

**MAYOR**  
Michael D. Fuesser

**MAYOR PRO TEM**  
Edward Brown

**CITY MANAGER**  
Dalton Pierce, MPA



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

**CITY CLERK**  
Amy Craig

**York City Council**  
**Meeting Agenda**  
**Monday, February 5, 2024**  
**Meeting at 6:00 PM**

1. **WELCOME AND CALL TO ORDER** **MAYOR MIKE FUESSER**
  
  2. **PRAYER** **MAYOR PRO TEM ED BROWN**
  
  3. **PLEDGE OF ALLEGIANCE** **MAYOR MIKE FUESSER**
  
  4. **PRESENTATIONS**
    - 4.1. Boards & Commissions Reappointments **PLANNING DIR. DAVID BREAKFIELD**
    - 4.2. New Employee – Sam Totherow **FIRE CHIEF M. REGAL**
    - 4.3. New Employee – Brayden Prater **FIRE CHIEF M. REGAL**
    - 4.4. Promotion – Scott Shillinglaw **FIRE CHIEF M. REGAL**
    - 4.5. Promotion – Zach Meek **FIRE CHIEF M. REGAL**
  
  5. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**
  
  6. **CITY MANAGER’S REPORT** **CITY MANAGER DALTON PIERCE**
    - 6.1. Water System – Dracs RTU Monitoring System Update
    - 6.2. S. Congress Street Hotel Project Update
    - 6.3. City of York GIS Enterprise
  
  7. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
    - 7.1. Council Meeting January 2, 2024\*
    - 7.2. Council Work Session January 16, 2024\*
  
  8. **MONTHLY FINANCIAL REPORT** **FINANCE DIRECTOR JEFF WILKINS**
  
  9. **OLD BUSINESS**
    - 9.1 ORDINANCES:
      - Second Reading Ordinance 24-712, Purchase of Property - PATH\*
      - Second Reading Ordinance 24-713, Purchase of Property - Jones\*
- \* Denotes Vote Required**

## 10. NEW BUSINESS

### 10.1 BIDS & SOLICITATIONS:

- Intent to Award the Fishing Creek WWTP Improvement Project\*

### 10.2 SPECIAL EVENTS APPLICATIONS:

- Carriage Rides
- International Women's Day
- March for the Heart 5k\*
- Juneteenth Celebration\*
- Summer Concert Series\*
- 4<sup>th</sup> of July Celebration\*

### 10.3 ORDINANCE(S):

- First Reading Ordinance 24-714, Subdivision Speed Limit Standard\*
- First Reading Ordinance 24-715, Urban Camping\*
- First Reading Ordinance 24-716, Construction Debris Chapter 36 Article II Sec. 36-46 (a) 5 Amendment\*

### 10.4 POLICIES:

- Anti-Fraud Policy\*
- First Amendment Auditor Policy\*
- Street Acceptance Policy\*
- Capital/Fixed Asset Policy\*

### 10.5 DISCUSSION(S):

- FY24-25 Budget Schedule\*
- First Tryon Advisors\*

## 11. MAYOR'S REPORT

MAYOR MIKE FUESSER

## 12. EXECUTIVE SESSION

12.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements

12.2 Discussion of Negotiations Incident to Proposed Contractual Arrangements

12.3 Discussion of Proposed Sale or Purchase of Property

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

## 14. ADJOURN

*\* Denotes Vote Required*

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5<sup>th</sup>, 2024

**SUBJECT:** City Manager's Report

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### **GENERAL INFORMATION**

#### **6.1: Water System - Dracs RTU Monitoring System Update**

In the FY23-24 Budget City Council approved the Dracs RTU Monitoring System upgrade, which has been much needed. On 1/23/2024 @ 4:30 pm, we went live with the Dracs Monitoring system for the Water towers and booster station. The new system replaces the 2-part Sci-text/VT- SCADA which used a volatile cellular communication method and outdated PLCs. Often the cellular provider would see the repeated frequency and shut it down thinking it was automated text or spam, this would lead to Tower overflows or extremely low levels and constant monitoring by operators after hours and weekends.

The Dracs system uses a true broadband, a secure VT-SCADA that is monitored by Lord & Company 24/7 alerting operators of any high/low tank levels and pump abnormalities. The system also allows for secured remote access by operators for field monitoring and maintenance. Examples would be closing altitude valves in the event of leaks and opening other valves to keep system pressure and reduce water loss. Lord & Company continues to monitor the cycles and fine-tune the fill, overflow, and valve close levels. Training for operators and staff was completed on January 25, 2024.

#### **6.2: S. Congress St. Hotel Project Update**

On January 24, 2024, City Staff met with Raines Co. and Keck & Wood for the hotel project today to discuss the site plan and architectural components (See attached presentation). The project is set to be at the March 2024 BAR meeting and the March 2024 BZA meeting.

#### **6.3: City of York GIS Enterprise**

The City of York began the development of its GIS enterprise system in January 2024. A few key ways GIS benefits the City are Better Government Communications with Citizens, Resource Savings, Better Access to Property Records, Identifying Trends, Improve Efficiency, Streamline Citizen Engagement, Monitor Change, and Make Better-Informed Decisions to name a few. Local government agencies, such as city and county departments, should be taking advantage of the many benefits that geospatial technology has to offer. Geospatial technology is data that is collected and analyzed in relation to geographic locations. Lastly, Geospatial technology is a powerful tool that should not be overlooked by local government agencies and departments. By leveraging this type of technology, these entities can make better decisions about how to best serve their communities. Attached is a sample map of ongoing residential development with total units and total COs as of January 2024.

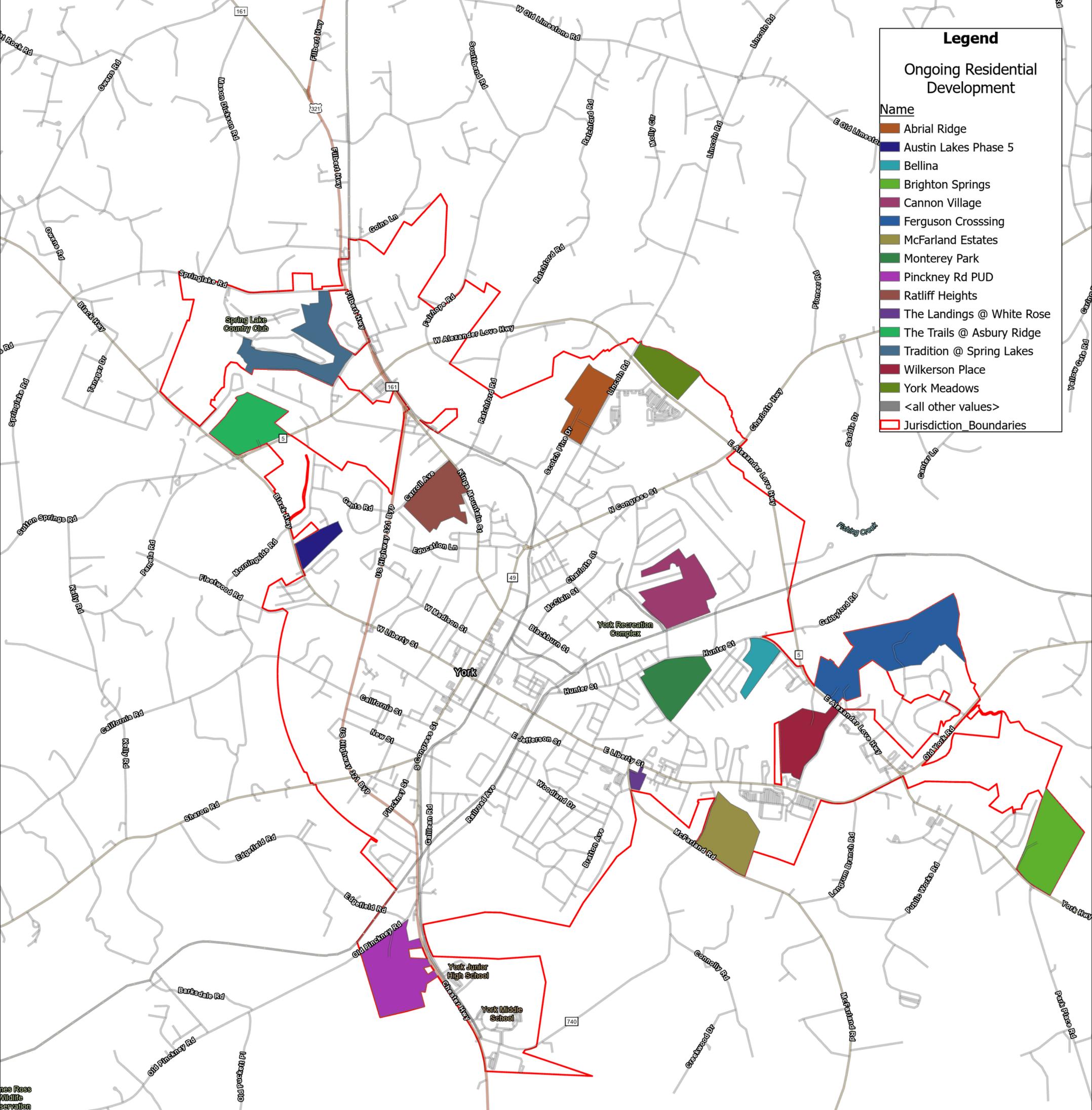
### **REQUESTED ACTION**

General Information

### **ATTACHMENT(S):**

GIS Map – Ongoing Residential Development: Total Units vs. Cos as of January 2024

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**Legend**

Ongoing Residential Development

Name

- Abrial Ridge
- Austin Lakes Phase 5
- Bellina
- Brighton Springs
- Cannon Village
- Ferguson Crossing
- McFarland Estates
- Monterey Park
- Pinckney Rd PUD
- Ratliff Heights
- The Landings @ White Rose
- The Trails @ Asbury Ridge
- Tradition @ Spring Lakes
- Wilkerson Place
- York Meadows
- <all other values>
- Jurisdiction Boundaries

#	NAME	TOTAL UNITS	Percent Complete
1	Abrial Ridge	128	98%
2	Austen Lakes Phase 5	62	100%
3	Bellina	75	0%
4	Brighton Springs	173	0%
5	Cannon Village	209	0%
6	Fergus Crossroads	353	0%
7	McFarland Estates	159	0%
8	Monterey Park	157	38%
9	Pinckney Road PUD	282	0%
10	Ratliff Heights	133	0%
11	The Landings at White Rose	40	83%
12	The Trails at Asbury Ridge	152	33%
13	Tradition at Spring Lakes	153	0%
14	Wilkerson Place	145	17%
16	York Meadows	155	0%
<b>Total</b>		<b>2,376</b>	<b>15%</b>



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# City Council Meeting January 2, 2024

**DATE AND TIME:** Tuesday, January 2, 2024, 6:00 PM

**Members Present:**

Mayor Mike Fuesser  
Mayor Pro Tem Ed Brown  
Councilmember Matthew Hickey

Councilmember Stephanie Jarrett  
Councilmember Kellie Harrold  
Councilmember Marion Ramsey

**Members Absent:**

Councilmember Charles Brewer

**Staff Present:**

City Manager Dalton Pierce  
Municipal Clerk Amy Craig  
Police Chief Brian Trail  
Utilities Director Ben Wright  
Fire Chief Mike Regal

