

MAYOR
Michael D. Fuesser

MAYOR PRO TEM
Edward Brown

CITY MANAGER
Dalton Pierce, MPA



CITY COUNCIL
Matt Hickey
Marion Ramsey
Stephanie Jarrett
Charles Brewer
Kellie Harrold

CITY CLERK
Amy Craig

AGENDA
YORK CITY COUNCIL
TUESDAY, JANUARY 2, 2024
CITY HALL – 10 NORTH ROOSEVELT STREET

WELCOME AND RECEPTION
FOR ELECTED OFFICIALS
5:00PM – 5:45PM

SWEARING-IN CEREMONY
5:45PM – 6:00PM

COUNCIL MEETING
6:00PM

- | | |
|--|-----------------------------------|
| 1. WELCOME AND CALL TO ORDER | MAYOR MIKE FUESSER |
| 2. PRAYER | MAYOR PRO TEM ED BROWN |
| 3. PLEDGE OF ALLEGIANCE | MAYOR MIKE FUESSER |
| 4. PRESENTATIONS | |
| 4.1. New Employee – Larry Neely | POLICE CHIEF BRIAN TRAIL |
| 4.2. New Employee – Steve Henderson | POLICE CHIEF BRIAN TRAIL |
| 5. PUBLIC HEARING | |
| 5.1 Second Reading Ordinance 23-711, Surety Specification Requirements | |
| 6. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS | |
| 7. CITY MANAGER’S REPORT | CITY MANAGER DALTON PIERCE |
| 7.1. Liberty Street Water Line Update | |
| 7.2. WWTP Update | |
| 8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS | |
| 8.1. Council Meeting December 5, 2023* | |

*** Denotes Vote Required**

10 N. ROOSEVELT STREET
PO BOX 500
YORK, SOUTH CAROLINA 29745

(803) 684-2341
WWW.YORKSC.GOV

9. MONTHLY FINANCIAL REPORT

FINANCE DIRECTOR JEFF WILKINS

10. OLD BUSINESS

10.1 ORDINANCES:

- Second Reading Ordinance 23-707, Business License State Mandated Revisions*
- Second Reading Ordinance 23-708, EDIP Ordinance Raines Co.*
- Second Reading Ordinance 23-709, Sale of Property Lake Caldwell*
- Second Reading Ordinance 23-710, Purchase of Property Lake Caldwell*
- Second Reading Ordinance 23-711, Surety Specification Requirements*

10.2 DISCUSSION:

- Railroad Avenue Sidewalk Project

11. NEW BUSINESS

11.1 DISCUSSION:

- Mayor Pro Tem Nominations*

11.2 ORDINANCES:

- Ordinance 23-712 Purchase of Property - PATH*
- Ordinance 23-713 Purchase of Property – Jones*

11.2 BIDS & SOLICITATIONS:

- City Park Phase II*

11.3 RESOLUTIONS:

- Resolution 24-01, February Council Meeting Date Change*
- Resolution 24-02, Risk Management*

11.4 COUNCIL SCHEDULE:

- Annual 2024 Council Meeting Schedule*

12. MAYOR'S REPORT

MAYOR MIKE FUESSER

- Western York County NAACP MLK Breakfast
- Western York County NAACP MLK Parade

13. EXECUTIVE SESSION

13.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements

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

15. ADJOURN

** Denotes Vote Required*

City of York

Memo

TO: Mayor & Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2, 2024

SUBJECT: Public Hearing January 2, 2024



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

5.1 GENERAL INFORMATION

Second Reading Ordinance 23-711 Surety Specification Requirements

The City Manager, City Attorney, Planning and Development Director, and Public Utilities Director have met several times to draft an updated ordinance for Appendix B Subdivision Regulations Article VI – Improvements required. The updates provide stronger language and requirements for the surety program, both performance and maintenance bonds, for future and current development. This proposed ordinance update went before the Planning Commission on October 23, 2023, with the Commission recommending the approval of the updates proposed in the ordinance, which was also presented to the City Council at the November 20, 2023 workshop. At its December 5, 2023, meeting, Council adopted First Reading Ordinance 23-711 Surety Specification Requirements.

City of York



Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2nd, 2024

SUBJECT: City Manager's Report

GENERAL INFORMATION

7.1: Liberty Street Water Line Update

The City is continuing to work with Keck & Wood. The City is pursuing two additions for water line work to this project, with one being Georgia Avenue and the other being N. Roosevelt St. This is due to the most recent cost estimate for Liberty Street being under budget and the City striving to be as efficient and effective with all revenues allocated to this project to capitalize on upgrades of long-live water infrastructure assets. Staff and Keck & Wood are hopeful to have all permits in hand and be able to advertise for bid in February. Total Project Budget is \$6.042 Million

7.2: WWTP Update

All permits were received and advertised for bid on November 30, 2023, with the bid opening on January 16, 2024, at 2:00 p.m. A pre-bid meeting was held on December 13, 2023, with prospective bidders. Total Project Budget is \$10.216 Million

REQUESTED ACTION

General Information

ATTACHMENT(S):

None

City Council Meeting December 5, 2023

DATE AND TIME: Tuesday, December 5, 2023, 6:00 PM

Members Present:

Mayor Mike Fuesser
Mayor Pro Tem Ed Brown
Councilmember Matthew Hickey
Councilmember Marion Ramsey

Councilmember Stephanie Jarrett
Councilmember Charles Brewer
Councilmember Kellie Harrold

Staff Present:

City Manager Dalton Pierce
Municipal Clerk Amy Craig
Police Chief Brian Trail
Planning Director David Breakfield
Utilities Director Ben Wright
Fire Chief Mike Regal
Assistant Fire Chief Brian Rose
Fire Lieutenant Scott Shillinglaw
Accounts Receivable Clerk Yvonne Truesdale

Human Resources Director Sarah Ramirez
Community Events Coordinator Chloe Jones
Finance Director Jeff Wilkins
Utility Projects Inspector Chris Mathewson
Utility Projects Inspector David Bryant
Firefighter Jacob Crosby
Firefighter Zach Meek
Program Director Dale Percival
Program Coordinator Priscilla Cook
Program Assistant Jeremy Bodenarain

Participants:

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Mike Fuesser

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

2. PRAYER

Mayor Pro Tem Ed Brown

3. PLEDGE OF ALLEGIANCE

Mayor Mike Fuesser

4. PRESENTATIONS

4.1. Julie's Fancy Feet Dance Academy

Mayor Fuesser recognized 5 dancers from Julie's Fancy Feet Dance Academy for representing the dance studio at the 2023 Macy's Thanksgiving Parade in New York. The 5 dancers are Kaylee Brown, Brooklyn Grace Bowers, Teagan Connelly, and Angelina Gentry. These young ladies were chosen to dance with Spirit of America Dance Stars, one of only three organizations with a standing yearly spot in the parade. The City of York is extremely proud of these dancers.

4.2. New Employee – Jeremy Bodenarain

Program Director Dale Percival introduced Jeremy Bodenarain as the new Program Assistant for the Parks & Recreation Department.

4.3. Promotion – Priscilla Cook

Program Director Dale Percival introduced Priscilla Cook as being promoted to Program Coordinator for the Parks & Recreation Department.

City Council Meeting December 5, 2023

4.4. New Employee – David Bryant

Utilities Director Ben Wright introduced David Bryant as the new Utility Projects Manager for the Utilities Department.

4.5. Promotion – Chris Mathewson

Utilities Director Ben Wright introduced David Bryant as the new Utility Projects Manager for the Utilities Department.

4.6. EMT Certification – Jacob Crosby

Fire Chief Mike Regal introduced Firefighter Jacob Crosby as completing required courses and tests to become EMT Certified.

4.7. Service Awards

Human Resources Director Sarah Ramirez provided pins, crystal plaques, and gifts for all employees that have had 5, 10 15, 20, 25, and 30 years of service for the City of York.

5. PUBLIC HEARING

5.1 Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses

No public comments were made.

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

No public comments were made.

6. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

No public comments were made.

7. CITY MANAGER'S REPORT

7.1 SC Rural Infrastructure Planning Grant Award

City Manager Dalton Pierce stated that he and Utilities Director Ben Wright submitted a grant to complete a comprehensive infrastructure inventory and preliminary assessment of the City's water and sewer system. The goal is to put the data into a GIS system that will have multi-faceted opportunities for the City. The grant amount is \$187,500 from RIA and the local match is \$72,500 for a total of \$260,000. A kickoff meeting with the COG will take place and Bids will be solicited soon.

7.2 City of York FY23-24 Capital Projects Update

City Manager Dalton Pierce and Utilities Director Ben Wright provided a summary of all the City's current and upcoming capital projects for this fiscal year and the next fiscal year. A list of the projects are located in the Agenda Packet. Also, a Community Meeting will be held on December 18, 2023, at 6:30pm, regarding the Railroad Avenue Sidewalk Project.

8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

8.1. Council Meeting November 7, 2023

8.2 Council Work Session November 20, 2023

Councilmember Hickey made a Motion to approve the Minutes for the Council meeting on November 7, 2023, and Council Work Session on November 20, 2023, which was Seconded by Councilmember Ramsey. With no Discussion, the Minutes were approved unanimously.

9. MONTHLY FINANCIAL REPORT

City Council Meeting December 5, 2023

Finance Director Jeff Wilkins presented an overview of the investments made and why those investments were made. Investing has made the best use of the taxpayers money by moving it in a healthy way. Over the last 12 months (calendar year), \$680,000 in interest has been earned through various accounts. This money goes back into the projects, which benefits the community. By reinvesting the money from last year's CDs after maturity, almost \$13,000 more will be earned this year. The City will continue to invest wisely by diversifying the portfolio.

The majority of expenses are currently related to salaries, debt service, and capital outlay. The expenses (\$1.85million) are greater than the revenues (\$950,000) because of where we are in the Fiscal Year. This will correct itself through property taxes, business licenses, franchise fees, and state shared revenue.

Quarter 1 will be reviewed at the January Council meeting.

10. OLD BUSINESS

10.1. ORDINANCES:

- Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses
At its September 25, 2023, meeting, the Planning Commission considered an application to annex property located at 1176 Chester Highway and rezone from York County RMX – 20 Zoning to City of York General Industrial Zoning. The Planning Commission recommended that the property be annexed with a Highway Commercial zoning designation and that the HC requirements be amended to allow miniwarehouse storage facilities by special exception subject to all conditions specified for such uses in the GI district
Councilmember Brewer made a Motion to approve Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.
- Second Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning
Councilmember Brewer made a Motion to adopt Second Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.

10.2. DISCUSSION:

- Updated Handbook Approval
Human Resources Director Sarah Ramirez stated in order to make the Employee Handbook official, the Employee Handbook from 2018 must be revoked and the Employee Handbook for 2023 must be approved.
Councilmember Jarrett made a Motion to revoke and remove the previous Handbook and replace it with the updated Handbook, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously.

11. NEW BUSINESS

11.1 BIDS & SOLICITATIONS:

- York Recreation Complex Batting Cage RFP
City Manager Dalton Pierce stated that on December 1, 2023, staff held a public Bid opening for Batting Cages RFP. Six bids were received, and Parks & Rec Director Chris White reviewed them and contacted references. Mr. White's recommendation is Contract Building Systems for \$79,629.
Councilmember Brewer made a Motion to approve the contract with Contract Building Systems for \$79,629 to construct the Batting Cages at the Recreation Complex, which was Seconded by Councilmember Hickey. In Discussion, Council inquired if the Batting Cages would be automatic or self-pitch, in which City Manager Pierce confirmed that they would be self-pitch. The budget

City Council Meeting December 5, 2023

allows for additional pitching screens. The goal is to have the Batting Cages completed before the spring baseball season. Also, the location was specified as being at the Rec Center off to the left of the walkway with access to the fields. A gate could be placed later. With no other Discussion, the Motion was adopted unanimously.

