned Activities: Annual Tree Lighting + Parade

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

Will inflatables or amusement rides be used at the event? \_\_\_\_\_ Yes  No

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

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

Will motorized vehicles, equipment or animals be used for the event?  Yes \_\_\_\_\_ No

If yes, explain: Horses, floats

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

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

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

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

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

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

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

Will alcohol be served at the event? \_\_\_\_\_ Yes  No

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

Will amplified sound be used at the event?  Yes \_\_\_\_\_ No

If yes, explain: Tree Lighting sound system



Will tents be used at the event? \_\_\_\_\_ Yes  No

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

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

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

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

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

Have arrangements been made for restroom facilities? \_\_\_\_\_ Yes  No

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

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

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

Congress - Liberty and Madison

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

Please provide any additional information that may be helpful:

**RELEASE and INDEMINIFICATION**

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

Application Submitted By: Name & Title K. Y. Hobbert  
Signature: Kathy Hobbert Date: 9/29/2020