Human Resources Director Sarah Ramirez  
Community Engagement Director Becky Mestas  
Finance Director Jeff Wilkins

**Participants:**

**Others Present:**

(See Sign-in Sheet)

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1. **WELCOME AND CALL TO ORDER** Mayor Mike Fuesser
    - Mayor called the meeting to order at 6:00 pm
  2. **PRAYER** Mayor Pro Tem Ed Brown
  3. **PLEDGE OF ALLEGIANCE** Mayor Mike Fuesser
  4. **PRESENTATIONS**
    - 4.1. New Employee – Larry Neely  
Police Chief Brian Trail introduced Larry Neely as the new police officer for York Police Department.
    - 4.2. New Employee – Steve Henderson  
Police Chief introduced Steve Henderson as the new dispatcher for the York Police Department.
  5. **PUBLIC HEARING**
    - 5.1 Second Reading Ordinance 23-711, Surety Specification Requirements  
  
*\*\*No public comments were made.\*\**
  6. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**

Bryce Cook, a resident and representative for other residents of Railroad Avenue, shared thoughts, opinions, and concerns regarding the sidewalk Alternative chosen by Council. Council chose Alternative 2, but the residents feel it is best to choose Alternative 1 due to the foot traffic origin, safety, driveway, property and environmental impact, costs, utility impact, and resident preference. Overall, the Railroad Avenue residents would like Council to reject the current plans and reconsider Alternative

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# City Council Meeting January 2, 2024

1. Mr. Cook provided a copy of the email he sent out and 14 signatures from residents of Railroad Avenue.

Tony Smith, a residential home builder, stated that he now owns property on Railroad Avenue across from the area previously mentioned. He stated that he stood before Council and received approval for rezoning from commercial to residential. He stated that Alternative 1 comes to his side of the road and the strangely shaped lots will make him lose frontage property and he will not have room to build houses. Mr. Smith proposed keeping Alternative 2 going to Southbrook Drive and adding a crosswalk there. His purpose for proposing to keep Alternative 2 is that it would not affect anyone.

## 7. CITY MANAGER'S REPORT

### 7.1 Liberty Street Water Line Update

City Manager Dalton Pierce stated that the City is continuing to work with Keck & Wood on the water lines, in addition to addressing issues with Georgia Avenue. Adding N. Roosevelt Street may cause a longer delay, so it may not be achievable. The City should have bids out around the end of February or middle of March. The City is still ahead of schedule as far as requirements through the SCIP and RIA grants.

### 7.2 WWTP Update

City Manager Dalton Pierce provided an update for the Waste Water Treatment Plant and stated that a pre-bid meeting was held on December 13, 2023, and a Bid opening will be held on January 16, 2024, at 2:00pm. The City hopes to capture several bidders as 6-7 contractors attended the pre-bid meeting. There has been an increase in activity since the Batting Cage and City Park Phase II bids.

## 8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

### 8.1. Council Meeting December 5, 2023

Councilmember Ramsey made a Motion to accept the Minutes into the record as they are, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved unanimously.

## 9. MONTHLY FINANCIAL REPORT

Finance Director Jeff Wilkins presented an overview of the Quarter 1 Budget. Currently, there is approximately \$1million in debt service, but next year, the debt service will be paid off. The 1<sup>st</sup> quarter always reflects expenses higher than the revenues. Once the property taxes, SRO reimbursements, and Business License fees begin to come in, this will progressively change. Franchise fees will begin to show revenue in January, which will help offset the expenditures over revenues.

## 10. OLD BUSINESS

### 10.1. ORDINANCES:

- Second Reading Ordinance 23-707, Business License State Mandated Revisions  
The State is requiring additional mandates and relatively minor changes to the City's Business License Ordinance. The revisions mostly pertain to the fee schedule and related issues. Councilmember Jarrett made a Motion to approve Second 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.
- Second Reading Ordinance 23-708, EDIP Ordinance Raines Co.  
City Council approved a comprehensive Economic Development Agreement between the City of York and Raines Co. on November 7, 2023. Staff requests the approval of the Second Reading to referencing the recently approved EDA and outlining incentives to the incentive recipient Raines Co. per Ordinance 17-390 Section 2-430.

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# City Council Meeting January 2, 2024

Councilmember Ramsey made a Motion to approve Second Reading Ordinance 23-708, EDIP Ordinance Raines Co., which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- Second Reading Ordinance 23-709, Sale of Property

Property at Lake Caldwell needs to be sold due to the pumphouse for the City being located 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.

Councilmember Hickey made a Motion to pass Second Reading Ordinance 23-709, Sale of Property Lake Caldwell, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- Second Reading Ordinance 23-710, Purchase of Property

Property at Lake Caldwell needs to be purchased due to the pumphouse for the City being located 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.

Councilmember Ramsey made a Motion to approve Second Reading Ordinance 23-710, Purchase of Property Lake Caldwell, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- 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.

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

## 10.2. DISCUSSION:

- Railroad Avenue Sidewalk Project

City Manager Dalton Pierce stated that this project is coming back before Council due to a community meeting that was held on December 18, 2023, There was a fair amount of participation, which was needed and appreciated. On July 11, 2023, Alternative 1 and Alternative 2 options were provided, with a recommendation from the engineering firm for Alternative 1. After careful evaluation, Council chose Alternative 2. City Manager Pierce stated that he spoke with the engineering firm about possible issues that could arise from the sidewalk being on the other side of the street. Also, he stated that if Council desired to choose Alternative 1, then now is the time. There will be approximately \$108,000 difference, but design and surveying will more than likely cause it to be equivalent. City Manager Pierce inquired of Council's thoughts due to him needing to get back to the appraiser rather quickly.

Councilmember Ramsey made a Motion to go with Alternate 1, which was Seconded by Councilmember Harrold. In Discussion, Council inquired how far down the sidewalk would go, which was verified from East Jefferson Street to the apartments located at Settlemyre Place. Council's main concern is the safety of the children in the area having to go into the street to avoid cars that would be parked on the sidewalk. Council asked if they could take additional time to discuss more options. Not meeting again until February will further delay the project, so City Manager Pierce recommended moving forward. With no other Discussion, Council voted by a show of hands and the Motion failed due to lack of majority vote in favor, with Councilmembers Fuesser, Hickey, and Jarret voting in opposition.

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# City Council Meeting January 2, 2024

## 11. NEW BUSINESS

### 11.1 DISCUSSION:

- Mayor Pro Tem Nominations

Mayor Fuesser stated that every two years after the election, nominations for the Mayor Pro Tem position are taken by Council and provided a list of duties fulfilled by the Mayor Pro Tem. Councilmember Ramsey made a Motion to nominate Councilmember Ed Brown, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.

### 11.2 ORDINANCES:

- First Reading Ordinance 24-712, Purchase of Property - PATH

City Manager Dalton Pierce stated that the EDA with Raines Co. for the hotel project has 3 parcels of land and the developer has been working with PATH and Kenny Jones. State allocated appropriation funds are being used to purchase these properties and they should be closed soon. Councilmember Jarrett made a Motion to approve First Reading Ordinance 24-712, Purchase of Property – PATH, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously.

- First Reading Ordinance 24-713, Purchase of Property - Jones

Councilmember Ramsey made a Motion to approve First Reading Ordinance 24-713, Purchase of Property – Jones, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

### 11.3 BIDS & SOLICITATIONS:

- City Park Phase II

City Manager Dalton Pierce stated that a recent bid opening was held for City Park Phase II. Seven contractors submitted bids for the project. The recommendation is for RNF Construction to be awarded the bid for being the lowest and most responsive bidder. The bid has exceeded the budgeted amount for this project, but the City is working with Catawba Regional Council of Governments for an amendment and submitted a Letter of Commitment to the Land and Water Conservation Fund. City Manager Pierce will continue to keep Council updated on the grant. He also wanted to note that these bids are good for 60 days, so this could come back to Council.

Councilmember Jarrett made a Motion to move forward with the Bids & Solicitations project to RNF, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

### 11.4 RESOLUTIONS:

- Resolution 24-01, February Council Meeting Date Change

Council will be attending HLAD on February 6-7, 2024, in Columbia, so the meeting date for February will change for this reason.

Councilmember Hickey made a Motion to approve Resolution 24-01, February Council Meeting Date Change from February 6<sup>th</sup> to February 5<sup>th</sup>, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- Resolution 24-02, Risk Management

The Resolution for Risk Management states that the City has the responsibility to provide a safe work environment for its employees and will follow policy to continue safe practices.

Councilmember Ramsey made a Motion to approve Resolution 24-02, Risk Management, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

### 11.5 COUNCIL SCHEDULE:

- Annual 2024 Council Meeting Schedule

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# City Council Meeting January 2, 2024

A Council meeting schedule has been provided for the 2024 calendar year. Adopting a calendar each year is a best practice suggestion from MASC.

Councilmember Ramsey made a Motion to adopt Annual 2024 Council meetings, which was Seconded by Councilmember Hickey. With no Discussion, the Motion was adopted unanimously.

## 12. MAYOR'S REPORT

- Western York County NAACP MLK Breakfast  
Mayor Fuesser reminded everyone that tickets are still available for the MLK breakfast on Friday, January 12, 2024, at 8:00am. The guest speaker is the City's own, Sergeant Pierre King from York Police Department. The breakfast will be held at Liberty Church in York.
- Western York County NAACP MLK Parade  
Mayor Fuesser reminded everyone that the MLK parade will be held on January 13, 2024, at 1:00pm. Staging will be held at Madison and Roosevelt. The parade will follow the same route as does annually which is Madison down to Jefferson Field.

## 13. EXECUTIVE SESSION

### 13.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements

Councilmember Ramsey made a Motion to leave Regular Session and 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 Councilmember Hickey. The Motion was adopted unanimously.

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

*\*\*No action taken\*\**

## 15. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously. The Meeting Adjourned at 7:28pm.

Respectfully Submitted,



Amy Craig  
Municipal Clerk

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# City Council Work Session January 16, 2024

**DATE AND TIME:** Tuesday, January 16, 2024, 5:00 PM

**Members Present:**

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

Councilmember Stephanie Jarrett  
Councilmember Kellie Harrold  
Councilmember Charles Brewer

**Members Absent:**

**Staff Present:**

City Manager Dalton Pierce  
Municipal Clerk Amy Craig  
Police Chief Brian Trail  
Finance Director Jeff Wilkins  
Planning Director David Breakfield

Fire Chief Mike Regal  
Human Resources Director Sarah Ramirez  
Utilities Director Ben Wright  
Community Engagement Director Becky Mestas  
Parks & Rec Director Chris White

**Participants:**

**Others Present:**

(See Sign-in Sheet)

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- |  |                        |
|--|------------------------|
| <b>1. WELCOME AND CALL TO ORDER</b>            | Mayor Mike Fuesser     |
| • Mayor called the meeting to order at 5:00 pm |                        |
| <b>2. PRAYER</b>                               | Mayor Pro Tem Ed Brown |
| <b>3. PLEDGE OF ALLEGIANCE</b>                 | Mayor Mike Fuesser     |
| <b>4. PRESENTATIONS</b>                        |                        |
| 4.1. Jefferson Remembered 1888-1970            |                        |

Phyllis Moore-Ward, Interim Chair for Jefferson Remembered 1888-1970, stated that the Jefferson group formed in July 2023 to document, commemorate, and preserve Jefferson's legacy. Membership consists of anyone that attended Jefferson for one day. The oldest living Jeffersonian is Mrs. Josie Guthrie, who is 103 years old and was in the graduating class of 1939. The group knows and understands that Jefferson Field Park is owned by the York School District and that the City of York has a lease on Jefferson Field Park. Mrs. Ward stated that her presentation is on behalf of the Jeffersonians because the group holds a deep love for Jefferson Field, and it has played a significant role for the group's time at Jefferson. Mrs. Ward's focus is the preservation of Jefferson. Mrs. Ward expressed her desire for the \$325,000 in impact fees to be reallocated to Jefferson Field Park.