11.2 SPECIAL EVENT APPLICATIONS:

- **MLK Parade**
Community Events Coordinator Chloe Jones stated that the Western York County NAACP will be hosting the annual MLK parade in January. The parade is to be held on Saturday January 13, 2024, at 1:00pm and will require some road closures in the downtown area.
Councilmember Jarrett made a Motion to approve the MLK parade on Saturday, January 13, 2024, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.
- **Carriage Rides**
Community Events Coordinator Chloe Jones stated that Dream Carriage will be at City Market on December 22nd and 23rd, 5:00-9:00pm, in which there will be no road closures and it is open to the public. Although a vote was not necessary for this special event, Councilmember Jarrett made a Motion to approve the carriage rides for December 22 and 23, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

11.3 ORDINANCES:

- **First Reading Ordinance 23-707 Business License State Mandated Revisions**
City Manager Dalton Pierce explained that this Ordinance was mandated by the state and that all municipalities were required to enact it. This Ordinance reflects minor changes for the beginning of 2024. The Pending Ordinance Doctrine is in effect due to the revisions being due to the state by 12/31/2023.
Councilmember Hickey made a Motion to adopt First Reading Ordinance 23-707 Business License State Mandated Revisions, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.
- **First Reading Ordinance 23-708 EDIP Ordinance Raines Co.**
City Manager Dalton Pierce stated that the City's 2017 Economic Development Program, adopting an Ordinance is required for incentives outlined in the Ordinance. This Ordinance will cover the administrative side between the City of York and the Raines Co. Economic Development Incentive Agreement.
Councilmember Jarrett made a Motion to approve First Reading Ordinance 23-708 EDIP Ordinance Raines Co., which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.
- **First Reading Ordinance 23-709 Sale of Property**
City Manager Dalton Pierce stated that if approved, 2 parcels located at Lake Caldwell will be exchanged without any exchange of funds, as one parcel has a pumphouse. An easement will have to be executed, which Attorney Mac Brice will handle.
Councilmember Brewer made a Motion to adopt First Reading Ordinance 23-709 Sale of Property, which was Seconded by Mayor Pro Tem Brown. In Discussion, the pump was specified as being placed back on City property. With no other Discussion, the Motion was adopted unanimously.
- **First Reading Ordinance 23-710 Purchase of Property**
Councilmember Brewer made a Motion to adopt First Reading Ordinance 23-710 Purchase of Property, which was Seconded by Councilmember Hickey. With no Discussion, the Motion was adopted unanimously.
- **First Reading Ordinance 23-711 Surety Specification Requirements**

City Council Meeting December 5, 2023

Historically, the developments are built in phases, and they have to be bonded. Towards the end of build-out, instead of asking for 100% bonded, the City will ask for 25% on sewer, stormwater, and water, and 40% on roadways.

Councilmember Jarrett made a Motion to approve First Reading Ordinance 23-711 Surety Specification Requirements, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously.

12. MAYOR'S REPORT

Mayor Fuesser reminded everyone of the Christmas Tree Lighting this Thursday, December 7th, at 6:00pm. Also, there will be a reception for the Grand Marshal of the Christmas Parade, Mrs. Josie Guthrie, on December 8th at 4:30pm, with the Christmas Parade to follow at 6:00pm. Mrs. Guthrie turned 103 years old in November and the City is honored to have her as the Grand Marshall for this year's parade.

Mayor Fuesser reminded everyone that a Work Session will not be held for the month of December. For the January 2nd Council meeting, there will be a reception for the elected officials and a swearing-in at 5:45pm. The Council meeting will begin at its regular time, which is 6:00pm.

On Saturday, December 9th and Sunday, December 10th, the Holiday Home Tour will take place from 2:00pm-6:00pm.

13. EXECUTIVE SESSION

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

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

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

Councilmember Brewer made a Motion to approve all of the BZA reappointments for another term, the BAR reappointments for another term, Planning Commission reappointments for another term, Tree Commission reappointments for another term, and Construction Board of Appeals reappointments for another term, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.

15. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously. The Meeting Adjourned at 7:07pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2, 2024

SUBJECT: Item 10.1: Second Reading Ordinances 23-707, 708, 709, 710, & 711



GENERAL INFORMATION

Ordinance 23-707 Business License State Mandated Revisions:

Last year, the City did a major update to our business license ordinance to comply with State requirements; as a follow-up, the State is requiring additional mandates and relatively minor changes to our business license ordinance by the start of 2024. The revisions mostly pertain to the fee schedule and related issues. City staff request that the City Council approve the first reading of Ordinance 23-707 with the pending ordinance doctrine clause, as the ordinance revisions are due to the state by 12/31/2023.

Ordinance 23-708 EDIP Ordinance Raines Co.

The City Council approved a comprehensive economic development agreement (EDA) between the City of York and Raines Co. on November 7, 2023. City Staff request City Council to approve the first reading of Ordinance 23-708 referencing the recently approved EDA and outlining incentives to the incentive recipient Raines Co. per Ordinance 17-390 Section 2-430.

Ordinance 23-709 Sale of Property

The exhibit attached to Ordinance 23-710, particularly the area outlined in red, needs to be sold due to the pump house for the City's Lake Caldwell property being on private property. The terms with Woodie Farms, LLC is to swap real property land for real property land for mutual benefit for the City and the private developer. City Staff request the City Council to approve the first reading of Ordinance 23-710.

Ordinance 23-710 Purchase of Property

The exhibit attached to Ordinance 23-710, particularly the area outlined in blue, needs to be purchased due to the pump house for the City's Lake Caldwell property being on private property. The terms with Woodie Farms, LLC is to swap real property land for real property land for mutual benefit for the City and the private developer. City Staff request the City Council to approve the first reading of Ordinance 23-710.

Ordinance 23-711 Surety Specification Requirements

The City Manager, City Attorney, Planning and Development Director, and Public Utilities Director have met several times to draft an updated ordinance for Appendix B Subdivision Regulations Article VI – Improvements required. The updates provide stronger language and requirements for the surety program, both performance and maintenance bonds, for future and current development. This proposed ordinance update went before the Planning Commission on October 23, 2023, with the commission recommending the approval of the updates proposed in the ordinance, which was also presented to the City Council at the November 20, 2023 workshop.

REQUESTED ACTION

Approval of Second Reading for all Ordinances.

ATTACHMENT(S):

1. Ordinance 23-707
2. Ordinance 23-708
3. Ordinance 23-709
4. Sale Exhibit (outlined in red)
5. Ordinance 23-710
6. Purchase Exhibit (outlined in blue)
7. Ordinance 23-711

STATE OF SOUTH CAROLINA

)

)

COUNTY OF YORK

)

CITY OF YORK

ORDINANCE 23-707

**AMENDING THE BUSINESS LICENSE ORDINANCE TO UPDATE THE CLASS SCHEDULE AS
REQUIRED BY ACT 176 OF 2020.**

WHEREAS, the City of York (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 20-619 on June 2, 2020, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance"); and

WHEREAS, the City Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association.

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on dates hereafter set forth, that the City of York Code of Ordinances, Chapter 10 be amended by revising/adding the following:

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: "**8.6 NAICS Code Varies – Billiard or Pool Tables**. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its

natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.”

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.
- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

York City Council hereby invokes the pending ordinance doctrine recognized under South Carolina law, effective immediately upon first reading approval.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Second Reading:

ORDINANCE 23-708

AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF YORK AND "RAINES CO." (A SOUTH CAROLINA LIMITED LIABILITY COMPANY) PURSUANT TO THE CITY'S ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE PRIVATE INVESTMENT WITHIN THE INCENTIVE AREA OF THE CITY OF YORK.

WHEREAS, CITY COUNCIL PASSED AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM ORDINANCE (EDIP) on August 1, 2017, to encourage private investment within a designated Incentive Area (the City's B-1 "Central Business" within the City's local historic district and all properties located in the Gateway Corridor Overlay District [Ordinance 17-589]);

WHEREAS, the EDIP permits the City to offer Incentives (reimbursements and refunds of all or portions of fees and taxes paid over certain periods for building permit fees, business license fees, local hospitality and accommodations taxes, and other appropriate incentives) to qualified investors whenever Council determines that doing so will meet the City's EDIP Goals of promoting the construction of new buildings or rehabilitation of existing buildings within the Incentive Area and supporting the establishment of new businesses Council has determined will: "(i) significantly increase the overall commercial activity within the Incentive Area, (ii) attract the City's residents and tourists into the Incentive Area and (iii) increase property values within the City as a whole";

WHEREAS, the primary purpose of the EDIP is to benefit the City and its citizens by realizing benefits to the City by increasing property values within the Incentive Area and to the City as a whole; increasing revenue from property taxes, business license fees and permit fees; increased tourism and commercial activity within the Incentive Area and the City as a whole; and improving the character of the City by preserving historic buildings within the Incentive Area or promoting the construction of new buildings compatible with the area's historic character;

WHEREAS, the EDIP specifically requires that any Incentives permitted under an Incentive Agreement be structured in such a way that the value of the Benefits to the City will exceed the value of the Incentives to the recipient;

WHEREAS, the EDIP requires Benchmarks to be established and met, or continue to be met, for an Incentive Recipient to qualify for any incentives agreed to under an Incentive Agreement and to assure that the value of the Benefits to the City exceeds the value of public funds expended on the Incentives;

WHEREAS, a Proposal or application has been made to the City Manager by Raines Co., LLC for EDIP authorized Incentives for a proposed Development in the City's B-1 (Central Business) and City's Local Historic District, which Proposal includes (i) identification of the subject property and the acquisition costs; (ii) the estimated start date for work on the subject property; (iii) a list of physical improvements to be made to the subject property, including a good-faith estimate of the costs thereof; (iv) the current value of the subject property and a good-faith estimate of its value upon completion of proposed improvements; (v) a good-faith estimate of the number of projected new jobs (permanent at the location), and estimated date upon which the said jobs will have been created; (vi) an affirmation that the proposed Development will meet or exceed the minimum investment requirements of Sec, 2-405(d), (vii) a good-faith estimate of other revenue for the City expected to be created as a direct result of the Development (business license fees, additional property tax revenue, capital improvements to City-owned infrastructure and utilities revenue); and (viii) other additional information the Incentive Recipient or the City Manager deemed necessary and helpful for Council to evaluate and give due consideration to the Proposal or application;

WHEREAS, upon a finding by the City Manager and City Staff that the said Raines Co., LLC's Proposal qualifies for EDIP Incentives, meets the City's Goals under the EDIP, and will result in benefits to the City which exceed the value of the requested Incentives, the City Manager and Staff have negotiated an Economic Development Agreement (EDA) that was approved by City Council on November 7, 2023 with the Incentive Agreement (Exhibit E) a part of the EDA with the Raines Co., LLC which sets forth details regarding the scope of the proposed Development, lists the anticipated permanent jobs to be created by the Development, the estimated value of the requested Incentives and the estimated value of the benefits to the City, and the benchmarks which must be met, or continue to be met, by Raines Co., LLC for it to qualify or continue to qualify for all requested Incentives and to assure that all estimated benefits to the City are realized;

WHEREAS, pursuant to EDIP Section 2-403 (b) the City Manager has requested that the said Incentive Agreement, a copy of which is attached, be approved by Council;

WHEREAS, as required by EDIP Section 2-405 (a) and upon the advice, verification and recommendation of the City Staff, Council has determined that the proposed Development by Raines Co., LLC (Proposed Development) described in the said Incentive Agreement:

- (1) is consistent with the City of York's Comprehensive Plan (as may be amended) (the "***Comprehensive Plan***") and the City of York's B-1 Central Business District (as may be amended), as well as the Goals.
- (2) absent the provision of Incentives, the Proposed Development would be unlikely to occur or unlikely to occur at the level or scale contemplated by the developer.
- (3) The proposed Development is located within the Incentive Area, as defined in EDIP Sec. 2-402.
- (4) The proposed Development meets the minimum threshold investment of one million dollars (\$1,000,000).
- (5) the intended use of the Proposed Development includes the following business purposes: (2) tourism-related business

WHEREAS, after careful and full consideration of the attached Economic Development Agreement (EDA) approved on November 7, 2023, with the Incentive Agreement (Exhibit E) a part of the EDA between the City and Raines Co., LLC, and upon the advice, verification, and recommendation of the City Staff, Council has made the following additional determinations:

- (1) That the value of the estimated benefits to the City under the said agreement will exceed the value of the Incentives requested by Raines Co., LLC;
 - (2) That the proposed Incentives under the said agreement will provide benefits to the City that are likely to (a) significantly increase the overall commercial activity within the Incentive Area, (b) likely to increase property values within the City as a whole, and (d) likely to improve the character of the City by promoting the construction of new buildings compatible with the B-1 Central Business District;
 - (3) That the City's goals under the EDIP will likely be met through the said agreement by (a) promoting construction of new buildings within the Incentive Area; and (b) supporting the establishment of the new businesses that will (i) significantly increase the overall commercial and tourism activity within the Incentive Area, (ii) increase property values within the City as a whole; and,
 - (4) That the said agreement fully complies with the intent and terms of the EDIP,
-

NOW, THEREFORE, IN COUNCIL DULY ASSEMBLED, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YORK, S.C. THAT:

The Incentive Agreement between the City and Raines Co., LLC is hereby approved as being in full compliance with all terms required of such agreements by the City's Economic Development Incentive Program Ordinance, and Council authorizes the City Manager to execute the said agreement on behalf of the City and to administer the said agreement in accordance with its terms and the terms of the said ordinance.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this _____ day of _____, 2023.

(SEAL)

CITY OF YORK, SC

Michael D. Fuesser, Mayor

Attest:

By: _____
Amy Craig, City Clerk

Approved as to form:

By: _____
William M. Brice, III, City Attorney

First Reading: _____

Second Reading: _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK

)
)
)

CITY OF YORK

ORDINANCE 23-709

AN ORDINANCE APPROVING THE SALE, TRANSFER, AND/OR CONVEYANCE OF REAL PROPERTY OWNED BY CITY OF YORK AND IDENTIFIED AS LAKE CALDWELL PORTION OF 248-00-00-006, PER ATTACHMENT, TO WOODIE GROVE FARMS, LLC

WHEREAS, City of York (the "Municipality") is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the "Council") is the duly elected governing body of the Municipality;

WHEREAS, the Council is vested with the authority to sell and dispose of real property owned by the Municipality pursuant to Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws, 1976, as amended;

WHEREAS, the Municipality is the owner of that certain parcel of real property located at Lake Caldwell in the Municipality, identified as 248-00-00-006 (the "Property");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that a portion of this property is unusable for municipal purposes, is no longer needed for municipal purposes, or would be of better and higher use and benefit to the Municipality if owned by an individual or entity other than the Municipality, and that as such the Property constitutes surplus property;

WHEREAS, WOODIE GROVE FARMS, LLC (the "Buyer") has offered to acquire this parcel by exchange of a parcel owned by "Buyer" upon which certain City of York improvements are located, such exchange of property being the price (the "Purchase Price");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that the Purchase Price represents reasonably equivalent value for the Property. The reasonably equivalent value of the property has been determined by an appraisal conducted by a licensed South Carolina appraiser;

WHEREAS, based upon the foregoing, the Council has determined that the sale, transfer, and/or conveyance of a portion of the Property to the Buyer is equitable to, favorable for, and in the best interests of the citizens of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF YORK DULY ASSEMBLED:

SECTION 1: The Council hereby approves the sale, transfer, and/or conveyance of the Property to the Buyer.

SECTION 2. Such sale, transfer, and/or conveyance shall be completed by Special Warranty Deed via the terms of the Agreement as provided and attached hereto. The City Manager is hereby authorized and directed to execute any and all deeds, instruments, affidavits, agreements and/or other documents which may be necessary to effectuate the sale, transfer, and/or conveyance of the Property.

SECTION 3. The Council hereby determines that the process by which the reasonably equivalent value of the Property was determined represented a fair and objective methodology. As such, the sale, transfer, and/or conveyance of the Property is hereby exempted from any potentially applicable requirements under the Municipality's purchasing or procurement code.

SECTION 4. In connection with the sale, transfer, and/or conveyance of the Property, any actions previously undertaken by the Mayor, the City Manager, the Council, or staff in connection with the negotiation thereof prior to the enactment of this Ordinance are ratified and confirmed.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS ____DAY OF _____, 2023.

Mayor Michael D. Fuesser

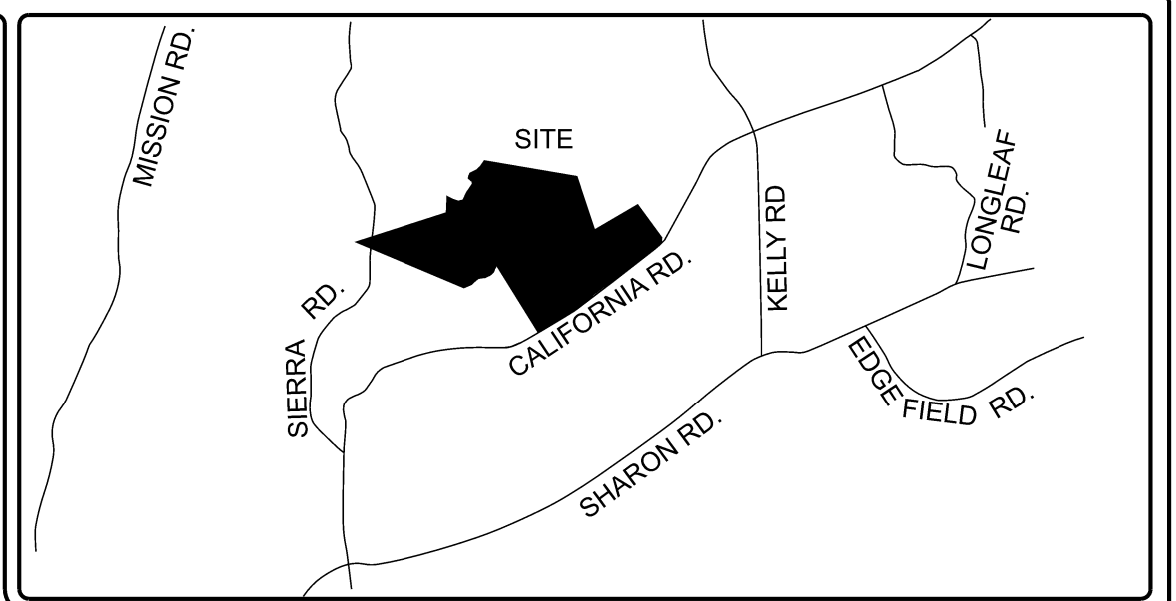
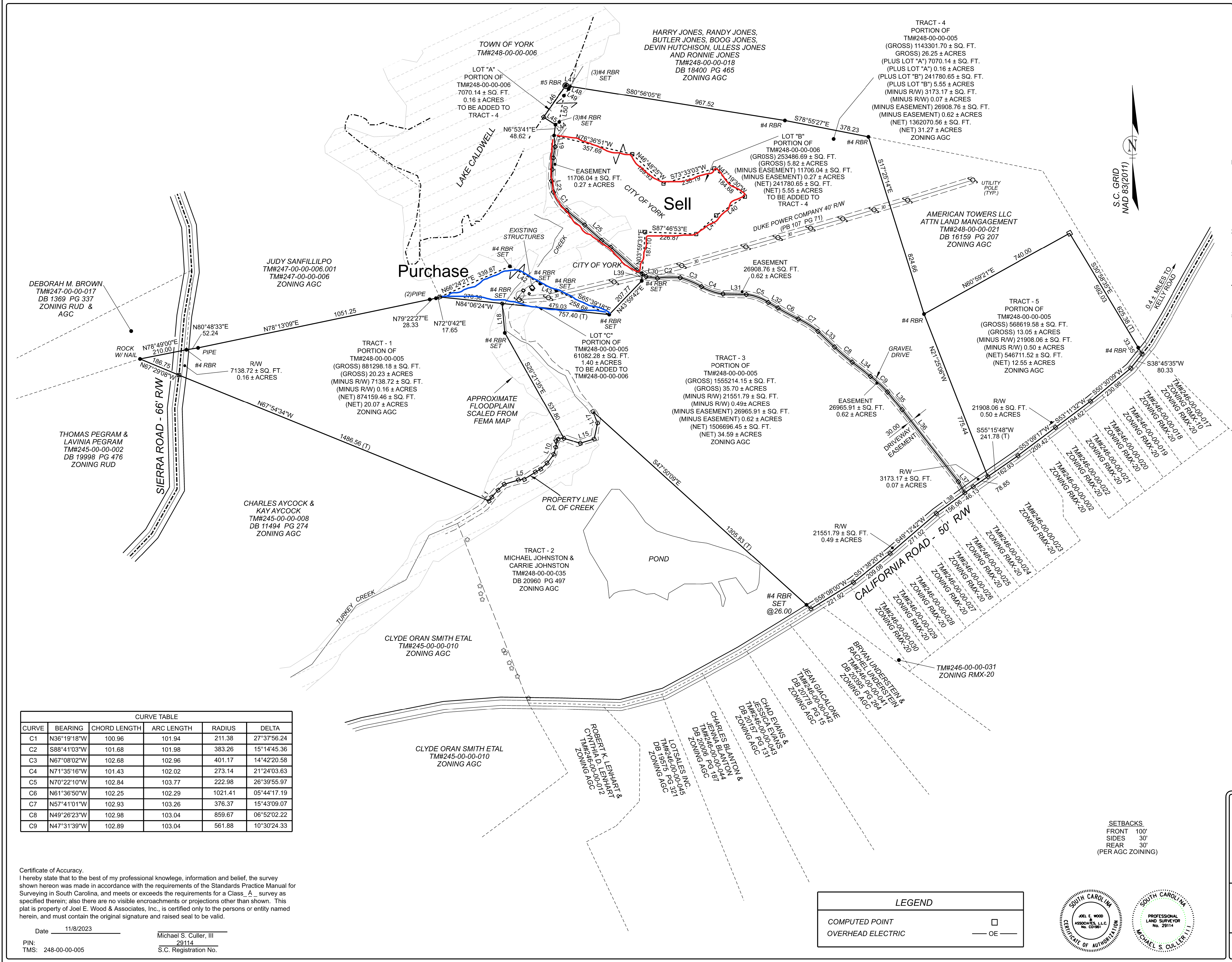
ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____



- NOTES:
1. THIS PROPERTY IS LOCATED IN FLOOD ZONE X AND IN FLOOD ZONE AE. ACCORDING TO F.I.R.M. No. 45091C0260E, DATED SEPTEMBER 26, 2008.
 2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 3. JOEL E. WOODS & ASSOCIATES, INC. IS NOT LIABLE FOR ANY AND ALL SETBACKS SHOWN OR NOT SHOWN HEREON. SETBACKS TO BE VERIFIED BY THE OWNER WITH THE COUNTY, CITY, TOWN AND/OR HOA.
 4. REFERENCE PLATS (PB 12 PG 126), (PB 58 PG 104), (PB 60 PG 93), (PB 168 PG 285), (PB 166 PG 385), (PB "A"297 PG 5), (PB 107 PG 71), (PB 103 PG 149), (PB 101 PG 111), (PB 88 PG 677).
 5. NEW LOTS CREATED.

| Line Table | | | Line Table | | |
|------------|---------------|--------|------------|---------------|--------|
| Line # | Direction | Length | Line # | Direction | Length |
| L1 | N35° 59' 54"E | 21.62 | L28 | N54° 35' 35"W | 29.89 |
| L2 | N41° 43' 01"E | 41.34 | L29 | N54° 35' 35"W | 21.11 |
| L3 | N47° 50' 35"E | 38.11 | L30 | N82° 06' 27"W | 50.38 |
| L4 | N73° 18' 35"E | 66.07 | L31 | N88° 30' 57"W | 103.43 |
| L5 | N82° 18' 39"E | 25.17 | L32 | N60° 06' 56"W | 50.18 |
| L6 | N57° 42' 04"E | 59.49 | L33 | N46° 42' 26"W | 101.09 |
| L7 | N58° 49' 48"E | 26.93 | L34 | N52° 22' 23"W | 103.39 |
| L8 | N48° 02' 49"E | 38.76 | L35 | N39° 21' 36"W | 102.28 |
| L9 | N37° 01' 23"E | 47.60 | L36 | N37° 58' 57"W | 405.75 |
| L10 | N16° 54' 55"E | 33.78 | L37 | N30° 00' 04"W | 56.96 |
| L11 | N02° 57' 28"E | 24.83 | L38 | S54° 02' 41"W | 202.20 |
| L12 | N28° 49' 56"E | 17.68 | L39 | N03° 59' 31"E | 30.77 |
| L13 | S87° 18' 19"E | 26.80 | L40 | N56° 51' 00"E | 152.69 |
| L14 | S73° 27' 24"E | 75.05 | L41 | N47° 16' 16"E | 121.29 |
| L15 | N73° 14' 55"E | 64.73 | L42 | S60° 29' 57"E | 154.46 |
| L16 | N11° 52' 41"E | 71.95 | L43 | S66° 35' 00"E | 78.26 |
| L17 | N21° 30' 11"W | 55.48 | L44 | S55° 16' 59"W | 21.37 |
| L18 | S05° 14' 57"E | 130.93 | L45 | N57° 46' 12"W | 62.32 |
| L19 | N04° 33' 50"W | 50.19 | L46 | N35° 12' 40"E | 172.32 |
| L20 | N09° 18' 07"E | 50.36 | L47 | S80° 48' 53"E | 18.29 |
| L21 | N05° 43' 17"E | 51.39 | L48 | S23° 21' 29"W | 12.88 |
| L22 | N02° 38' 10"E | 51.01 | L49 | S34° 56' 01"W | 36.68 |
| L23 | N09° 08' 55"W | 50.07 | L50 | S10° 10' 55"W | 118.91 |
| L24 | N51° 03' 31"W | 103.19 | | | |
| L25 | N48° 11' 42"W | 102.13 | | | |
| L26 | N52° 57' 59"W | 50.43 | | | |
| L27 | N48° 32' 26"W | 153.36 | | | |

| CURVE TABLE | | | | | |
|-------------|-------------|--------------|------------|---------|-------------|
| CURVE | BEARING | CHORD LENGTH | ARC LENGTH | RADIUS | DELTA |
| C1 | N36°19'18"W | 100.96 | 101.94 | 211.38 | 27°37'56.24 |
| C2 | S88°41'03"W | 101.68 | 101.98 | 383.26 | 15°14'45.36 |
| C3 | N67°08'02"W | 102.68 | 102.96 | 401.17 | 14°42'20.58 |
| C4 | N71°35'16"W | 101.43 | 102.02 | 273.14 | 21°24'03.63 |
| C5 | N70°22'10"W | 102.84 | 103.77 | 222.98 | 26°39'55.97 |
| C6 | N61°36'50"W | 102.25 | 102.29 | 1021.41 | 05°44'17.19 |
| C7 | N57°41'01"W | 102.93 | 103.26 | 376.37 | 15°43'09.07 |
| C8 | N49°26'23"W | 102.98 | 103.04 | 859.67 | 06°52'02.22 |
| C9 | N47°31'39"W | 102.89 | 103.04 | 561.88 | 10°30'24.33 |

Certificate of Accuracy.
I hereby state that to the best of my professional knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Standards Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown. This plat is property of Joel E. Wood & Associates, Inc., is certified only to the persons or entity named herein, and must contain the original signature and raised seal to be valid.