Kelly Coxe, Superintendent for York School District One, stated that the school district does own the property at Jefferson Field and has no intention of disposing of this property. Mrs. Coxe further stated that with all of the growth within the district, especially within the City, there could be a time in which this property could be needed for expansion. Mrs. Coxe read three paragraphs from the

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## City Council Work Session January 16, 2024

lease agreement that pertained to the 10 years lease, which states, “the agreement would end in 2029, the City was obligated to maintain the property in a condition suitable for use as a public park and playground, and the City has the intent to purchase playground equipment and install on the property.” The district agrees that the City may install playground equipment on the property. Mrs. Coxe stated that she is asking that the City honors what is in the lease agreement that was signed.

Cynthia Bradford stated that the community has been outspoken in opposition to the current plan for the City to use thousands of impact fee dollars towards upgrading a dilapidated park that has been otherwise ignored and deprived of maintenance for decades. She stated that she understands the City’s intentions are in the right place and they appreciate the gesture, but their belief is one shiny, new park with a basketball hoop does not compensate for years of neglect in the southwest quadrant of York. Mrs. Bradford expressed that these funds would be more appropriately used to fulfill the promise of Jefferson Field, which is both geographically and sentimentally the heart of the City’s African-American community. Also, Mrs. Bradford recommended that the City build up in phases, for example, all the capital improvement features for the Green Street Park can be implemented for Jefferson Field Park, which includes a basketball court, play area for children, picnic pavilion, sidewalks, and benches. She stated that this could be considered as Phase I.

Holly Starnes stated that in 1977, her aunt fought to not have Jefferson High School torn down. She stated that one way to get a community to forget its strength is to remove the reminders of that strength, which in this case is Jefferson High School. Jefferson High School was a structure that symbolizes the resilience courage, and strength of this community. Ms. Starnes stated that she is surprised she is in front of Council again since Council had said they would take into consideration the requests of the Jefferson community back in September. She had two questions for Council, which were 1) Does the revitalization of the concrete slab on Green Street include a parking lot? 2) Are there going to be sidewalks and street improvements? Also, she inquired if this park would have the same items as the York Rec Complex, such as a walking trail, playground, picnic area, court, etc.? She requested that Council make their community a priority.

Melissa McKnight-Rouse, on behalf of the Western York County NAACP, stated that a letter was sent to City Council expressing concerns for Council to honor its intended lease agreement with York School District for playground equipment to be purchased and installed on Jefferson Field and allows for additional improvements. She stated that focus point 3 in the 2021 Strategic Plan addresses the community’s concerns, which is “A dynamic community which builds and maintains a community that is inclusive, attractive, family oriented, and supportive for all residents.” She stated that a playground at Jefferson Field would be a lifeline for children and adults as it would be inclusive, attractive, family oriented, and supportive for all residents. As citizens of the City of York, she asked that their needs be placed at the forefront instead of an afterthought by the governing body.

Council and Superintendent Kelly Coxe discussed the future of the land if turnover occurred within the school district or if the school district needed the land for expansion. It was confirmed that the lease states, “that if and when the lease should ever end or not be extended, that the City would return the property back to its natural state to the school district to be utilized.” It was clarified that the City would then have to remove everything on the property and the school district would build a new facility in its place. Council inquired if the School District would be open to extending the lease at least the life of the playground equipment, in which Superintendent Kelly Coxe replied that the item would have to go before the school board. Council stated that they are not opposed to putting money into the park. Council is only opposed to putting money into a park when the lease agreement is not friendly to the life of the playground. Superintendent Kelly Coxe stated that if

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# City Council Work Session January 16, 2024

Council were to propose an amendment to the lease that it could be taken to the school board for their consideration. The money would have to come from the General Fund, rather than the Impact Fees based on the grant regulations. Superintendent Kelly Coxe stated that the School District does not have any interest to expand on the property in question, but rather on Highway 5 near Ernest Road at this time.

## 5. DISCUSSIONS

### 5.1 Jefferson Field

A meeting was held for Jefferson Field on December 13, 2023, in regard to the Green Street Park Project. Council stated a lease agreement referencing the equipment to remain for its usable lifespan and open to the community regardless of school district would be necessary to make the investment worthwhile. An Interim City Manager signed the agreement previously and when it went before Council at a Work Session in November 2019, \$50,000 was allotted for playground equipment. In that Work Session, Council decided not to go further due to age appropriateness of the playground equipment. From 2019 until 2023, this issue was not brought to Council. The Mayor recommended that they should honor the lease or make adjustments to the lease. Council discussed the various Phases brought forth by the community. To include the walking trails and other items that would include seniors and children is a great idea, but Council cannot put money in something they do not own and lose it all. Council further expressed that Impact Fees cannot be used for rented property and it would be more reasonable to invest the \$50,000 originally allotted and build from there. Council stated they would like to have a meeting to discuss this matter with everyone at one time, rather than separately. Renovating the parks that the City did own was going to be a great start to making the communities more viable. The biggest issue is that the City does not own the property, which ties Council's hands.

City Manager Dalton Pierce provided a presentation of Green Street Park and potential renovations for it and other parks the City owns.

### 5.2 Anti-Fraud Policy

The auditors recommended that the City put into place an Anti-Fraud policy. The policy is to safeguard the reputation and financial viability of the City. It is a good regulatory tool to look back over policies as things change and evolve over time.

### 5.3 First Amendment Auditor Policy

Citizens have the right to walk into a building and video record and ask questions. Municipalities also have the right to regulate conduct to ensure the orderly operation of municipal functions and to protect the rights of their employees and private visitors. The step City of York has implemented is the electronic doors. Signs are being installed and more will continue to be installed.

### 5.4 Street Acceptance Policy

Street Acceptance Policies are Standard Operating Procedures, which allows the City to collect data needed and placed into record. Auditors will be able to see properties taken over by the City through the Minutes.

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# City Council Work Session January 16, 2024

Council inquired how the City was handling the inspections, in which Utilities Director Ben Wright responded that the City now has an Inspections Department that employees 2 people that will be trained and certified. Staff is working to have more education and credentials. The City is trying to provide as many safeguards as possible.

## 5.5 Capital/Fixed Asset Policy

City Manager Dalton Pierce provided a list of capital and fixed assets. The City is working towards having an accurate list of assets. This will help the City develop more internal controls.

## 5.6 Subdivision Speed Limit Standard

City Manager Dalton Pierce stated that York Police Department has done traffic studies for the new subdivisions. Statute 56-5-710 gives the City the right to set the speed limit in the subdivisions. Although the standard speed limit is 30mph, the study resulted in a safer speed of 20mph. This will be for all subdivisions and signs will be placed at the front of each one. Future subdivisions will be required to have the signs included with the specifications. Council inquired about speed bumps being used instead, but City Manager Dalton Pierce stated that the criteria is high for them to be installed.

## 5.7 Construction Debris Chapter 36 Article II Sec. 36-46 (a) 5 Amendment

City Manager Dalton Pierce stated that Public Works Director Chris Wallace recommends removing Construction Debris Chapter 36 Article II Sec. 36-46 (a) 5 Amendment due to the need for staff to have vast knowledge of remodeling costs for removal of debris at the road sides. The City does not have a fee for debris like it does solid waste. Council asked what could be done about the debris in the road that has been there for quite some time due to a mobile home being remodeled. The elderly must be considered since they are on a fixed income. City Manager Pierce stated that it should be up to the contractor to remove the debris.

## 5.8 Urban Camping Ordinance

The Urban Camping Ordinance will address some issues throughout the City, such as the areas next to Garden Café and Steve's Towing. Planning Commission, Planning staff, and York Police staff have been working on the ordinance. RVs that come into the City to be placed on properties within the City will be allowed for instances such as the holidays. The RVs will be gone within a few days, so there is no cause for concern. The tents and modified structures are the main concerns as they are built on private property. The focus of the Urban Camping Ordinance is for this purpose.

Council inquired if other municipalities have the same standards for urban camping, in which Chief Brian Trail verified that Lieutenant Bailey researched other districts and Supreme Court rulings. Those items were given to City Attorney Mac Brice and then reviewed by Planning staff. Currently, the City has been using an agent agreement between the private property owners and the York Police Department to remove the modified structures. Council wanted to ensure the officers were good with the ordinance, in which Chief Trail stated they were.

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# City Council Work Session January 16, 2024

## 5.9 FY2025 Budget Schedule

City Manager Dalton Pierce has begun the beginning stages of the Budget process for FY24-25, and he stated that he wanted to allow Council more time to discuss the budget items. MASC recommends enacting the annual operating budget before the beginning of each fiscal year as best practices.

## 6. ADJOURN

Mayor Pro Tem Brown made a Motion to Adjourn, which was Seconded by Councilmember Ramsey. With no Discussion, the Motion was adopted unanimously. The Meeting Adjourned at 6:21pm.

Respectfully Submitted,



Amy Craig  
Municipal Clerk

# City of York

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## Memo

**TO:** Mayor & Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5, 2024

**SUBJECT:** Old Business - Ordinances

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### **9.1 GENERAL INFORMATION**

**Second Reading Ordinance 24-712 Purchase of Property – PATH**

**Second Reading Ordinance 24-713, Purchase of Property - Jones**

As part of the City of York Hotel project, Second Readings of Ordinances 24-712 and 24-713 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 Second Reading Ordinance 24-712 and Second Reading Ordinance 24-713

### **ATTACHMENTS:**

- 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

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5, 2024

**SUBJECT:** New Business – Bids & Solicitations

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### **10.1 GENERAL INFORMATION**

#### **Bids & Solicitations – Fishing Creek Wastewater Treatment Plant Improvements**

Staff recently released and held a public bid opening for qualified contractors to make improvements on the Fishing Creek WWTP.

The following responses were received:

Haren Construction	\$11,892,000.00
State Utility Contractors	\$13,299,000.00
North American Construction Crew	\$ 8,801,332.66

### **STAFF RECOMMENDATIONS**

It is recommended by Davis & Floyd, the engineer of record for this project, and City staff to award this contract, pending RIA approval, to North American Construction Company in the amount of the base bid, \$8,801,332.66 for the Fishing Creek Wastewater Treatment Plant Improvements.

### **ATTACHMENTS**

- A. Intent to Award Form
- B. Recommendation Letter from Engineer
- C. Certified Bid Tabulation
- D. Letter of Funding Commitment
- E. Proposed Project Budget
- F. Original Project Budget

### **REQUESTED ACTION**

Council's Approval of base Bid and an increase in local funding of \$653,424 contingent upon approval by the Rural Infrastructure Authority.