Date 11/8/2023
Michael S. Culler, III
PIN: 29114
TMS: 248-00-00-005
S.C. Registration No.

| LEGEND | |
|-------------------|--------|
| COMPUTED POINT | □ |
| OVERHEAD ELECTRIC | — OE — |

SETBACKS
FRONT 100'
SIDES 30'
REAR 30'
(PER AGC ZONING)

GRAPHIC SCALE
1"=200'
200' 0 100' 200' 400'
GRAPHIC SCALE

FINAL RECONFIGURATION
OF A TRACT LOCATED ON
CALIFORNIA ROAD
YORK COUNTY, SOUTH CAROLINA
TM#248-00-00-005
PREPARED FOR
WOODIE GROVE FARMS LLC

JOEL E. WOOD & ASSOCIATES
PLANNING • ENGINEERING • MANAGEMENT

P.O. BOX 296 CLOVER, SC 29710 (803)684-3390

| | | |
|-----------------|-----------------------------|---|
| DATE: 11/8/2023 | CADCOMP111 PROJ: 221106A | FB# MC/1 FILE: SURVEY FINAL SUBDIVISION |
|-----------------|-----------------------------|---|

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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)
)

CITY OF YORK

ORDINANCE 23-710

AN ORDINANCE APPROVING THE ACQUISITION OF REAL PROPERTY OWNED BY WOODIE GROVE FARMS, LLC TO THE CITY OF YORK AND IDENTIFIED AS PORTION OF LAKE CALDWELL PARCEL 248-00-00-005 AND ON ATTACHED EXHIBIT

WHEREAS, City of York (the "Municipality") is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the "Council") is the duly elected governing body of the Municipality;

WHEREAS, the Council is vested with the authority to acquire real property to be owned by the Municipality pursuant to the South Carolina Code of Laws, 1976, as amended;

WHEREAS, the Woodie Grove Farms, LLC is the owner of that certain parcel of real property located at Lake Caldwell near the property of the Municipality, identified as a portion of 248-00-00-005 (the "Property");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that certain City Structures are located on a portion of the property of Woodie Grove Farms, LLC and it is in the best interest of the City to obtain that land and structures by property deed;

WHEREAS, WOODIE GROVE FARMS, LLC (the "Seller") has offered to transfer the property shown on the attached exhibit in exchange for a transfer to Seller of other closely located property belonging to the City of approximately equal value, but of not currently of use to the City, such exchange being the price (the "Purchase Price");

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that the Purchase Price represents reasonably equivalent value for the Property by way of exchange, but regardless the overriding intent it to have fee simple title to land upon which such structures are located.

WHEREAS, based upon the foregoing, the Council has determined that the acquisition of this portion of the Property by the City is equitable to, favorable for, and in the best interests of the citizens of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF YORK DULY ASSEMBLED:

SECTION 1: The Council hereby approves acquisition of this portion of the Property by the City

SECTION 2. Such acquisition shall be completed by Special Warranty Deed via the terms of the Exchange Agreement of the parties. The City Manager is hereby authorized and directed to execute any and instruments, affidavits, agreements and/or other documents which may be necessary to effectuate the acquisition of the Property.

SECTION 3. The Council hereby determines that the process by which the reasonably equivalent value of the Property was determined represented a fair and objective methodology. As such, the sale, transfer, and/or conveyance of the Property is hereby exempted from any potentially applicable requirements under the Municipality's purchasing or procurement code.

SECTION 4. In connection with the acquisition of the Property, any actions previously undertaken by the Mayor, the City Manager, the Council, or staff in connection with the negotiation thereof prior to the enactment of this Ordinance are ratified and confirmed.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS ____DAY OF ____, 20__.

Mayor Michael D. Fuesser

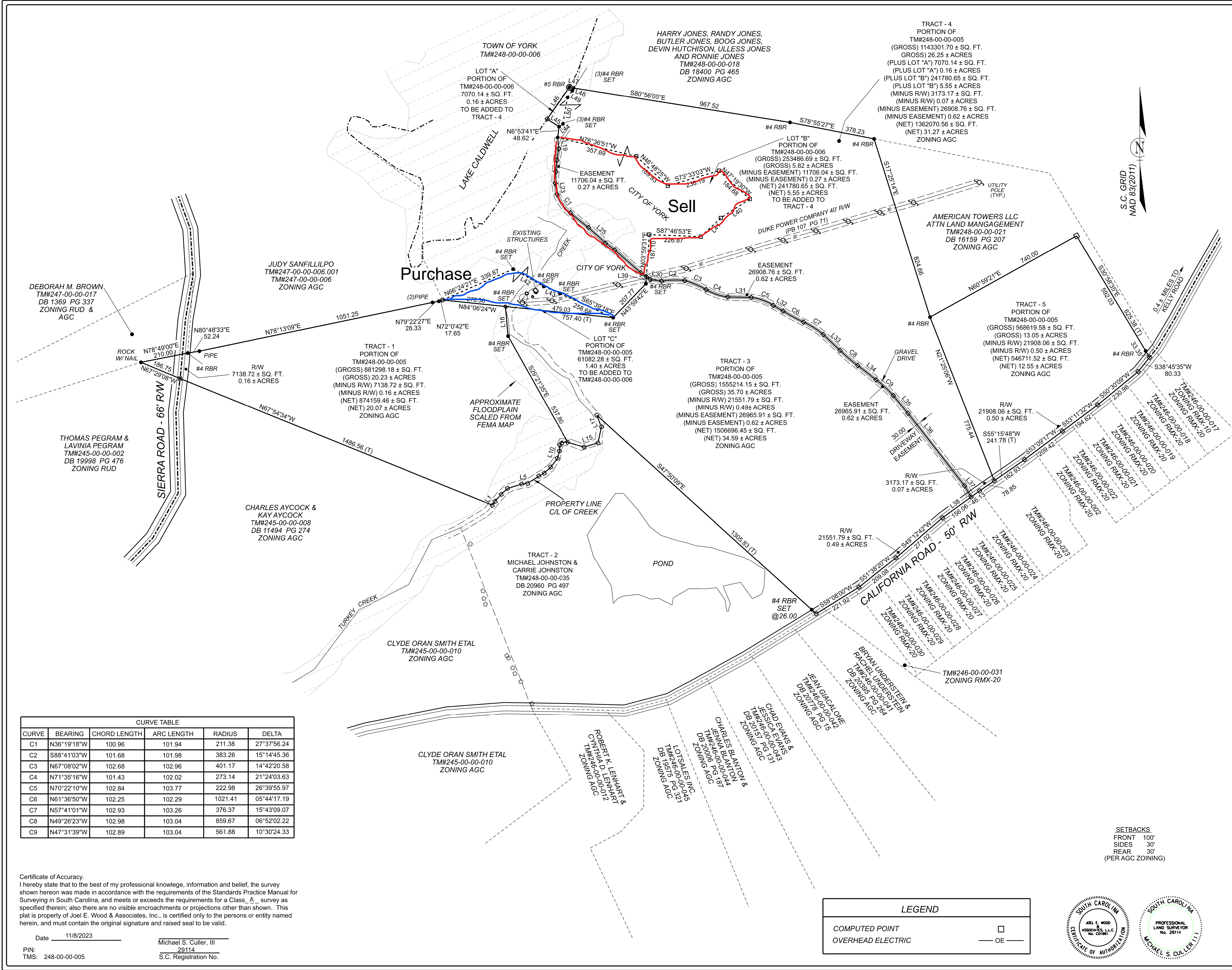
ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____



MISSION RD.

SIERRA RD.

KELLY RD.

EDGE FIELD RD.

SHARON RD.

CALIFORNIA RD.

SITE

LOCATION MAP (NTS)

NOTES:

- THIS PROPERTY IS LOCATED IN FLOOD ZONE X AND IN FLOOD ZONE AE. ACCORDING TO F.I.R.M. No. 45091C0260E, DATED SEPTEMBER 26, 2008.
- FLOOD ZONE LINES ARE SCALED FROM CURRENT FEMA RATE MAPS. SCALES VARY FROM 1"=500' TO 1"=2000' AND ARE NOTED AS BEING APPROXIMATE ON SAID MAPS. JOEL E. WOODS & ASSOCIATES, INC. DOES NOT CERTIFY TO OR ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE FLOOD ZONE LINES.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- JOEL E. WOODS & ASSOCIATES, INC. IS NOT LIABLE FOR ANY AND ALL SETBACKS SHOWN OR NOT SHOWN HEREON. SETBACKS TO BE VERIFIED BY THE OWNER WITH THE COUNTY, CITY, TOWN AND/OR HOA.
- REFERENCE PLATS (PB 12 PG 126), (PB 58 PG 104), (PB 60 PG 93), (PB 168 PG 285), (PB 166 PG 385), (PB "A"297 PG 5), (PB 107 PG 71), (PB 103 PG 149), (PB 101 PG 111), (PB 88 PG 677).
- NEW LOTS CREATED.

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| L48 | S23° 21' 29"W | 12.88 |
| L49 | S34° 56' 01"W | 36.68 |
| L50 | S10° 10' 55"W | 118.91 |

GRAPHIC SCALE

1"=200'

200' 0 100' 200' 400'

GRAPHIC SCALE

SETBACKS

FRONT 100'

SIDES 30'

REAR 30'

(PER AGC ZONING)

LEGEND

COMPUTED POINT

OVERHEAD ELECTRIC

OE

SOUTH CAROLINA

JOEL E. WOOD

ASSOCIATES, L.L.C.

NO. 29114

EXPIRATION DATE: 11/15/2021

SOUTH CAROLINA

PROFESSIONAL LAND SURVEYOR

NO. 29114

MICHAEL S. CULLER, III

FINAL RECONFIGURATION

OF A TRACT LOCATED ON

CALIFORNIA ROAD

YORK COUNTY, SOUTH CAROLINA

TM#248-00-00-005

PREPARED FOR

WOODIE GROVE FARMS LLC

JOEL E. WOOD & ASSOCIATES

PLANNING • ENGINEERING • MANAGEMENT

P.O. BOX 296 CLOVER, SC 29710 (803)684-3390

DATE: 11/8/2023 CADCOMP111 FB# MC/1

PROJ: 221106A FILE: SURVEY FINAL SUBDIVISION

Certificate of Accuracy.

I hereby state that to the best of my professional knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Standards Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown. This plat is property of Joel E. Wood & Associates, Inc., is certified only to the persons or entity named herein, and must contain the original signature and raised seal to be valid.

Date 11/8/2023

Michael S. Culler, III

PIN: 29114

TMS: 248-00-00-005 S.C. Registration No.

STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-711

Amending Appendix B, Subdivision Ordinance by providing surety specification requirements for land development projects.

WHEREAS, the York City Council and Planning Commission find that the existing subdivision/ land development requirements should be periodically reviewed and revised as necessary; and

WHEREAS, the York City Council and Planning Commission find that innovative land development practices should be considered and utilized; and

WHEREAS, the York City Council and Planning Commission find that measures should be taken to ensure that appropriate surety specifications are provided for required infrastructure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on dates hereafter set forth, that Appendix B, Subdivision Ordinance, be amended by revising/adding the following:

V-1. - Streets

Every lot in every subdivision shall be provided with an approved street system. The street system shall include but not be limited to the aggregate, binder and surface courses; curbing; street signs, sidewalks, etc. The street system shall be installed in accordance with city specifications and standards.

Upon the street system installation being completed and accepted as satisfactory by the City, the system and adequate right-of-way shall be conveyed (deeded) over to the City and become the property of the City with the City thereafter being responsible for upkeep and maintenance of the system.

The subdivider shall issue a maintenance surety of 40% of the total constructed cost of the street system to the City before the final plat (plat for the overall project or phase of the project) is approved. The total construction cost shall be based on documentation submitted by a SC-licensed professional engineer. The surety shall stay in place for a period of at least three years and until 90% of the certificates of occupancy are issued for the project phase.

Filing fees for the surety shall submitted per the established fee schedule.

VI-3. Performance bond

In lieu of completion of required street trees, surface street coat and sidewalk improvements, the City shall require the subdivider to file a performance surety (bond, letter of credit or cash) to insure the actual construction of such improvements according to the plans and specifications filed with the City. Such surety shall be in the amount of 150 percent of the estimated cost provided by a SC-licensed professional engineer and with surety and conditions satisfactory to the city attorney and the City.

Filing fees for the surety shall submitted per the established fee schedule. The City shall enforce such surety by all appropriate legal means within its authority. The city manager or his assign shall be responsible for receiving and releasing bond upon performance or agreements as set forth in surety.

The use of a performance surety to achieve and/or extend vested rights to a project is prohibited.

VI-7. Water System

Every lot in every subdivision shall be provided with an approved water supply. The subdivider shall install water lines that are sufficient to take care of the demand of the subdivision when it is completely developed. Water lines shall be installed in accordance with city specifications and standards. The subdivider shall install fire hydrants in accordance with city district specifications.

Upon the water system installation being completed and accepted as satisfactory by the City, the system and adequate right-of-way shall be conveyed (deeded) over to the City and become the property of the City, with the City thereafter being responsible for upkeep and maintenance of the system.

The subdivider shall issue a maintenance surety of 25% of the total constructed cost of the water system to the City before the final plat (plat for the overall project or phase of the project) is approved. The total construction cost shall be based on documentation submitted by a SC-licensed professional engineer. The surety shall stay in place for a period of at least three years and until 90% of the certificates of occupancy are issued for the project phase.

Filing fees for the surety shall submitted per the established fee schedule.

VI-9. Sanitary Sewer System

The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible, as determined and sized by the City and SCDHEC. The sanitary sewers installed shall be large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers shall be installed in accordance with City specifications and standards.

Upon the sewer system and lines installation being completed and accepted as satisfactory by the City, the system and adequate right-of-way shall be conveyed (deeded) over to the City and become the property of the City, with the City thereafter being responsible for upkeep and maintenance of the system.

The subdivider shall issue a maintenance surety of 25% of the total constructed cost of the sanitary sewer system to the City before the final plat (plat for the overall project or phase of the project) is approved. The total construction cost shall be based on documentation submitted by a SC-licensed professional engineer. The surety shall stay in place for a period of at least three years and until 90% of the certificates of occupancy are issued for the project phase. Filing fees for the surety shall submitted per the established fee schedule.

VI-10. Stormwater Drainage System

A stormwater drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is part, to permit the unimpeded flow of natural watercourses and to provide positive drainage away from onsite sewage disposal facilities.

In designing drainage facilities, special consideration shall be given to the avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent developed or undeveloped properties. No development shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or transport by natural drainage way or conduit to an appropriate point of discharge.

Drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that shall occur when all property at a higher elevation in the same water shed is fully developed.

The subdivider shall issue a maintenance surety of 25% of the total constructed cost of the storm sewer system to the City before the final plat (plat for the overall project or phase of the project) is approved. The total construction cost shall be based on documentation submitted by a SC-licensed professional engineer. The surety shall stay in place for a period of at least three years and until 90% of the certificates of occupancy are issued for the project phase.

Filing fees for the surety shall submitted per the established fee schedule.

Before the issuance of an NOT, the subdivider must submit a maintenance plan and schedule for all permanent structures and impoundments with a funding plan.

VII. - Administration and Amendments

Revise language in Subdivision Ordinance to specify that the Planning Commission cannot grant a variance regarding utility, fire and street infrastructure design requirements.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2nd, 2024

SUBJECT: Railroad Ave Sidewalk Project



GENERAL INFORMATION

10.2: Railroad Ave Sidewalk Project

On July 11, 2023, at the City Council meeting, the Council voted to move forward with alternate two. The staff has been working with Campco Engineering and the Catawba Regional Council of Governments with engineering, easement procurement, and permitting with SCDOT. Also, on December 13, 2023, Mr. Bryce Cook of 53 Railroad Ave. sent an email to all of the City Council and the City Manager detailing concerns and opinions regarding this sidewalk project. Additionally, On December 18, 2023, a Community Meeting was held to present the alignment of the sidewalk and discuss milestones achieved thus far with this project. At the Community meeting, the community brought thoughtful comments and concerns about this project. Staff would like to review these comments with the City Council and solidify whether to stay committed to alternate two or change to alternate one.

REQUESTED ACTION

General Information

ATTACHMENT(S):

Campco Engineering Memo
Alternate Cost Estimates
Alternate #1 Alignment
Alternate #2 Alignment



DATE: June 30, 2023

PROJECT: Railroad Avenue Sidewalk
York, South Carolina

CE# 9868

RE: Project Study Summary

The Railroad Avenue Sidewalk study evaluated two sidewalk alignment alternatives. Alternate #1 was developed 5-feet off the west side of Railroad Avenue and Alternate #2 is located 3-feet off the east side of Railroad Avenue. The alignments were evaluated based on construction cost, right-of-way impacts, property impacts, utility impacts, and accessibility. A summary of impacts are listed below.

Alternate #1:

- Estimated construction cost - *\$376,000
- Properties impacted by new right-of-way – 1
- Property impacts – estimated 3 large tree removal
- Utility impacts – none
- Accessibility – located on opposite side of road from residences

Alternate #2

- Estimated construction cost - *\$485,000
- Properties impacted by new right-of-way – 8
- Property impacts – estimated 5 large tree removal, 9 driveway aprons
- Utility impacts – 1 fire hydrant relocation, 6 telecommunication pedestal relocations
- Accessibility – located adjacent to residences

In conclusion, alternate #1 will provide the least amount of right-of-way impacts, property impacts, utility impacts and lower construction cost.

*Refer to attached Estimated Project Cost Summary



Campco Engineering, Inc.
Consulting Engineers since 1974

**RAILROAD AVENUE SIDEWALK
ESTIMATED PROJECT COST SUMMARY
STUDY
CE# 9868
JUNE 30, 2023**

| <u>ELEMENT</u> | <u>ESTIMATED COST</u> |
|---|------------------------------|
| ALTERNATE 1 - PROBABLE CONSTRUCTION COST | \$375,000.00 |
| ALTERNATE 1 - POTENTIAL RIGHT-OF-WAY IMPACTS* | <u>\$1,000.00</u> |
| TOTAL | \$376,000.00 |
| | |
| ALTERNATE 2 - PROBABLE CONSTRUCTION COST | \$425,000.00 |
| ALTERNATE 2 - POTENTIAL RIGHT-OF-WAY IMPACTS* | <u>\$60,000.00</u> |
| TOTAL | \$485,000.00 |

*Does not include acquisition services

STATEMENT OF PROBABLE CONSTRUCTION COST

DATE: JUNE 30, 2023
PROJECT: RAILROAD AVENUE SIDEWALK
RE: ALTERNATE 1
CE# : 9868
DESIGN PHASE: STUDY



| ITEM | ITEM | EST. QTY. | UNIT | UNIT PRICE | AMOUNT |
|------|--|-----------|------|-------------|--------------|
| 1 | CLEARING & GRUBBING, COMPLETE | 1 | LS | \$20,000.00 | \$20,000.00 |
| 2 | LARGE TREE REMOVAL, COMPLETE | 3 | EA | \$2,500.00 | \$7,500.00 |
| 3 | GRADING, COMPLETE | 1 | LS | \$80,000.00 | \$80,000.00 |
| 4 | 5' WIDE CONCRETE SIDEWALK, INSTALLED | 1,200 | SY | \$80.00 | \$96,000.00 |
| 5 | DETECTABLE WARNING MATERIAL, INSTALLED | 40 | SF | \$100.00 | \$4,000.00 |
| 6 | 6' THERMOPLASTIC CROSSWALK, INSTALLED | 80 | LF | \$20.00 | \$1,600.00 |
| 7 | 18" RCP - STORM DRAINAGE, INSTALLED | 100 | LF | \$100.00 | \$10,000.00 |
| 8 | 18" RCP - BEVELED END SECTION, INSTALLED | 1 | EA | \$2,000.00 | \$2,000.00 |
| 9 | RIP-RAP, INSTALLED | 5 | TON | \$150.00 | \$750.00 |
| 10 | SILT FENCE, INSTALLED | 2,000 | LF | \$5.00 | \$10,000.00 |
| 11 | ROCK DITCH CHECK, INSTALLED | 10 | EA | \$1,000.00 | \$10,000.00 |
| 12 | PERMANENT COVER, INSTALLED | 0.50 | AC | \$7,500.00 | \$3,750.00 |
| 13 | TRAFFIC CONTROL, COMPLETE | 1 | LS | \$5,000.00 | \$5,000.00 |
| 14 | MOBILIZATION, COMPLETE | 1 | LS | \$10,000.00 | \$10,000.00 |
| 15 | PEDESTRIAN SIGNAL ALLOWANCE | 1 | LS | \$50,000.00 | \$50,000.00 |
| | <i>SUBTOTAL</i> | | | | \$310,600.00 |
| | STUDY - 20% CONTINGENCY | | | | \$62,120.00 |
| | TOTAL | | | | \$372,720.00 |
| | TOTAL ROUNDED | | | | \$375,000.00 |

RIGHT-OF-WAY IMPACTS

DATE: JUNE 30, 2023

PROJECT: RAILROAD AVENUE SIDEWALK

RE: ALTERNATE 1

CE# : 9868

DESIGN PHASE: STUDY



| TAX MAP ID NUMBER | PROPERTY OWNER | PROPERTY AREA (ACRE) | PROPERTY AREA (SQ. FT.) | LAND VALUE | 5% INCREASE OVER 2 YEARS | ADJUSTED LAND VALUE | COST PER SQ. FT. | % INCREASE | COST PER SQ. FT. + 50% | FEE SIMPLE R/W AND EASEMENTS ACQUIRED | TOTAL COST |
|----------------------|----------------|----------------------------|-------------------------------|------------|-----------------------------------|------------------------|------------------------|---------------|------------------------------|--|------------|
| 700926046 | MILAN TONKOVIC | 1.000 | 43,560 | \$2,000.00 | 1.100 | \$2,200.00 | \$0.05 | 1.5 | \$0.08 | 4,000 | \$303.03 |

| | |
|-------------------------------|------------|
| RIGHT-OF-WAY ACQUISITION COST | \$303.03 |
| TOTAL | \$303.03 |
| ROUNDED TOTAL | \$1,000.00 |

STATEMENT OF PROBABLE CONSTRUCTION COST

DATE: JUNE 30, 2023

PROJECT: RAILROAD AVENUE SIDEWALK

RE: ALTERNATE 2

CE# : 9868

DESIGN PHASE: STUDY



| ITEM | ITEM | EST. QTY. | UNIT | UNIT PRICE | AMOUNT |
|------|---|-----------|------|-------------|---------------------|
| 1 | CLEARING & GRUBBING, COMPLETE | 1 | LS | \$15,000.00 | \$15,000.00 |
| 2 | LARGE TREE REMOVAL, COMPLETE | 5 | EA | \$2,500.00 | \$12,500.00 |
| 3 | TELECOMMUNICATION PEDESTAL REMOVE AND RESET, COMPLETE | 6 | EA | \$1,000.00 | \$6,000.00 |
| 4 | FIRE HYDRANT REMOVE AND RESET, COMPLETE | 1 | EA | \$5,000.00 | \$5,000.00 |
| 5 | GRADING, COMPLETE | 1 | LS | \$80,000.00 | \$80,000.00 |
| 6 | 5' WIDE CONCRETE SIDEWALK, INSTALLED | 1,200 | SY | \$80.00 | \$96,000.00 |
| 7 | PEDESTRIAN RAMP, INSTALLED | 25 | SY | \$400.00 | \$10,000.00 |
| 8 | DETECTABLE WARNING MATERIAL, INSTALLED | 120 | SF | \$100.00 | \$12,000.00 |
| 9 | 6' THERMOPLASTIC CROSSWALK, INSTALLED | 215 | LF | \$20.00 | \$4,300.00 |
| 10 | DRIVEWAY APRONS, COMPLETE | 225 | SY | \$125.00 | \$28,125.00 |
| 11 | 15" RCP - DRIVEWAY CULVERT, INSTALLED | 220 | LF | \$80.00 | \$17,600.00 |
| 12 | 18" RCP - STORM DRAINAGE, INSTALLED | 150 | LF | \$100.00 | \$15,000.00 |
| 13 | 18" RCP - BEVELED END SECTION, INSTALLED | 2 | EA | \$2,000.00 | \$4,000.00 |
| 14 | RIP-RAP, INSTALLED | 10 | TON | \$150.00 | \$1,500.00 |
| 15 | SILT FENCE, INSTALLED | 1,500 | LF | \$5.00 | \$7,500.00 |
| 16 | ROCK DITCH CHECK, INSTALLED | 10 | EA | \$1,000.00 | \$10,000.00 |
| 17 | PERMANENT COVER, INSTALLED | 0.50 | AC | \$7,500.00 | \$3,750.00 |
| 18 | TRAFFIC CONTROL, COMPLETE | 1 | LS | \$7,500.00 | \$7,500.00 |
| 19 | MOBILIZATION, COMPLETE | 1 | LS | \$15,000.00 | \$15,000.00 |
| | SUBTOTAL | | | | \$350,775.00 |
| | STUDY - 20% CONTINGENCY | | | | \$70,155.00 |
| | TOTAL | | | | \$420,930.00 |
| | TOTAL ROUNDED | | | | \$425,000.00 |