# **NOTICE OF INTENT TO AWARD**

OWNER: City of York, SC

PROJECT: Fishing Creek WWTP Improvements

## **TO ALL BIDDERS**

**This is to notify all bidders that it is the intent of the owner to award a contract, contingent upon approval by the Rural Infrastructure Authority, as follows:**

NAME OF BIDDER: North American Construction Company

DATE BIDS WERE RECEIVED: January 25, 2024

AMOUNT OF BASE BID: \$8,801,332.66

ALTERNATE(S) ACCEPTED: None

TOTAL AMOUNT OF BASE BID WITH  
ALTERNATE(S): \$8,801,332.66

**The owner has determined that the above-named bidder is responsible and has submitted the lowest responsive bid. The owner may enter into a contract with this bidder, contingent upon approval by the Rural Infrastructure Authority.**

Name: Dalton Pierce

Award Authority Title: City Manager

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

Date Posted: \_\_\_\_\_

# DAVIS & FLOYD

SINCE 1954

January 30, 2024

Mr. Ben Wright  
Utilities Director, City of York  
10 N. Roosevelt St.  
York, South Carolina

Re: Construction Contract Recommendation  
Fishing Creek WWTP Improvements Project  
City of York, South Carolina  
D&F Project No. 040115.00

Dear Mr. Wright:

Following a more than 30-day advertisement period, sealed bids for Fishing Creek WWTP Improvements Project were received on January 25, 2024, at the York City Hall. The bids were opened, publicly read aloud, and have been reviewed and summarized by Davis & Floyd. Copies of the Bid Tabulations are enclosed for your review and information.

A summary of the bids received is as follows:

Bidder	Location	Base Bid Amount	Bid Alternate Additions Amount
North American Construction Company	Quinby, SC 29506	\$ 8,801,332.66	\$ 3,267,860.00
Haren Construction Company, Inc.	Etowah, TN 37331	\$ 11,892,000.00	\$ 3,593,000.00
State Utility Contractors, Inc.	Monroe, NC 28111	\$ 13,299,000.00	\$ 2,742,000.00

The low bidder has been verified as properly licensed and the bid is deemed to be responsive and responsible based on current market conditions and scope of work. Initial review of the lowest bidder indicates that they have the authority and ability to complete the work and are not debarred. Review of the budget is as follows:

<b>BUDGET REVIEW</b>	<b>Original Budget</b>	<b>Post Bid Revised Budget</b>
Construction Cost		\$8,801,332.66
Contingency	\$9,266,875	\$440,066.34
Owner Purchased Generators		\$930,000.00
Engineering	\$1,705,100.00	\$1,454,000.00
Administration	\$25,000.00	\$25,000.00
<b>Total Budget</b>	<b>\$10,996,975.00</b>	<b>\$11,650,399.00</b>
<b>FUNDS REVIEW</b>	<b>Original Funds</b>	<b>Post Bid Revised Funds</b>
SCIIP	\$6,500,000.00	\$6,500,000.00
DHEC State Appropriation	\$1,500,000.00	\$1,500,000.00
Local	\$2,996,975.00	\$3,650,399.00
<b>Total Funds</b>	<b>\$10,996,975.00</b>	<b>\$11,650,399.00</b>

Market conditions for bidding have changed significantly as the amount of work for contractors continues to increase. With these changes, this project is recommended to be awarded as base bid only. In addition, it is recommended that the Owner look to provide local funds to account for the difference in total budget, with this being an additional \$653,424.00. This total budget will allow for 5% contingency on the lowest bid, as well as include funds for the Owner to provide three generators for the project. The budget for the Owner Purchased Generators as listed above assumes the quoted purchase price of \$846,700.00 (without tax) and assumes a tax rate of 10%, for a total price of approximately \$930,000.00.

It is recommended to award this contract, pending SCIIP approval, to North American Construction Company in the amount of the base bid, \$8,801,332.66 for the Fishing Creek Wastewater Treatment Plant Improvements. In the interest of pursuing some of the bid alternate additions, we recommend applying for additional RIA funding, which if awarded, could allow for an additional budget of \$1 million, plus 25% matching from York County.

Should you have any questions regarding this recommendation, please feel free to contact us.

Sincerely,

**Davis & Floyd, Inc.**



Preston N. Watson, PE  
 Senior Project Manager

Enclosures: Certified Bid Tabulations

Copies to: Project File  
 Christine Schwartz- Catawba Regional Council of Governments  
 Mikita Patel – South Carolina RIA

I, Preston N. Watson, PE, certify that this is a true and correct tabulation of bids received on 1/25/2024.

SC PE Registration No. 14633  
Davis & Floyd, Inc.

Bidder #1	Bidder #2	Bidder #3
State Utility Contractors, Inc. 4417 Old Charlotte Hwy Monroe, NC 28111 / POB 5019	Haren Construction Company, Inc. 1715 Highway 411 North Etowah, TN 37331 / POB 350	North American Construction Company P.O. Box 15088 Quinby, SC 29506

Item	Description	Unit	Estimated Quantity	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
<b>Base Bid</b>									
1.	Mobilization, Bonds, & Insurances (maximum 3% of bid)	LS	1	\$ 474,000.00	\$ 474,000.00	\$ 300,000.00	\$ 300,000.00	\$ 264,467.66	\$ 264,467.66
2.	Influent Structure (Screening & Control Buildings)	LS	1	\$ 1,200,000.00	\$ 1,200,000.00	\$ 1,048,000.00	\$ 1,048,000.00	\$ 889,025.00	\$ 889,025.00
3.	45' Diameter Clarifier	LS	1	\$ 1,400,000.00	\$ 1,400,000.00	\$ 1,630,000.00	\$ 1,630,000.00	\$ 910,115.00	\$ 910,115.00
4.	65' Diameter Clarifier	LS	1	\$ 4,835,000.00	\$ 4,835,000.00	\$ 3,695,000.00	\$ 3,695,000.00	\$ 2,137,945.00	\$ 2,137,945.00
5.	RAS Pump and Return Sludge Building	LS	1	\$ 200,000.00	\$ 200,000.00	\$ 144,000.00	\$ 144,000.00	\$ 288,435.00	\$ 288,435.00
6.	Blower Building Improvements	LS	1	\$ 60,000.00	\$ 60,000.00	\$ 135,000.00	\$ 135,000.00	\$ 26,000.00	\$ 26,000.00
7.	Sludge Dewatering Building	LS	1	\$ 1,850,000.00	\$ 1,850,000.00	\$ 1,522,000.00	\$ 1,522,000.00	\$ 1,370,515.00	\$ 1,370,515.00
8.	Back Up Generators, Installation	LS	1	\$ 175,000.00	\$ 175,000.00	\$ 90,000.00	\$ 90,000.00	\$ 80,000.00	\$ 80,000.00
9.	Erosion Control	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 50,000.00	\$ 50,000.00	\$ 25,000.00	\$ 25,000.00
10.	Electrical	LS	1	\$ 2,650,000.00	\$ 2,650,000.00	\$ 3,100,000.00	\$ 3,100,000.00	\$ 2,653,830.00	\$ 2,653,830.00
11.	SCADA	LS	1	\$ 200,000.00	\$ 200,000.00	\$ 177,000.00	\$ 177,000.00	\$ 154,000.00	\$ 154,000.00
12.	SCIP Sign	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00
<b>Base Bid Total</b>						<b>\$13,299,000.00</b>	<b>\$11,892,000.00</b>	<b>\$8,801,332.66</b>	
<b>Bid Alternate Additions</b>									
13.	Septage Receiving Station	LS	1	\$ 375,000.00	\$ 375,000.00	\$ 540,000.00	\$ 540,000.00	\$ 495,000.00	\$ 495,000.00
14.	Site Lighting	LS	1	\$ 75,000.00	\$ 75,000.00	\$ 85,000.00	\$ 85,000.00	\$ 85,260.00	\$ 85,260.00
15.	Scum Pump Station	LS	1	\$ 225,000.00	\$ 225,000.00	\$ 261,000.00	\$ 261,000.00	\$ 256,400.00	\$ 256,400.00
16.	Digesters (Coarse Bubble Diffusers, Air Piping, Mixers)	LS	1	\$ 910,000.00	\$ 910,000.00	\$ 887,000.00	\$ 887,000.00	\$ 647,500.00	\$ 647,500.00
17.	Digester Blowers	LS	1	\$ 420,000.00	\$ 420,000.00	\$ 600,000.00	\$ 600,000.00	\$ 498,200.00	\$ 498,200.00
18.	EQ Basin and Valve	LS	1	\$ 200,000.00	\$ 200,000.00	\$ 350,000.00	\$ 350,000.00	\$ 216,500.00	\$ 216,500.00
19.	EQ Basin Sludge Removal	Dry TN	200	\$ 2,100.00	\$ 420,000.00	\$ 3,000.00	\$ 600,000.00	\$ 3,770.00	\$ 754,000.00
20.	Improvements to Existing Influent Screen	LS	1	\$ 117,000.00	\$ 117,000.00	\$ 270,000.00	\$ 270,000.00	\$ 315,000.00	\$ 315,000.00
<b>Alternate Bid Addition</b>						<b>\$2,742,000.00</b>	<b>\$3,593,000.00</b>	<b>\$3,267,860.00</b>	



February 5, 2024

Bonnie Ammons, Executive Director  
SC Rural Infrastructure Authority  
1201 Main Street, Suite 1600  
Columbia, SC 29201

Re: City of York, Water and Wastewater Improvements Project, RIA SCIIP A-23-C216  
Fishing Creek WWTP Improvements  
Updated letter of Funding commitment

Dear Mrs. Ammons:

The City of York was awarded SCIIP grant A-23-C216 from the SC Rural Infrastructure Authority in the amount of \$10,000,000 for two projects: the Fishing Creek WWTP Improvements and the Liberty Street Waterline Upgrade. The City has allocated \$6,500,000 of the grant toward the Fishing Creek WWTP Improvements project and \$3,500,000 toward the Liberty Street Waterline Upgrade project.

The City held a bid opening on January 25, 2024 for the Fishing Creek WWTP project. The City received a low bid of \$8,801,332.66 for the base bid for the project. The construction budget of \$9,266,875 was intended to cover the \$930,000 cost of three generators to be purchased with local funds and the contractor's bid. The City would also like to budget 5% for contingencies.

In order to make the project viable, the City of York will increase its funding for construction. The City hereby commits to increasing its funding to include funding up to \$3,650,399 in construction costs. This represents an increase of \$653,424. In addition, the Town will provide funding for any engineering, permitting and administrative costs associated with the project as well as any other funds needed that exceed the grant. The funds will be available upon the commencement of construction.

Following is a breakdown of local funds that the City of York is committing to the project:

• Construction	\$ 2,171,399
• Engineering+ Permitting	\$ 1,454,000
• <u>Administration</u>	\$ 25,000
	\$ 3,650,399

Sincerely,

Dalton Pierce  
City Manager

**City of York, SC**  
**City of York Infrastructure Improvements**  
**PROJECT BUDGET BY FUNDING SOURCE**

**PROPOSED BUDGET REVISION**

**SCIIP APPLICATION: CITY OF YORK INFRASTRUCTURE IMPROVEMENTS**

**PROJECT 1: FISHING CREEK WWTP IMPROVEMENTS**

	<u>Construction</u>	<u>Engineering</u>	<u>Administration</u>	<u>Total</u>
<b>SCIIP</b>	\$ 6,500,000	\$ -	\$ -	\$ 6,500,000
<b>DHEC State Appropriation</b>	\$ 1,500,000	\$ -	\$ -	\$ 1,500,000
<b>Local</b>	\$ 2,171,399	\$ 1,454,000	\$ 25,000	\$ 3,650,399
<b>Total</b>	<b>\$ 10,171,399</b>	<b>\$ 1,454,000</b>	<b>\$ 25,000</b>	<b>\$ 11,650,399</b>

**City of York, SC**  
**City of York Infrastructure Improvements**  
**PROJECT BUDGET BY FUNDING SOURCE**  
**5/15/2023 Original Budget**

**SCIIP GRANT: CITY OF YORK INFRASTRUCTURE IMPROVEMENTS**

**PROJECT 1: FISHING CREEK WWTP IMPROVEMENTS**

	<u>Construction</u>	<u>Engineering</u>	<u>Administration</u>	<u>Total</u>
<b>SCIIP</b>	\$ 6,500,000	\$ -	\$ -	\$ 6,500,000
<b>DHEC State Appropriation</b>	\$ 1,500,000	\$ -	\$ -	\$ 1,500,000
<b>Local</b>	<u>\$ 1,266,875</u>	<u>\$ 1,705,100</u>	<u>\$ 25,000</u>	<u>\$ 2,996,975</u>
<b>Total</b>	<b>\$ 9,266,875</b>	<b>\$ 1,705,100</b>	<b>\$ 25,000</b>	<b>\$ 10,996,975</b>

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Rebecca Mestas, Community Engagement Director

**MEETING DATE:** February 5, 2024

**SUBJECT:** Valentine's Day Carriage Rides, Downtown International Women's Day Event

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### **GENERAL INFORMATION**

Dream Carriage and Special Events will be present in town on Wednesday, February 14, Saturday, February 16, and Sunday, February 17, offering carriage rides from City Market between 5 pm and 9 pm. No special event permit application is needed for this activity. The Community Engagement Department will collaborate with the York Police Department to ensure sufficient space is reserved in City Market for the loading and unloading of passengers. City Market will remain open during this time, and the City has already secured a Certificate of Insurance (COI) from the company.

On Saturday, March 9, multiple downtown businesses will host International Women's Day in Downtown York. The event will begin at 10 am and conclude at 4 pm. No special event permit application is required for this event, as no road closures are planned. However, a section of City Market will briefly close to facilitate the entry and setup of a mobile mammogram bus. The Community Engagement Department is coordinating with the York Police Department to facilitate this aspect of the event. The organizers are actively arranging Dream Carriages for the event. However, they are exploring options to collaborate with local businesses for ride drop-off and pick-up in a different downtown location.

### **STAFF RECOMMENDATIONS**

No staff recommendations

### **ATTACHMENT(S):**

No attachments

### **REQUESTED ACTION**

No action requested

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Rebecca Mestas, Community Engagement Director

**MEETING DATE:** February 5, 2024

**SUBJECT:** Special Events

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### **GENERAL INFORMATION**

#### **March for the Heart 5K – Saturday, March 9, 2024**

Tender Hearts Ministries is organizing a 5K event, commencing from their headquarters on Blackburn Street. This annual event aims to raise awareness about the ministry while generating funds for its programs. The event is expected to run from approximately 8 am to 10 am.

#### **Juneteenth Celebration – Saturday, June 15, 2024**

The Community Engagement Department is requesting to host a Juneteenth Celebration at the York Recreation Center. This event celebrates the federal holiday commemorating the end of slaves in the United States. Festivities include live music, poetry, and food trucks. The hours for the event will be 4 pm to 9 pm.

#### **Summer Concert Series – Summer 2024**

The City of York's annual Summer Concert Series is set to showcase six concerts, starting on the fourth Thursday in May and continuing through August. This year, the concert series will be held at City Market and, contingent on amphitheater availability, at City Park. This community-driven event fosters hospitality and tourism in the downtown area, offering family-friendly entertainment. The hours for the event will be 7 pm to 10 pm.

#### **4th of July Celebration – Thursday, July 4, 2024**

A cherished tradition, the City of York's 4th of July Celebration creates a family-friendly environment for residents and visitors alike, providing an evening of enjoyment with fun, food, and fireworks. The hours for the event will be 6:30 pm to 10 pm.

### **STAFF RECOMMENDATIONS**

Staff Recommends approval of special events.

### **ATTACHMENT(S):**

- A. March for the Heart 5K
- B. Juneteenth Celebration
- C. Summer Concert Series
- D. 4<sup>th</sup> of July Celebration

### **REQUESTED ACTION**

Council Approval

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# CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

**Date of Application Submission:** \_\_\_\_\_

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

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

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

**Proposed Date(s) of Event:** \_\_\_\_\_

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

**Event Setup time:** \_\_\_\_\_ to \_\_\_\_\_

**Actual Event:** \_\_\_\_\_ to \_\_\_\_\_

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

**Breakdown time:** \_\_\_\_\_ to \_\_\_\_\_

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

**Requesting Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Purpose of the Event:** \_\_\_\_\_

**Is your organization a charity or non-profit organization?** \_\_\_\_\_

**Will the proceeds benefit your organization? If no, please specify which organization it will benefit** \_\_\_\_\_

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

**Permit Holder/Event Point of Contact:** \_\_\_\_\_

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

Street Address: \_\_\_\_\_

Additional Authorized Contact: \_\_\_\_\_

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

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: \_\_\_\_\_

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 \$50.00 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):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: Friday, January 26th, 2024

Name of Festival or Special Event: Juneteenth Celebration

Location and/or Route of the Event: York Recreation Complex, 21 White Rose La  
*Note: A sketch/diagram must be attached to the application.*

Proposed Date(s) of Event: Saturday, June 15th, 2024

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

Event Setup time: 12pm to 3pm

Actual Event: 4pm to 9pm

Road Closure time: N/A to N/A

Breakdown time: 9pm to 10pm

Estimated number of attendees (including event staff): 200

Requesting Organization: City of York Community Engagement Department

Address: 10 North Roosevelt St. York, SC 29745

Purpose of the Event: To highlight and celebrate the black community and celeb

Is your organization a charity or non-profit organization? No

Will the proceeds benefit your organization? If no, please specify which organization it will benefit N/A

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

Permit Holder/Event Point of Contact: Chloe' Jones Community Events Coordinat

Mobile Number: 803-965-8705 Email: cjones@yorksc.gov

Street Address: 10 North Roosevelt St. York SC 29745

Additional Authorized Contact: Rebecca Mestas Community Engagement Direc

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

Planned Activities: Live music, poetry, inflatables, games, beer and wine, food t

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: Bounce House

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: power for music and dj, quiet generator rented

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) :

Beer and wine to be sold. ID's will be checked and alcohol consumption will be contrained in event a

Will amplified sound be used at the event?  Yes  No

If yes, explain: Dj and live music

Will tents be used at the event?  Yes  No

If yes, explain (include size and type of tents): 10x10 portable tents

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

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

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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):

Trash cans to be placed within the event area

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Have arrangements been made for restroom facilities?  Yes  No

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

Will use field restrooms and additional Pink Portables will be ordered and pla

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Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. **The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.**

1-2 Police officers to walk and monitor event area

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

N/A

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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:**

Mike Fagan of Good Leaf Cigar Shop will be assist and help plan event.

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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* Chloe' Jones, Community Events Coordina

Signature: *Chloe' Jones* Date: 01/26/2024



## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

**Date of Application Submission:** January 10, 2024

**Name of Festival or Special Event:** City of York Summer Concert Series

**Location and/or Route of the Event:** City Market/City Park (pending amphitheater readiness)

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

**Proposed Date(s) of Event:** Thursdays 5/30, 6/13, 6/27, 7/11, 7/25, 8/8

**Alternate Date(s) for Event:** N/A

**Event Setup time:** 6 pm to 7 pm

**Actual Event:** 7 pm to 10 pm

**Road Closure time:** 6 pm to 11 pm

**Breakdown time:** 10 pm to 11 pm

**Estimated number of attendees (including event staff):** 300-400 per event

**Requesting Organization:** City of York Community Engagement Department

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

**Purpose of the Event:** To promote hospitality and tourism, bring community together

**Is your organization a charity or non-profit organization?** No

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

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

**Permit Holder/Event Point of Contact:** Rebecca Mestas

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

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

Additional Authorized Contact: Chloe Jones

Mobile Number: 803-965-8705 Email: cjones@yorksc.gov

Planned Activities: Live Concert, Food Trucks, Kids Entertainment

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: Bounce Houses for the kids, Possibly Archery and Axe Throwing

Company name: Morton Amusements/Chuck-It Axes 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): We will have a variety of local food trucks at the events

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

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

If yes, explain: Power for the DJ and Band

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) :

Grapevine or a local vendor will be serving beer and wine on site. Permits for off premise sales will be acquired by the vendor. Vendor will be responsible for ID checks. Law enforcement will also be on hand to enforce state laws.

Will amplified sound be used at the event?  Yes  No

If yes, explain: We will have a DJ and live band performing on site.

Will tents be used at the event?  Yes  No

If yes, explain (include size and type of tents): Vendors or performers may require tents for set up.

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

If yes, explain (include size and locations): We will have a Summer Concert Series banner at City Market. We may also put out signs informing of road closures for the event.

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):  
Waste containers will be requested for each event and set out by event staff.

Have arrangements been made for restroom facilities?  Yes  No

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

Pink Portables is our preferred portable restroom vendor and will be contacted to schedule for each event.

**Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.**

For events happening at City Market, we will utilize 3 officers. Two officers will prevent traffic from entering Congress Street at the Madison and Liberty intersections. Those officers, along with the third officer, will monitor crowds. At City Park, we will use two officers to monitor crowd control inside the park. No traffic control necessary for City Park. YFD will be on call for emergencies.

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

For concerts taking place at City Market, we will close down the City Market parking lot the night before to allow for stage and portable restroom delivery. On event day, Congress Street between Liberty and Madison will be closed down starting at 5 pm and reopen around 10 pm. Victory Lane will also be closed from Congress to McNeel Street to prevent traffic from traveling to Congress.

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.*

Barricades placement: Victory and McNeel, Congress Street and Congress Street Pharmacy,  
Congress and Dickerson Motor entrance, City Market parking lot

**Please provide any additional information that may be helpful:**

The Summer Concert Series is a great event that brings the community together to enjoy good music and fun.

Including City Park this year allows us to feature the park and new ampitheater and also provide entertainment for the youngsters by extending the Splash Pad hours during concert events.

**RELEASE and INDEMNIFICATION**

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

Application Submitted By: *Name & Title* Rebecca Mestas, Community Engagement Director

Signature: Rebecca Mestas Date: 1/10/2024



## CITY OF YORK SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: January 10, 2024

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

Location and/or Route of the Event: York Middle School

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

Proposed Date(s) of Event: Thursday, July 4, 2024

Alternate Date(s) for Event: N/A

Event Setup time: 3 pm to 6 pm

Actual Event: 6:30 pm to 10 pm

Road Closure time: N/A to N/A

Breakdown time: 10 pm to 11 pm

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

Requesting Organization: City of York Community Engagement Department

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

Purpose of the Event: Community Engagement

Is your organization a charity or non-profit organization? No

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

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

Permit Holder/Event Point of Contact: Rebecca Mestas

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

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

Additional Authorized Contact: Chloe Jones

Mobile Number: 803-965-8705 Email: cjones@yorksc.gov

Planned Activities: Live Concert, bounce houses for the kids, fireworks

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: Bounce houses, games for kids, Archery, Axe Throwing

Company name: Morton Amusements 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): A variety of local food trucks will be set up.