RIGHT-OF-WAY IMPACTS

DATE: JUNE 30, 2023

PROJECT: RAILROAD AVENUE SIDEWALK

RE: ALTERNATE 2

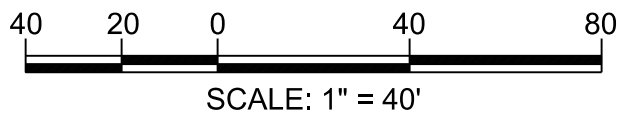
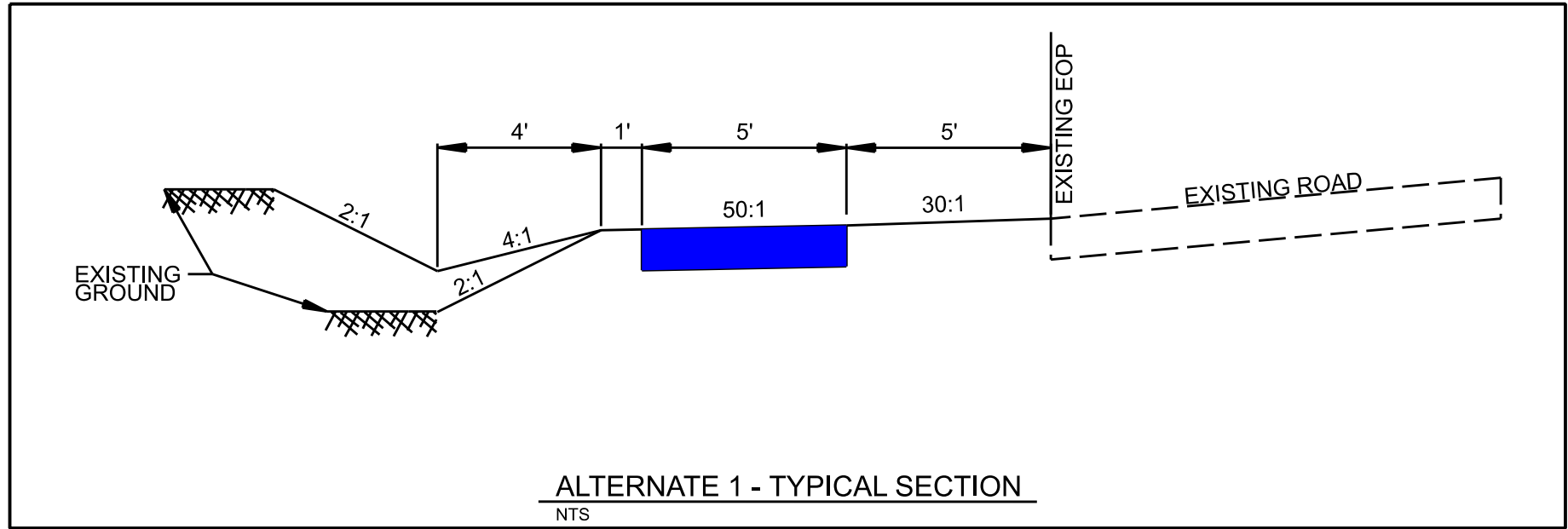
CE# : 9868

DESIGN PHASE: STUDY



| TAX MAP ID NUMBER | PROPERTY OWNER | PROPERTY AREA (ACRE) | PROPERTY AREA (SQ. FT.) | LAND VALUE | 5% INCREASE OVER 2 YEARS | ADJUSTED LAND VALUE | COST PER SQ. FT. | % INCREASE | COST PER SQ. FT. + 50% | FEE SIMPLE R/W AND EASEMENTS ACQUIRED | TOTAL COST |
|----------------------|---------------------------------|----------------------------|-------------------------------|--------------|-----------------------------------|------------------------|------------------------|---------------|------------------------------|--|-------------|
| 0700926044 | NEW YORK TOWNHOUSES, LLC | 2.740 | 119,354 | \$469,430.00 | 1.100 | \$516,373.00 | \$4.33 | 1.5 | \$6.49 | 1,700 | \$11,032.28 |
| 0700926045 | NEW YORK TOWNHOUSES, LLC | 2.460 | 107,158 | \$381,800.00 | 1.100 | \$419,980.00 | \$3.92 | 1.5 | \$5.88 | 2,000 | \$11,757.82 |
| 0700912005 | GARY S. WILLIS | 0.860 | 37,462 | \$74,175.00 | 1.100 | \$81,592.50 | \$2.18 | 1.5 | \$3.27 | 2,500 | \$8,167.61 |
| 0700912010 | JASPER L. MARTIN, ETAL | 0.340 | 14,810 | \$12,000.00 | 1.100 | \$13,200.00 | \$0.89 | 1.5 | \$1.34 | 1,000 | \$1,336.90 |
| 0700911001 | LEROY MONTGOMERY | 0.690 | 30,056 | \$59,250.00 | 1.100 | \$65,175.00 | \$2.17 | 1.5 | \$3.25 | 2,000 | \$6,505.27 |
| 0700911002 | MICHELLE DOVER | 0.430 | 18,731 | \$45,400.00 | 1.100 | \$49,940.00 | \$2.67 | 1.5 | \$4.00 | 1,250 | \$4,999.12 |
| 0700911003 | DONALD F. & SAUNDRA RINEHART | 0.340 | 14,810 | \$118,776.00 | 1.100 | \$130,653.60 | \$8.82 | 1.5 | \$13.23 | 1,000 | \$13,232.62 |
| 0700911004 | MARGARET DARTY | 0.340 | 14,810 | \$18,000.00 | 1.100 | \$19,800.00 | \$1.34 | 1.5 | \$2.01 | 1,000 | \$2,005.35 |

| | |
|-------------------------------|-------------|
| RIGHT-OF-WAY ACQUISITION COST | \$59,036.97 |
| TOTAL | \$59,036.97 |
| ROUNDED TOTAL | \$60,000.00 |



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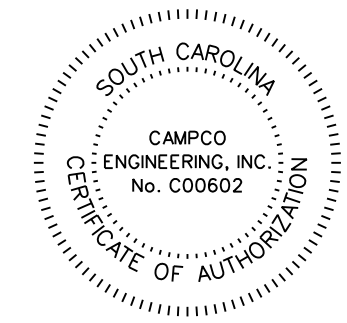
156 OAKLAND AVENUE, ROCK HILL, SC 29730
(803) 327-7121 WWW.CAMPCOENGINEERING.COM

RAILROAD AVENUE SIDEWALK

YORK, SOUTH CAROLINA

| REVISIONS | | |
|-----------|------|-------------|
| NO. | DATE | DESCRIPTION |
| | | |
| | | |
| | | |

SKETCH PLAN-
ALTERNATE 1



FOR INFORMATION ONLY

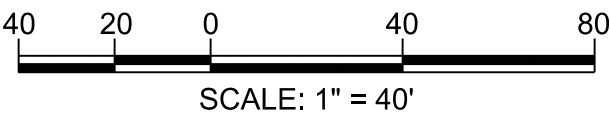
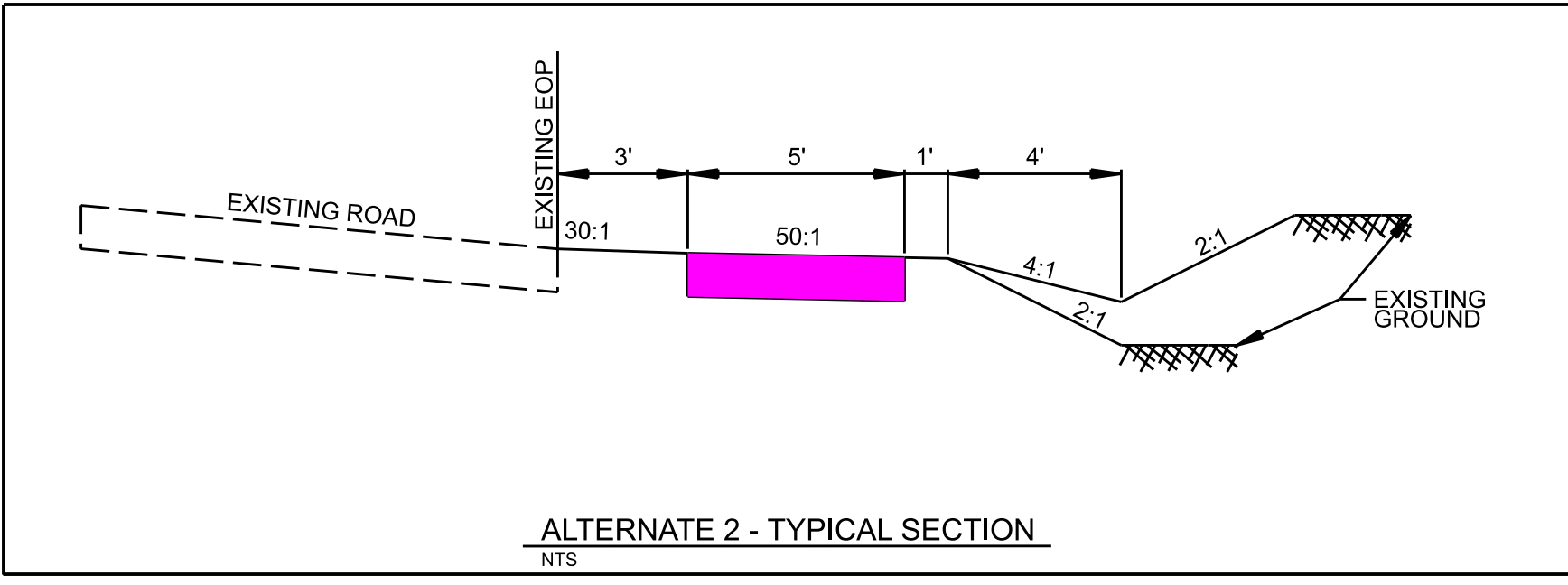
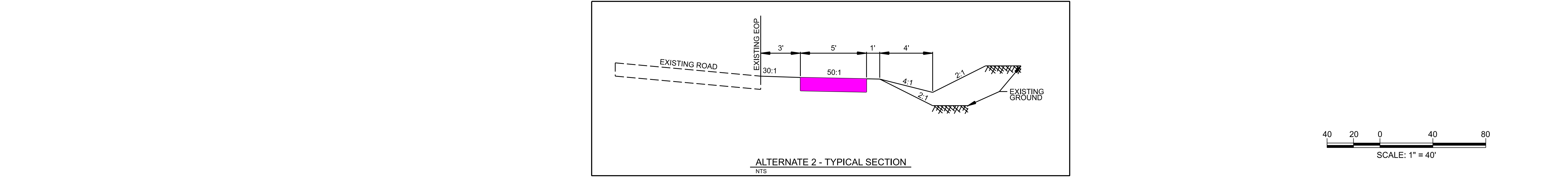
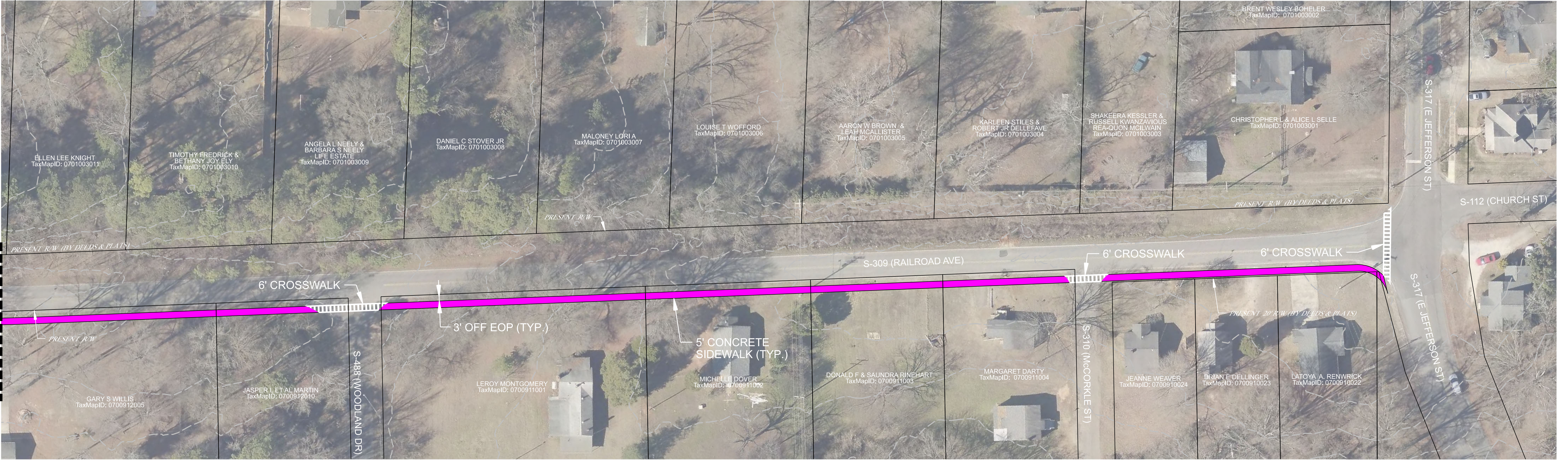
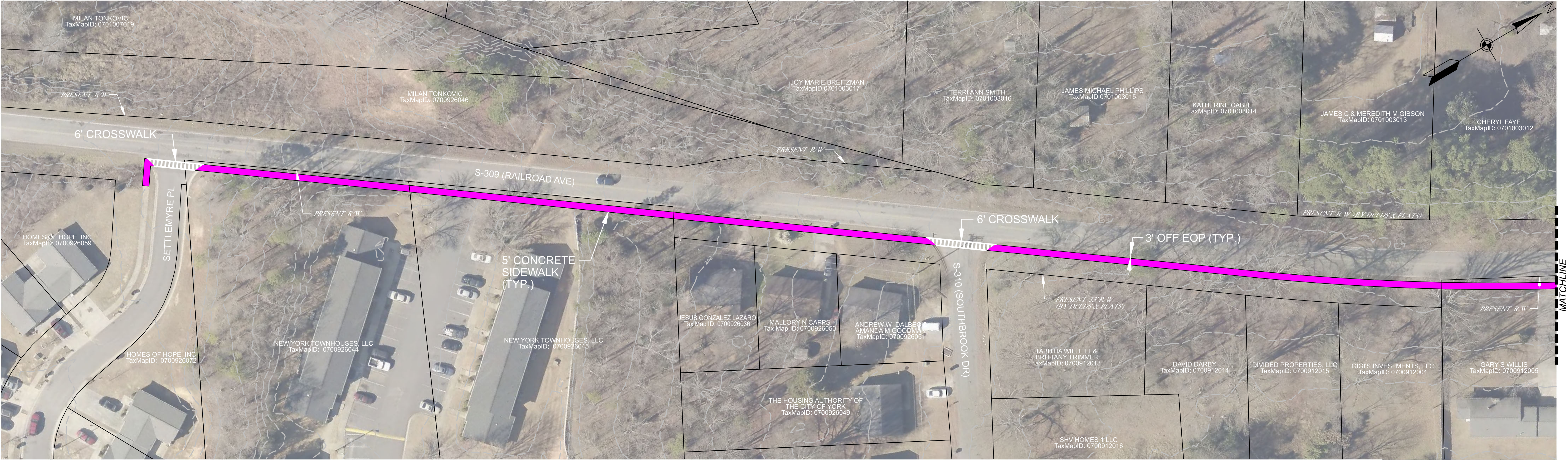
CE: 9868