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: The school provides access to power.

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: Amplified sound for band/DJ

Will tents be used at the event?  Yes  No

If yes, explain (include size and type of tents): Vendor tents, first aid tent

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

If yes, explain (include size and locations): Directional signs, parking/no parking signs

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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):  
Public Works will place extra trash cans at the middle school.

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Have arrangements been made for restroom facilities?  Yes  No

If yes, explain (include locations of restrooms and service provider):  
Pink Portables will be reserved.

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**Describe in detail your plan to control parking, crowds, and vehicular traffic: This should include the number of officers required for crowd/traffic control and arrangements for medical assistance if needed. The cost for officers at any event is \$50.00 per hour. The full amount must be paid 14 days prior to the event or the event will be cancelled.**

This event is all hands on deck. All available officers will help monitor crowd control at York Middle School as well as traffic control entering and exiting the event. Officers will direct traffic at the conclusion of the event. Officers will also monitor the area at York Intermediate School where the fireworks will be staged.

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

No streets will be closed, but law enforcement will limit entrance and exit points for the event.

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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.*

Barricades at Hwy 321 & Johnson at York Intermediate School entrance and exit  
as well as York Middle School and inside YMS lot.

**Please provide any additional information that may be helpful:**

This annual event is a family-friendly affair that provides a safe, fun environment for kids and adults.

### **RELEASE and INDEMNIFICATION**

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

Application Submitted By: *Name & Title* Rebecca Mestas, Community Engagement Director

Signature: Rebecca Mestas Date: 1/10/2024

# City of York



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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5, 2024

**SUBJECT:** Item 10.3: First Reading Ordinances 24-714, 715, & 716

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### **GENERAL INFORMATION**

#### First Reading Ordinance 24-714 Subdivision Speed Limit Standard:

City staff have prepared a recommendation for subdivision street speed limit for City of York-owned roadways based on the York Police Department request that traffic control requirements for subdivisions be considered/created for the City. On December 18, 2023, the Planning Commission was presented with the recommendation of a subdivision speed limit of 20 mph. The Planning Commission voted in favor of supporting the recommendation. Lastly, under the SC Code of Laws, Section 56-5-710 provides powers to local authorities to establish a speed limit for streets and highways under their jurisdiction.

#### First Reading Ordinance 24-715 Urban Camping

The Police Department has requested that urban camping requirements be considered/created for the City. After discussion with Lt. Bailey, City Manager Pierce and City Attorney Brice, the Planning Department created the attached draft ordinance for consideration. The Planning Commission has recommended approval of the noted draft ordinance. A final Ordinance for the First Reading has been provided for Council.

#### First Reading Ordinance 24-716 Construction Debris Chapter 36 Article II Sec. 36-46 (a) 5

City staff has brought a recommendation to amend the Construction Debris Article II Sec. 36-46 (a) 5.

#### **Sec. 36-46. - Construction/destruction debris.**

(a) It shall be unlawful to place at the curb for regular pickup any of the following:

- (1) Material resulting from work for which a building permit is required;
- (2) Material from contracted landscape or tree work, or any other contracted work;
- (3) Material from rental property generated by the property owner;
- (4) Hazardous waste, stumps, dirt, rocks, concrete or bricks;
- ~~(5) Debris from demolition or remodeling exceeding \$1,000.00.~~

(b) Except for hazardous waste, householders with such regulated debris may make arrangements in advance with the city public works department for a special collection, for which a fee will be charged.

(Code 1977, § 10-21.2; Ord. No. 01-343, 4-3-2001)

### **REQUESTED ACTION**

Approval of Second Reading for all Ordinances.

**ATTACHMENT(S):**

1. Ordinance 24-714
2. Ordinance 24-715
3. Ordinance 24-716

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

CITY OF YORK

ORDINANCE 24-714

DEVELOPING AND MAINTAINING SUBDIVISION SPEED LIMIT STANDARDS

WHEREAS, the City of York, A South Carolina Municipal Corporation, does from time to time undertake efforts to keep its streets open and available to its citizens for their use; and

WHEREAS, with the subdivisions being built throughout the City, the York City Council find that proactive measures need to be taken for the safety of the community; and

WHEREAS, the York City Council and Planning Commission find that measures should be taken to ensure that diverse opportunities with appropriate safeguards are available in various zoning districts; and

WHEREAS, based on recommendations of York Police Department officers, and the best interest of the public's safety, the proper speed limit to be established within the residential subdivisions is a maximum of 20 miles per hour.

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on dates hereafter set forth, that Ordinance 24-714 Subdivision Speed Limit Standard, take effect upon the Second Reading.

\_\_\_\_\_  
MICHAEL D. FUESSER, MAYOR

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

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

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

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



*Camp* and *Camping* shall mean occupying or using a public park, public street or private property for a living accommodation using a mobile, movable, or temporary shelter, including, but not limited to, a tent, travel trailer, recreational vehicle, park trailer, sleeping bag, or blanket; and in the course of such occupation or such use:

- Lying or sleeping in a single place or limited area for eight or more continuous hours;
- Cooking or preparing meals;
- Depositing or discharging human waste in areas not authorized by the City of York for such deposit or discharge; or performing any other activity commonly associated with occupation of a residence; or any combination thereof.

*Public Park* includes all municipal parks, public play grounds, public plazas, attractions and monuments.

*Public Street* includes all public streets and highways, public sidewalks, public benches, public parking lots and medians.

*Storing Personal Property* shall mean leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. This term shall not include parking a bicycle or other mode of transportation.

**Requirements:**

1. It shall be unlawful to camp or to store personal property in any public park or public street, as defined in this chapter.
2. It shall be unlawful to camp, to sleep, to store personal property, to sit on, or to lie down on any public park, public street, or other public property so as to interfere with ingress or egress from such public park, or public street, or other public property, or any combination thereof, or so as to interfere with ingress and egress to any private property accessed by means of such public park, or public street, or other public property, or any combination thereof.
3. It shall be unlawful to camp or to store a personal travel trailer or recreational vehicle on private property except where each of the following requirements are met:
  - The subject property must have an existing, detached, single-family residential dwelling unit currently being used for legal residential purposes; and
  - A single tent is allowed as an temporary accessory use to the existing house. The temporary tent erection and use shall not exceed 5 days per month; and

- A single travel trailer or recreational vehicle may be stored but shall not be used as a temporary or permanent sleeping quarters. It shall be prima facie evidence that a travel trailer or recreational vehicle is being used as a sleeping quarters if it has been hooked up to any utility service(s) or any slide-out systems have been extended for eight or more continuous hours.
  - All applicable requirements of the City of York Zoning Ordinance must be met.
- 4. This section shall not be construed to prohibit any of the following behaviors:
  - a. Uses of public parks or public streets authorized by York City Council;
  - b. A person or persons sitting or lying down as a result of a medical emergency; and
  - c. A person or persons in lying down, sitting on, or napping on a public park, public street or private property where such activity does not constitute camping as defined herein, and such activity does not interfere with ingress and egress as defined herein.

Penalties

No person may be arrested for violating this section until such person has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for urban camping, which shall be an ordinance violation. Any subject who violates this section shall be penalized in accordance with Section 1-11.

Severability

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

\_\_\_\_\_  
MICHAEL D. FUESSER, MAYOR

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

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

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

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

CITY OF YORK

ORDINANCE 24-716

AMENDING CHAPTER 36 ARTICLE II SECTION 36-46 (a) 5 OF THE CITY OF YORK  
CODE OF ORDINANCES BY REVISING SPECIFICATIONS PERTAINING TO  
CONSTRUCTION DEBRIS WITHIN CITY LIMITS

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on  
dates hereafter set forth, that Chapter 36 Article II Section 36-46 (a) 5, be amended by  
revising:

**Sec. 36-46. Construction/destruction debris.**

- (a) It shall be unlawful to place at the curb for regular pickup any of the following:
- (1) Material resulting from work for which a building permit is required;
  - (2) Material from contracted landscape or tree work, or any other contracted work;
  - (3) Material from rental property generated by the property owner;
  - (4) Hazardous waste, stumps, dirt, rocks, concrete or bricks;
  - ~~(5) Debris from demolition or remodeling exceeding \$1,000.00.~~
- (b) Except for hazardous waste, householders with such regulated debris may make arrangements in advance with the city public works department for a special collection, for which a fee will be charged.

(Code 1977, § 10-21.2; Ord. No. 01-343, 4-3-2001)

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MICHAEL D. FUESSER, MAYOR

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

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

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

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

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5, 2024

**SUBJECT:** New Business - Policies

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### **GENERAL INFORMATION**

#### 10.4 Policies

##### Anti-Fraud Policy

City staff have prepared an Anti-Fraud Policy from one of a few recommendations from the FY21-22 Audit. The City of York Anti-Fraud Policy aims to safeguard the reputation and financial viability of the City of York by improved management of fraud risk. It sets out explicit steps to be taken in response to reported or suspected fraud, as well as measures that will be taken to prevent or minimize the risk of fraud.

##### First Amendment Auditor Policy

City staff have prepared a First Amendment Auditor Policy from MASC recommended best practices. This Policy is designed to address the possibility of First Amendment audits. In brief, First Amendment audits are situations in which private citizens video record municipal facilities or employees to determine whether the municipality is complying with the First Amendment. The courts have generally recognized that video recording is a form of speech that is protected by the First Amendment. Therefore, private citizens have the constitutional right to record public employees in public places. That right is not unlimited and may be regulated in nonpublic forums and limited public forums. Municipalities may also regulate conduct to ensure the orderly operation of municipal functions and to protect the rights of their employees and private visitors.

##### Street Acceptance Policy

City Staff have developed a Street Acceptance Policy due to the large growth and all streets within these developments will eventually be owned and maintained by the City of York. This item was brought before the City Council at the March 20, 2023, workshop. From time to time, the York City Council may consider requests from property owners to accept one or more privately owned streets into the City of York Street Maintenance System for public ownership and maintenance. For the purpose of this policy, a "street" shall include all public infrastructure located within a public right-of-way, including, but not limited to travel lanes, curb and gutter, drainage, and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the Town and the applicant.

Notwithstanding any provision of this Street Acceptance Policy, City of York Council shall have at their sole discretion the authority to accept, not accept, or to accept subject to a maintenance agreement any street or portion thereof.

##### 5.5 Capital/Fixed Asset Policy

City staff have prepared a Capital/Fixed Asset Policy from GASB recommended best practices. The purpose of capital and fixed assets policy and procedures is to provide financial and management

information regarding fixed assets that facilitate valuation and financial reporting; allow management to make effective and accurate fixed asset acquisition, deployment, replacement, and maintenance decisions; and assure that these valuable items are properly safeguarded and protected.