ISSUED: 06-28-23

SCALE: 1"=40'

CAD FILE: STUDY_ALT 1

C1.0



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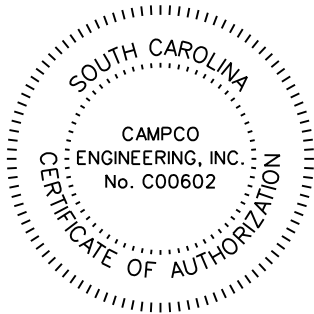
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(803) 327-7121 WWW.CAMPCOENGINEERING.COM

RAILROAD AVENUE SIDEWALK

YORK, SOUTH CAROLINA

| REVISIONS | | |
|-----------|------|-------------|
| NO. | DATE | DESCRIPTION |
| | | |
| | | |
| | | |

SKETCH PLAN- ALTERNATE 2



FOR INFORMATION ONLY

CE: 9868

ISSUED: 06-28-23

SCALE: 1"=40'

CAD FILE: STUDY_ALT 2

C2.0

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2nd, 2024

SUBJECT: First Reading Ordinances 24-712 and 24-713



GENERAL INFORMATION

11.2: First Reading Ordinances 24-12 and 24-713

As part of the City of York Hotel project, First Readings for Ordinances 24-712 and 713 are necessary for purchase and simultaneous transfer for properties from PATH located on S. Congress Street and Mr. Kenneth Jones located on S. Roosevelt Street.

REQUESTED ACTION

Council's Approval of First Reading Ordinance 24-712 and First Reading Ordinance 24-713

ATTACHMENT(S):

- A. Ordinance 24-712
- B. Ordinance 24-713

STATE OF SOUTH CAROLINA
COUNTY OF YORK

)
)
)

CITY OF YORK

ORDINANCE 24-712

AN ORDINANCE APPROVING THE PURCHASE AND SIMULTANEOUS TRANSFER OF REAL PROPERTY WITH POSITIVE AFFIRMATION THROUGH HELPING, INC. AS PART OF THE CITY OF YORK HOTEL PROJECT RELATING TO TAX PARCELS 070-11-01-007 AND 07-016-0157

WHEREAS, City of York (the "Municipality") is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the "Council") is the duly elected governing body of the Municipality;

WHEREAS, the Council is vested with both the power to acquire property and also the authority to sell and dispose of real property owned by the Municipality pursuant to Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws, 1976, as amended;

WHEREAS, the Municipality is the owner of that certain parcel of real property located on South Pacific Drive in the Municipality, identified as 070-16-01-157 (the "COY Property");

WHEREAS, The entity Positive Affirmation Through Helping, Inc. is the owner of certain property on South Congress Street, identified as 070-11-01-007 (the PATH Property");

WHEREAS, the Council has previously entered into an agreement to obtain certain assets and other items under a State of South Carolina Grant of Funds for the specific purpose of assisting with the construction of a Hotel in Downtown York and that part of said agreement is the acquisition of the PATH Property , along with a transfer of the COY Property to Positive Affirmation Through Helping, Inc;

WHEREAS, The Hotel Development Group, CTR, LLC has entered into a valid purchase contract for the PATH Property and has assigned same to the City of York and by the terms of which the PATH Property is to be purchased for \$450,000.00 and the transfer of the COY Property;

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that the Purchase Price and simultaneous transfer of the COY Property, along with the other terms of the Contract and Assignment which is on file with the City of York and available for inspection are reasonable and consistent with the City's prior agreements in relation to the Hotel Project;

WHEREAS, based upon the foregoing, the Council has determined that the purchase and transfer herein, using the State Funds so provide is equitable to, favorable for, and in the best interests of the citizens of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF YORK DULY ASSEMBLED:

SECTION 1: The Council hereby approves the Purchase of the Congress Street property and the Transfer of the South Pacific Property between the City of York and Positive Affirmation Through Helping, Inc.

SECTION 2. Such transfers and conveyance shall be completed by Special Warranty and quitclaim Deeds via the terms of the Agreement as provided and attached hereto. The City Manager is hereby authorized and directed to execute any and all deeds, instruments, affidavits, agreements and/or other documents which may be necessary to effectuate the sale, transfer, and/or conveyance of the Property.

SECTION 3. The Council hereby determines that the process by which the acquisition and transfer were determined to be reasonable was done using fair and objective methodology. As such, the purchase, transfer, and/or conveyance of the Property is hereby exempted from any potentially applicable requirements under the Municipality’s purchasing or procurement code.

SECTION 4. In connection with the purchase, sale, transfer, and/or conveyance of the Property, any actions previously undertaken by the Mayor, the City Manager, the Council, or staff in connection with the negotiation thereof prior to the enactment of this Ordinance are ratified and confirmed.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS __DAY OF ____, 2024.

Mayor Michael D. Fuesser

ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

CITY OF YORK

ORDINANCE 24-713

AN ORDINANCE APPROVING THE PURCHASE OF REAL PROPERTY FROM KENNETH
EUGENE JONES AND ELLEN G. JONES AS PART OF THE CITY OF YORK HOTEL PROJECT
RELATING TO TAX PARCEL 070-11-01-016

WHEREAS, City of York (the "Municipality") is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the "Council") is the duly elected governing body of the Municipality;

WHEREAS, the Council is vested with authority to acquire property and also the authority to sell and dispose of real property owned by the Municipality pursuant to Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws, 1976, as amended;

WHEREAS, The Jones are the owner of certain property on South Roosevelt Street, identified as 070-11-01-016 (the JONES Property");

WHEREAS, the Council has previously entered into an agreement to obtain certain assets and other items under a State of South Carolina Grant of Funds for the specific purpose of assisting with the construction of a Hotel in Downtown York and that part of said agreement is the acquisition of the JONES Property;

WHEREAS, The Hotel Development Group, CTR, LLC has entered into a valid purchase contract for the JONES Property and has assigned same to the City of York and by the terms of which the JONES Property is to be purchased for \$225,000.00;

WHEREAS, the Council hereby determines, as a fact and after appropriate investigation, that the Purchase Price along with the other terms of the Contract and Assignment which is on file with the City of York and available for inspection are reasonable and consistent with the City's prior agreements in relation to the Hotel Project;

WHEREAS, based upon the foregoing, the Council has determined that the purchase and transfer herein, using the State Funds so provide is equitable to, favorable for, and in the best interests of the citizens of the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF YORK DULY ASSEMBLED:

SECTION 1: The Council hereby approves the Purchase of the South Roosevelt Street property from JONES.

SECTION 2. Such transfer and conveyance shall be completed by Special Warranty and via the terms of the Agreement as provided and attached hereto. The City Manager is hereby authorized and directed to execute any and all instruments, affidavits, agreements and/or other documents which may be necessary to effectuate the purchase, transfer, and/or conveyance of the Property.

SECTION 3. The Council hereby determines that the process by which the acquisition was determined to be reasonable was done using fair and objective methodology. As such, the purchase of the Property is hereby exempted from any potentially applicable requirements under the Municipality’s purchasing or procurement code.

SECTION 4. In connection with the purchase and transfer of the Property, any actions previously undertaken by the Mayor, the City Manager, the Council, or staff in connection with the negotiation thereof prior to the enactment of this Ordinance are ratified and confirmed.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS __DAY OF ____, 2024.

Mayor Michael D. Fuesser

ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____

City of York



Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2, 2024

SUBJECT: New Business – Bids & Solicitations

11.2 GENERAL INFORMATION

Bids & Solicitations – City Park Phase II

Staff recently released and held a public bid opening for qualified contractors to improve and build an amphitheater and restrooms located at City Park.

The following responses were received:

| | |
|------------------------------------|-----------|
| D.A. Daniels Construction Services | \$694,142 |
| Salem Builders | \$581,800 |
| Solid Structures | \$695,440 |
| J.M. Cope | \$793,650 |
| Ground Thunder Construction | \$674,970 |
| RNF Construction | \$562,000 |
| Faulkner | \$584,640 |

STAFF RECOMMENDATIONS

Staff recommends awarding this project to RNF based on being the lowest and most responsive bidder, but also after review and verification from Keck & Wood and the Catawba Regional Council of Governments.

ATTACHMENTS

- A. Certified Bid Tabulation for City Park Phase II

REQUESTED ACTION

Council's Approval to award RNF Construction the Bid for City Park Phase II.

BID TABULATION
YORK CITY PARK - PARK IMPROVEMENTS
CITY OF YORK, SOUTH CAROLINA

RECEIVED BY: CITY OF YORK, SOUTH CAROLINA
AT YORK CITY HALL
2:00 P.M., LOCAL TIME, DECEMBER 14, 2023

| | | | | BIDDER NO. 1 RNF Construction, LLC 2657 McFarland Road York, SC 29745 | | BIDDER NO. 2 Salem Builders, LLC P.O. Box 4768 Rock Hill, SC 29732 | | BIDDER NO. 3 Faulkner Development & Engineering, LLC P.O. Box 3 Hickory Grove, SC 29717 | |
|------------------|---|----------|------|---|--------------|--|----------------|---|--------------|
| ITEM NO. | ITEM DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| 1 | Mobilization | 1 | LS | \$15,000.00 | \$15,000.00 | \$5,000.00 | \$5,000.00 | \$45,000.00 | \$45,000.00 |
| 2 | Temporary Measures | 1 | LS | \$3,125.00 | \$3,125.00 | \$10,000.00 | \$10,000.00 | \$5,000.00 | \$5,000.00 |
| 3 | Construction Staking | 1 | LS | \$5,287.50 | \$5,287.50 | \$3,000.00 | \$3,000.00 | \$4,000.00 | \$4,000.00 |
| 4 | Traffic Control | 1 | LS | \$5,000.00 | \$5,000.00 | \$100.00 | \$100.00 | \$2,000.00 | \$2,000.00 |
| 5 | Demolition | 1 | LS | \$1,250.00 | \$1,250.00 | \$8,000.00 | \$8,000.00 | \$12,000.00 | \$12,000.00 |
| 6 | Erosion Control | 1 | LS | \$5,625.00 | \$5,625.00 | \$25,625.00 | \$25,625.00 | \$15,000.00 | \$15,000.00 |
| 7 | Topsoil | 1 | LS | \$2,250.00 | \$2,250.00 | \$12,550.00 | \$12,550.00 | \$8,000.00 | \$8,000.00 |
| 8 | Grading | 1 | LS | \$20,000.00 | \$20,000.00 | \$18,750.00 | \$18,750.00 | \$25,000.00 | \$25,000.00 |
| 9 | Export Unsuitable / Import Suitable Material | 300 | CY | \$25.00 | \$7,500.00 | \$84.00 | \$25,200.00 | \$80.00 | \$24,000.00 |
| 10 | Concrete Sidewalk and Trash Receptacle Pads | 78 | SY | \$119.04 | \$9,285.12 | \$8,653.00 | \$674,934.00 * | \$150.00 | \$11,700.00 |
| 11 | Utility Connections to Restroom | 1 | LS | \$2,687.50 | \$2,687.50 | \$18,850.00 | \$18,850.00 | \$8,000.00 | \$8,000.00 |
| 12 | Amphitheater | 1 | LS | \$312,451.25 | \$312,451.25 | \$320,494.00 | \$320,494.00 | \$259,200.00 | \$259,200.00 |
| 13 | Restroom | 1 | LS | \$127,613.63 | \$127,613.63 | \$61,000.00 | \$61,000.00 | \$94,000.00 | \$94,000.00 |
| 14 | Prepare Landscape Bed | 1 | LS | \$2,500.00 | \$2,500.00 | \$4,500.00 | \$4,500.00 | \$8,000.00 | \$8,000.00 |
| 15 | Relocate Trees | 1 | EA | \$3,125.00 | \$3,125.00 | \$750.00 | \$750.00 | \$2,000.00 | \$2,000.00 |
| 16 | Shrubs | 20 | EA | \$25.00 | \$500.00 | \$55.00 | \$1,100.00 | \$400.00 | \$8,000.00 |
| 17 | Ornamental Grasses | 14 | EA | \$10.00 | \$140.00 | \$90.00 | \$1,260.00 | \$300.00 | \$4,200.00 |
| 18 | Turf Seed | 724 | SY | \$5.00 | \$3,620.00 | \$12.70 | \$9,194.80 * | \$15.00 | \$10,860.00 |
| 19 | Hardwood Mulch | 52 | SY | \$20.00 | \$1,040.00 | \$34.00 | \$1,768.00 | \$90.00 | \$4,680.00 |
| 20 | Electrical System Including Relocation of Existing Pole | 1 | LS | \$34,000.00 | \$34,000.00 | \$46,000.00 | \$46,000.00 | \$34,000.00 | \$34,000.00 |
| TOTAL BID AMOUNT | | | | \$562,000.00 | | \$1,248,075.80 * | | \$584,640.00 | |
| BID BOND | | | | 5% | | 5% | | 5% | |
| NOTE REFERENCE | | | | (1) (2) | | (1) (2) | | (1) (2) | |
| LICENSE NUMBER | | | | SC CLG 120261 | | G119401 | | 121005 | |
| | | | | BIDDER NO. 4 Ground Thunder Construction, Inc. 511 Johnson Road Charlotte, NC 28206 | | BIDDER NO. 5 Solid Structures, LLC 861 Muddy Springs Road Lexington, SC 29073 | | BIDDER NO. 6 J.M. Cope, Inc. 199 S Cherry Road Rock Hill, SC 29732 | |
| ITEM NO. | ITEM DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| 1 | Mobilization | 1 | LS | \$26,500.00 | \$26,500.00 | \$35,441.00 | \$35,441.00 | \$25,000.00 | \$25,000.00 |
| 2 | Temporary Measures | 1 | LS | \$10,000.00 | \$10,000.00 | \$3,734.00 | \$3,734.00 | \$20,000.00 | \$20,000.00 |
| 3 | Construction Staking | 1 | LS | \$3,500.00 | \$3,500.00 | \$2,992.00 | \$2,992.00 | \$11,000.00 | \$11,000.00 |
| 4 | Traffic Control | 1 | LS | \$2,500.00 | \$2,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 5 | Demolition | 1 | LS | \$10,000.00 | \$10,000.00 | \$3,961.00 | \$3,961.00 | \$5,000.00 | \$5,000.00 |
| 6 | Erosion Control | 1 | LS | \$3,500.00 | \$3,500.00 | \$17,952.00 | \$17,952.00 | \$25,000.00 | \$25,000.00 |
| 7 | Topsoil | 1 | LS | \$4,500.00 | \$4,500.00 | \$0.00 | \$0.00 | \$1,000.00 | \$1,000.00 |
| 8 | Grading | 1 | LS | \$18,500.00 | \$18,500.00 | \$37,500.00 | \$37,500.00 | \$20,000.00 | \$20,000.00 |
| 9 | Export Unsuitable / Import Suitable Material | 300 | CY | \$25.00 | \$7,500.00 | \$150.00 | \$45,000.00 | \$85.00 | \$25,500.00 |
| 10 | Concrete Sidewalk and Trash Receptacle Pads | 78 | SY | \$115.00 | \$8,970.00 | \$111.41 | \$8,689.98 * | \$70.00 | \$5,460.00 |
| 11 | Utility Connections to Restroom | 1 | LS | \$4,500.00 | \$4,500.00 | \$35,625.00 | \$35,625.00 | \$18,000.00 | \$18,000.00 |
| 12 | Amphitheater | 1 | LS | \$399,200.00 | \$399,200.00 | \$278,491.00 | \$278,491.00 | \$400,000.00 | \$400,000.00 |
| 13 | Restroom | 1 | LS | \$99,000.00 | \$99,000.00 | \$137,622.00 | \$137,622.00 | \$193,286.00 | \$193,286.00 |
| 14 | Prepare Landscape Bed | 1 | LS | \$2,600.00 | \$2,600.00 | \$7,245.00 | \$7,245.00 | \$2,000.00 | \$2,000.00 |
| 15 | Relocate Trees | 1 | EA | \$1,000.00 | \$1,000.00 | \$2,184.00 | \$2,184.00 | \$1,000.00 | \$1,000.00 |
| 16 | Shrubs | 20 | EA | \$50.00 | \$1,000.00 | \$269.50 | \$5,390.00 | \$185.00 | \$3,700.00 |
| 17 | Ornamental Grasses | 14 | EA | \$71.43 | \$1,000.02 * | \$85.50 | \$1,197.00 | \$185.00 | \$2,590.00 * |
| 18 | Turf Seed | 724 | SY | \$5.53 | \$4,003.72 * | \$5.71 | \$4,134.04 * | \$11.00 | \$7,964.00 |
| 19 | Hardwood Mulch | 52 | SY | \$100.00 | \$5,200.00 | \$58.70 | \$3,052.40 * | \$20.00 | \$1,040.00 |
| 20 | Electrical System Including Relocation of Existing Pole | 1 | LS | \$62,000.00 | \$62,000.00 | \$65,230.00 | \$65,230.00 | \$15,000.00 | \$15,000.00 |
| TOTAL BID AMOUNT | | | | \$674,973.74 * | | \$695,440.42 * | | \$782,540.00 * | |
| BID BOND | | | | 5% | | 5% | | 5% | |
| NOTE REFERENCE | | | | (1) (2) | | (1) (2) | | (1) (2) | |
| LICENSE NUMBER | | | | 112106 | | G115069 | | | |

NOTES:

* DENOTES CORRECTED VALUE

(1) SURETY COMPANY LISTED ON U. S. TREASURY CIRCULAR 570 (7/1/23).
(2) BIDDER ACKNOWLEDGED RECEIPT OF ADDENDUM NO. 1.

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF BIDS RECEIVED AT THE TIME AND PLACE STATED ABOVE. BIDS WERE SEALED WHEN RECEIVED AND OPENED AND READ ALOUD IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.


KECK & WOOD, INC.

12/15/23
DATE

City of York

Memo

TO: Mayor & Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2, 2024

SUBJECT: Resolutions 24-01 and 24-02



11.3 GENERAL INFORMATION

Resolution 24-01, February Council Meeting Date Change

Due to Council attending HLAD on February 6-7, 2024, the regular Council meeting will be changed to Monday February 5, 2024 at 6:00pm. Attending HLAD provides Council opportunities to stay apprised of legislative issues and visit local legislators. A quorum of Council will be together on February 6th and 7th, 2024, as they are visiting other legislators and have training together.

Resolution 24-02, Risk Management

Every year, York Fire Department emphasizes the importance of safety to all employees and that each employee should strive for the highest standards possible while on duty. A Resolution is provided that gives information pertaining to City's commitment to safety in all areas.

ATTACHMENT(S):

- A. Resolution 24-01
- B. Resolution 24-02

REQUESTED ACTION

Council's Approval of Resolutions 24-01 and 24-02

STATE OF SOUTH CAROLINA

)

COUNTY OF YORK

)

)

CITY OF YORK

RESOLUTION 24-01

WHEREAS, the City of York holds its regular meeting on the first Tuesday of each month at 6:00pm in Council Chambers at City Hall; and

WHEREAS, Council finds it necessary to reschedule its regular meeting for the month of February in order for Members to attend the Hometown Legislative Action Day meeting in Columbia, SC hosted by the Municipal Association of South Carolina; and

WHEREAS, the purpose of Hometown Legislative Action Day is to bring municipal leaders together to receive updates on current legislative issues, visit local legislators at the State House and connect with other legislators at the Association's annual legislative reception; and

WHEREAS, a quorum of Council will also be attending the Municipal Elected Officials Institute training on Wednesday, February 7th to gain greater knowledge and insight to better serve the people of York.

NOW, THEREFORE, BE IT RESOLVED by the City Council of York, South Carolina that the February regular meeting of Council be rescheduled for February 5, 2024, at 6:00pm.

ADOPTED in Council of the City of York, South Carolina, duly assembled this 2nd day of January 2024.

Michael D. Fuesser, Mayor

ATTEST: _____
Municipal Clerk

STATE OF SOUTH CAROLINA

COUNTY OF YORK

)
)
)

CITY OF YORK

RESOLUTION 24-02

WHEREAS, the City of York realizes that it has the responsibility to provide a safe work environment for its employees and that each pursue the highest standards in his/her assigned activities, all municipal employees must recognize that the wellbeing of persons involved in the protection of our physical resources is as important as the activity and work being performed.

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

The City of York has established a risk management committee to propose risk management policy to Council for adoption. The risk management coordinator will monitor compliance with adopted policies on a continuing basis;

The City of York has appointed a risk management coordinator who has been assigned the responsibility of organizing the overall safety and loss control efforts, review losses and loss trends, make recommendations for prevention, prompt training and awareness and assign other safety responsibilities as needed;

Each employee will be responsible for his/her own personal safety and for the safe completion of assigned tasks. The City requires its employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible;

The City of York recognizes the need to manage public funds prudently. It further recognizes that municipal government, with its full range of services, is considered a high-risk operation;

The City of York is dedicated to managing the risks of providing services for its citizens and will do all it can to prevent losses and create a safe workplace for employees. Recognizing that losses will inevitably occur; the City considers no losses acceptable and will make efforts to identify and treat all loss exposures;

BE IT FURTHER RESOLVED that the City of York is committed to doing all in its power to make its safety and loss control program a success and expects all employees to assist in this effort by contributing expertise and by following all established rules and procedures.

ADOPTED in Council of the City of York, South Carolina, duly assembled this 2nd day of January 2024.

Michael D. Fuesser, Mayor

ATTEST: _____
Municipal Clerk

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: January 2, 2024

SUBJECT: 2024 Council Schedule



GENERAL INFORMATION

2024 Council Schedule

MASC recommends adopting an annual schedule for Council meetings. The schedule proposed reflects February 5, 2024, so Council may attend HLAD on February 6-7, 2024. Also, January 16, 2024, is proposed to allow City employees to have time off to observe Martin Luther King, Jr. Day on January 15, 2024.

REQUESTED ACTION

Approval of 2024 Council Schedule

ATTACHMENT(S):

A. 2024 Council Schedule



City Council Meeting Schedule 2024

| Council Meetings and Work Sessions | |
|------------------------------------|----|
| Meeting Date: | |
| Jan | 2 |
| Jan | 16 |
| Feb | 5 |
| Feb | 19 |
| Mar | 5 |
| Mar | 18 |
| Apr | 2 |
| Apr | 15 |
| May | 7 |
| May | 20 |
| June | 4 |
| June | 17 |
| July | 2 |
| July | 15 |
| Aug | 6 |
| Aug | 19 |
| Sept | 3 |
| Sept | 16 |
| Oct | 1 |
| Oct | 21 |
| Nov | 5 |
| Nov | 18 |
| Dec | 3 |

No December Work Session. All dates subject to change