**REQUESTED ACTION**

Council's Approval of All Policies

**ATTACHMENT(S):**

- A. Anti-Fraud Policy
- B. First Amendment Auditor Policy
- C. Street Acceptance Policy
- D. Capital /Fixed Asset Policy



## **ADMINISTRATIVE POLICY AND PROCEDURES**

### **ANTI-FRAUD POLICY**

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## **ANTI-FRAUD POLICY**

### **1. PURPOSE**

- 1.1 This policy is intended to state the position of the City of York to “fraud”, as defined in this policy. It is to reinforce existing systems, policies, procedures, rules, and regulations of the City of York meant to deter, prevent, detect, react to and reduce the impact of fraud.
- 1.2 The purpose and spirit of this document is to confirm that the City of York supports and fosters a culture of zero tolerance to fraud in all its manifestations. The City of York recognizes the fact that acts of fraud by its employees seriously deplete the scarce resources available to meet the mandates of the government’s delivery system. The City of York is aware that the effects of fraud extend beyond the loss of cash and other assets, which has severe negative repercussions on the ability of the City of York to achieve its objectives.
- 1.3 Although it is difficult to quantify, such acts, if left unchecked, seriously impact.
  - The quality and effectiveness of service delivery;
  - The strength of business relationships with customers, suppliers and the public;
  - Employee morale; and
  - Reputation and image of the City of York

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### **2. SCOPE OF THE POLICY**

- 2.1 This policy applies to all employees of the City of York and relates to all attempts and incidents of fraud impacting or having the potential to impact the City of York
- 2.2 Actions constituting fraud refer to, but are not limited to:
  - Any dishonest, fraudulent or corrupt act;
  - Theft of funds, supplies or other assets;
  - Maladministration or financial misconduct in handling or reporting of money, financial transactions or other assets;
  - Making a profit from insider knowledge;
  - Disclosing confidential or proprietary information to outside parties for financial or other advantage;
  - Requesting or accepting anything of financial value (free of charge) from contractors, suppliers, or other persons providing goods or services to the City of York
  - Irregular destruction, removal, or abuse of records and equipment;
  - Deliberately omitting or refusing to report or act upon reports of any such irregular or dishonest conduct;
  
  - Bribery, blackmail, secret commissions and/or extortion involving a City of York employee in the performance of her or his duties;
  - Abuse of City of York facilities;
  - Any similar or related irregularity

### 3. POLICY

- 3.1 The Policy of the **City of York** is Zero Tolerance to fraud. In addition, all fraud will be investigated and followed up by the application of all remedies available within the full extent of the law as well as the application of appropriate prevention and detection controls. These prevention controls include the existing financial and other controls and checking mechanisms as prescribed in the systems, policies, procedures, rules, and regulations of the **City of York**.
- 3.2 It is the responsibility of all employees to report all incidents of fraud to his/her supervisor. All employees are responsible for the prevention and detection of fraud.

### 4. REPORTING PROCEDURES AND RESOLUTION OF REPORTED INCIDENTS

- 4.1 It is the responsibility of all employees to immediately report all allegations or incident of fraud to their immediate superior or, if the employee has reason to believe that, his/her immediate supervisor is involved, to the City Manager. All department heads must report all incidents and allegations of fraud to the City Manager. If the City Manager is involved in any allegations then the Mayor and City Council will then initiate an investigation into the matter.
- 4.2 Should members of the public wish to report allegations of fraud anonymously; they can contact any the City of York Police Department. The City of York encourages members of the public who suspect fraud to contact the City Manager or Mayor and City Council.
- 4.3 Any fraud committed by employees of the City of York will be pursued by thorough investigation and to the full extent of the law, including consideration of the following:
- Taking disciplinary action in accordance with the City of York Personnel Policy handbook;
  - Instituting recovery of financial losses, including formal civil action;
  - Initiating criminal prosecution by reporting the matter to the appropriate law enforcement agency; and,
  - Any other appropriate and legal remedy available.
- 4.4 The Grievance Committee will, upon receiving a report fraud from an external person, write to the person (unless the report has been made anonymously) making the report:
- . Acknowledging that the concern has been received; and
  - . Informing her or him whether any further investigations will take place, and if not, why.

Subject to legal constraints, information about outcomes of any investigation will be disseminated on a “need to know” basis.

- 4.5 All information relating to fraud that is received and investigated will be treated confidentially. The progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any person(s) other than those who have a legitimate right to such information. This is important to avoid harming the reputations of suspected persons who are subsequently found innocent of wrongful conduct. No Person is authorized to supply information regarding allegations or incidents of fraud to the media without the express permission of the City Manager.
- 4.6 No person will suffer any penalty or retribution for reporting in good faith any suspected or actual incident of fraud. Managers should discourage employees or other parties from making allegations which are false and made with malicious intentions. Where such allegations are discovered, the person making the allegations will be subjected to disciplinary actions.

## **5. PREVENTION CONTROL AND DETECTION METHODS**

- 5.1 When incidents of fraud are reported, department heads are required to immediately review, and where possible, improve the effectiveness of the controls which have been breached in order to prevent similar irregularities from taking place in the future.
- 5.2 It is the responsibility of the Administration and/or Human Resources to ensure that all employees are made aware of and receive appropriate training and education regarding this policy.



**Policy Regarding Public Access to and Video and Audio Recording on  
Municipality Property**

**PURPOSE**

The York City Council (the “Council”) of the City of York (the “Municipality”) is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Municipality’s employees and the general public who do business with or use the services of the Municipality. This policy (this “Policy”) is intended to delineate those portions of the Municipality Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Municipality Property, and specify procedures for Municipality employees who encounter those who wish to access Municipality Property for observational purposes.

**DEFINITIONS**

“Limited Access Area” means any designated area on Municipality Property that is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by-invitation basis; or is in an area generally open to or occupied by the public in close proximity to where private third parties conduct business with Municipality employees. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Municipality from considering or treating an area as a Limited Access Area. The Municipality shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, or other outside areas marked for use by Municipality employees or vehicles only.
- d) Areas in close proximity to places, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.
- e) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
- f) Maintenance, storage, and warehousing facilities.

- g) Public works and public safety buildings, except for any designated waiting or reception areas therein.
- h) Water, sewer, and other public utility facilities.

“Municipality Official” means, for purposes of this policy:

- a) Any Municipality law enforcement officer.
- b) Any person providing security services in any Municipality Property pursuant to contract with the Municipality or with any person, firm, or corporation managing a Municipality Property on the Municipality’s behalf.
- c) With respect to any building, facility, area, or space assigned to a Municipality department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.
- d) The Municipality, City Manager, or any person that such officials specifically designate in writing.

“Municipality Property” means any real property owned by the Municipality or in which the Municipality has a property interest or property management responsibility.

“Public Area” means any area on Municipality Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area.

“Rules of Conduct” means the specific guidelines set forth in this policy.

## **RULES OF CONDUCT ON MUNICIPALITY PROPERTY**

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Municipality Property, the Rules of Conduct in this section apply and are to be enforced at all Municipality Property except where specific rules of conduct or prohibitions have been adopted for designated Municipality Property.

Rules of Conduct Applicable to All Municipality Property. The following Rules of Conduct shall apply at all Municipality Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Municipality Property for any purpose other than to conduct legitimate business with Municipality offices or tenants located at Municipality Property, to enjoy publicly accessible amenities in Public Areas, to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The appropriate Municipality Officials may adopt specific policies with respect to Municipality Property under their custody and control to manage conditions for use of such Municipality Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.

- b) No person shall engage in any activity on Municipality Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Municipality business at Municipality Property, lawful use by Municipality employees and authorized users at Municipality Property, or Municipality-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Municipality employees or private third parties lawfully using Municipality Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- e) No person shall interfere or obstruct the free passage of Municipality employees or authorized third parties in or on Municipality Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The Municipality may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.

Limited Access Areas The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the Municipality; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Municipality employees.
- b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows: (i) any Municipality Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Municipality Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
- c) No person shall photograph, audio record, or video record any private third party lawfully entering into, using, or occupying a Limited Access Area without the express consent of such third party.

## **EXCLUSION**

If a person violates these Rules of Conduct while in or upon Municipality Property, any Municipality Official may eject and direct such person to leave Municipality Property for a period of up to 24 hours. It shall not be necessary for such Municipality Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such notice of exclusion; *provided* that violation of such notice of exclusion may be deemed a trespass under applicable law. The notice of exclusion shall be in writing, given to the person excluded and signed by the Municipality Official. It shall specify the dates and places of exclusion and shall contain a warning of consequences for failure to comply with the notice of exclusion.

## **SECURITY PROCEDURES**

- a) Any person may photograph, film, or record audio of any Public Area. Any such activity should be reported to a Municipality Official, preferably a law enforcement officer if possible.
- b) Municipality employees should refrain from engaging with photographers and videographers wherever possible. Municipality employees should monitor photographers or videographers on Municipality Property, but should refrain from engaging them unless they violate any Rule of Conduct. In the event that engagement is necessary, every effort should be made to respond calmly without escalating the encounter.
- c) A Municipality employee who does not wish to be photographed or recorded may retire to a Limited Access Area.
- d) Municipality employees are not required to respond to questions or demands from any photographer or videographer, and should refrain from doing so if possible.
- e) Municipality employees may invite a private third party conducting business with the Municipality and who do not wish to be photographed or filmed to retire to a more private Limited Access Area in order to complete any business or transaction.
- f) Municipality law enforcement officers may approach photographers and videographers upon a complaint from a member of the public or Municipality employees that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This Policy neither limits nor expands the authority of Municipality law enforcement officers to initiate and pursue investigations, to perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.

# STREET ACCEPTANCE POLICY



**Adopted Month 2024**



## STREET ACCEPTANCE POLICY

The City of York may consider the acceptance of existing streets/roads upon the written request.

The City reserves the right to refuse acceptance of maintenance of streets which, in its judgment, require extensive repair work to bring the street(s) up to a satisfactory condition.

This policy will go into effect immediately upon adoption by the City Council.

### **HOA/Developer owned and Newly Constructed Streets Platted for City Maintenance**

To initiate the acceptance procedure for HOA/Developer owned streets or newly constructed streets platted for City maintenance, the following information shall be submitted to the City Manager and/or designee:

1. A letter accompanied with the City's approved application for "New Street Maintenance Acceptance" for each street completed to the City Manager requesting that the City consider accepting subject streets for public maintenance. The request shall not be made within the three (3) years warranty period started after final plat approval. At least 95% of the parcels have been developed, and the streets shall not have had the final layer of asphalt laid for more than three (3) years.
2. One (1) copy of the recorded map(s) of the subject street(s).
3. One (1) Pavement Core Results Report will be required if deemed necessary by the City Manager or designee. If report submittal is a requirement, then the report will include a cover letter, table of contents, project scope, data collection methodology, description of project limits, a map at a legible scale of the project limits containing street names, lengths, widths, and the location of the pavement core samples. The report will also include a core results table with street name, applicable SCDOT Specification Standard Typical Section, core result material and thickness (in inches), and a statement of whether the core result meets the current minimum design standard per the SCDOT Typical Section. Pavement core samples shall be taken at 500' intervals (minimum of 1 core per street block) and no more than 4.0' from the centerline of the road. This report must be signed, dated, and stamped by a South Carolina registered professional engineer. The City may acquire its own pavement core samples as a quality control measure.  
Once the Pavement Core Results Report has been submitted, an inspection shall be conducted by the City of the subject street(s). The City shall notify the owning entity of all construction deficiencies required to be corrected. Upon satisfactory completion of corrective measures, re-inspection, and approval by the City Manager or designee, the City Council shall accept the subject street(s) for maintenance at a City Council Meeting.
4. A surety bond or letter of credit equal to 100% of a licensed professional engineer's certified cost estimate of the total construction value of the street/roadway and 12-month warranty guarantee issued by the developer/contractor shall be submitted in writing (company letterhead) stating that any

### **STREET ACCEPTANCE POLICY**

deficiencies of

failures noticed by residents or by City staff during this period shall be remediated by the Contractor at no cost to the HOA or the City. The entire street/roadway includes base aggregate, base asphalt and surface course.

**STREET ACCEPTANCE POLICY**

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PO Box 500. 10 N. Roosevelt St. York. South Carolina. 29745. (803) 684-2341



## **CITY OF YORK STREET ACCEPTANCE POLICY**

From time to time, York City Council may consider requests from property owners to accept one or more privately owned streets into the City of York Street Maintenance System for public ownership and maintenance. For the purpose of this policy, a “street” shall include all public infrastructure located within a public right-of-way, including, but not limited to, travel lanes, curb and gutter, drainage, and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the City and the applicant.

Notwithstanding any provision of this Street Acceptance Policy, York City Council shall have at their sole discretion the authority to accept, not accept, or to accept subject to a maintenance agreement any street or portion thereof.

### **Eligibility**

To be eligible for acceptance into the City of York Street Maintenance System, all streets must meet the following requirements:

- All streets offered for acceptance must have been platted in accordance with the City of York Subdivision Ordinance and Zoning Ordinance;
- All streets offered for acceptance must be designated on the record plat as public rights-of-way;
- All streets offered for acceptance must have been designed, installed and tested in accordance with the City of York’s street design, installation and testing requirements (or any alternative requirements approved by the Utilities Director);
- One hundred percent (100%) of all required infrastructure must be installed by the applicant before an application for acceptance will be considered;
- All infrastructures shall be reviewed, inspected, and approved by the York Utilities Department, Planning Department and Public Works Department, prior to City Council review and acceptance; and
- The applicant shall provide a Standard or Extended Maintenance Liability Period based upon the street classification. During the Maintenance Liability Period, the applicant shall be responsible for all maintenance costs, and shall correct any defects and/or discrepancies prior to final inspection.

## **Acceptance Procedures**

All requests to dedicate one or more privately owned streets to the City of York for public ownership and maintenance shall be subject to the following application and acceptance procedures outlined below:

- ***Application.*** The property owner (or his designee) shall submit a written application for street acceptance to the City Planning Department. All applications for street acceptance shall be accompanied by the following items:
    - A description of all streets offered for acceptance, including street names, beginning and ending points, and street lengths;
    - A statement from the applicant and applicant's engineer certifying that all streets contained within the application meet the eligibility requirements for acceptance, as established by York City Council;
    - A statement from the applicant acknowledging the City's Street Acceptance Policy, and agreeing to correct any defects or deficiencies during the Maintenance Liability Period;
    - A property plat or map, minimum 11" by 17", showing all street locations and right-of-way widths (Note: Only streets which are dedicated as public rights-of-way may be offered for acceptance);
    - One (1) full set of as-built drawings for all streets contained within the application;
    - Copies of all testing and inspection reports;
    - Copies of all easements, encroachment permits and maintenance agreements within the proposed public rights-of-way;
    - Engineer's cost estimate or paid invoice(s) showing the total construction value (including labor) of all infrastructure located within any rights-of-way proposed for public acceptance; and
    - A surety bond or letter of credit equal to 100% of the engineer's cost estimate or total construction value (including labor), to be held for the duration of the Maintenance Liability Period.
  
  - ***Inspection.*** All applications for street acceptance shall be reviewed, inspected, and approved by the City Utilities Inspector, Utilities Director, Planning Director, and Public Works Director, prior to consideration by City Council. Only streets which have been deemed eligible for acceptance will be submitted to City Council for review and approval.
-

- City Council Approval. Once the streets have been deemed eligible for acceptance, City Council shall consider the application for street acceptance during its next regularly scheduled meeting. Applications for street acceptance must be approved by a resolution of City Council. Immediately following the City Council meeting, the Municipal Clerk shall certify City Council's action. In the event City Council votes to approve the request, the street(s) shall be deemed accepted into the City of York Street Maintenance System, and the Maintenance Liability Period shall commence immediately.

Maintenance Liability Period. A Maintenance Liability Period shall commence immediately following a positive vote by City Council to accept the street(s) into the City of York Street Maintenance System. During the Maintenance Liability Period, the applicant shall bear all costs related to maintaining and repairing all street(s) contained within the application and shall correct any defects or discrepancies that arise during the warranty period. When required, a surety bond or letter of credit equal to 100% of the engineer's cost estimate or total construction value (including labor) shall be provided by the applicant and held by the City for the duration of the Maintenance Liability Period, plus ninety (90) days if necessary. The entire street/roadway includes base aggregate, base asphalt and surface course. In the event the applicant fails to make the required repairs during the Maintenance Liability Period, the bond or letter of credit will be drawn down by the City in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant. The required Maintenance Liability Period for all streets accepted by the City shall be as follows:

- Standard Maintenance Liability Period. All streets that are wholly contained within a subdivision (or a phase within a subdivision) and which do not serve as the primary means of access to one or more unfinished or undeveloped phases within the same subdivision, shall have a Twelve (12) month Standard Maintenance Liability Period following acceptance by City Council. Notwithstanding the previous sentence, any street which was approved and recorded prior to the effective date of this policy shall have a Twelve (12) month Standard Maintenance Liability Period following acceptance by City Council.
- Extended Maintenance Liability Period. Major streets or roads serving two or more subdivisions, or which provide the primary means of access to one or more unfinished or undeveloped phases of a single subdivision, may require an Extended Maintenance Liability Period, as recommended by the Planning Director. The Extended Maintenance Liability Period shall be for a minimum of twenty-four (24) months unless otherwise specified by the Planning Director or Utilities Director.
- Final Inspection. Upon completion of the Maintenance Liability Period, the applicant shall submit a request to the Utilities Director for a final inspection of all streets contained within the original application. This request must be submitted no earlier than forty-five (45) days prior to the expiration of the Maintenance Liability Period, and no more than forty-five (45) days after its expiration. The Utilities Director shall inspect all streets within fifteen (15) business days of receiving the request and shall provide a report of his findings to the applicant. If all streets are found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability. If the inspection is not approved, the Utilities Director shall provide written notification to the application of any defects or discrepancies which must be repaired or corrected prior to final approval.
- Cure Period. If, during the final inspection, the Utilities Director identifies any defects or discrepancies, the applicant shall have thirty (30) days from the date of the final inspection in which to repair or replace any such defects or discrepancies. In the event the applicant fails to make the

required repairs during the cure period, the bond or letter of credit (when required) will be drawn down by the City in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.

- *Final Re-Inspection and Release of Liability.* Upon completing any necessary repairs, the applicant shall submit a request to the Utilities Director for a final re-inspection. The Utilities Director shall inspect all streets within five (5) business days of receiving the request and shall provide a written report of his findings to the applicant. Once all streets have been found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability.

Completed applications for street acceptance, and all supporting materials, shall be submitted in writing to the following address for review and processing:

**City of York  
Attn: Planning Department  
P.O. Box 500  
York, SC 29745**



## APPLICATION FOR STREET ACCEPTANCE

This application may be completed by any property owner seeking to dedicate one or more privately owned streets to the City of York for public ownership and maintenance. For the purpose of this application, a “street” shall include all public infrastructure located within a public right-of-way, including, but not limited to, travel lanes, curb and gutter, drainage and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the City and the applicant.

Only streets which have been platted pursuant to the City’s Subdivision and Zoning Ordinances, and designed, installed and tested in accordance with the City of York’s design, installation and testing requirements (or any alternative requirements approved by the Utilities Director), shall be eligible for dedication and acceptance.

All applications for street acceptance must include the following items:

- Signed and completed application for street acceptance;
- Property plat or map, minimum 11” by 17”, showing all street locations and right-of-way widths (Note: Only streets which are dedicated as public rights-of-way may be offered for acceptance);
- One (1) full set of as-built drawings for all streets contained within the application;
- Copies of all testing and inspection reports;
- Copies of all easements, encroachment permits and maintenance agreements within the proposed public rights-of-way;
- Engineer’s cost estimate or paid invoice(s) showing the total construction value (including labor) of all infrastructure located within any rights-of-way proposed for public acceptance; and
- A surety bond or letter of credit equal to 100% of the engineer’s cost estimate or total construction value, to be held for the duration of the Maintenance Liability Period, plus ninety (90) days (*unless exempt*).

The enclosed application form and all supporting materials may be sent to the following address:

**City of York  
Attn: Planning Department  
P.O. Box 500  
York, SC 29745**



## APPLICATION FOR STREET ACCEPTANCE

<b>Property Owner Name</b>	
<b>Property Owner Address</b>	
<b>Primary Contact Name/Title</b>	
<b>Primary Contact Phone</b>	
<b>Primary Contact Email</b>	

<b>Subdivision -- <i>If Applicable</i></b>	
<b>Phase(s) -- <i>If Applicable</i></b>	

The property owner identified above hereby applies to the York City Council for acceptance of the following streets into the City of York Street Maintenance System. All streets must be clearly identified by name, beginning and ending point, and street length, in the space provided below. Portions of streets must be clearly delineated by dimensions and/or landmarks. Please include a map or plat of all streets covered by this application. Attach additional sheets, if necessary.

Street Name	From	To	Length (LF)

## APPLICANT CERTIFICATION

By submitting this application, I, on behalf of the above-named property owner, do hereby certify the following to be true and accurate:

1. I am duly authorized to sign this application on behalf of the property owner, and to bind the property owner to the requirements of the City of York Street Acceptance Policy; and
2. One hundred percent (100%) of the required public infrastructure and at least ninety-five percent (95%) of all lots within the area covered by this application have been built out and completed.

Furthermore, I, on behalf of the above-named property owner, do hereby agree to the following procedures and requirements, as outlined in the City of York Street Acceptance Policy:

1. All applications for street acceptance shall be reviewed and inspected by the City Street and Drainage Inspector, Utilities Director, Planning Director and Public Works Director, to determine eligibility prior to consideration by City Council.
2. All applications for street acceptance are subject to review and approval by York City Council;
3. All streets accepted into the City of York Maintenance System shall be subject to a Standard Maintenance Liability Period (12 months) or an Extended Liability Period (minimum 24 months), as determined by the Planning Director. During the Maintenance Liability Period, the applicant shall bear all costs related to maintaining and repairing all street(s) contained within this application and shall correct any defects or discrepancies that arise during the warranty period. Unless exempt, a surety bond or letter of credit equal to 100% of the engineer’s cost estimate or total construction value (including labor) of the entire street/roadway shall be provided by the applicant and held by the City for the duration of the Maintenance Liability Period, plus ninety (90) days. In the event the applicant fails to make the required repairs during the Maintenance Liability Period, the bond or letter of credit will be drawn down by the City in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.
4. Upon completion of the Maintenance Liability Period, the applicant shall submit a request to the Utilities Director for a final inspection. Any defects or discrepancies identified by the Utilities Director must be repaired by the applicant within thirty (30) days from the date of inspection. In the event the applicant fails to make the required repairs during the cure period, the bond or letter of credit will be drawn down by the City in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, will be the responsibility of the applicant.
5. Upon completing any necessary repairs, the applicant shall submit a request to the Utilities Director for a final re-inspection. The Utilities Director shall inspect all streets within five (5) business days of receiving the request and shall provide a written report of his findings to the applicant. Once all streets have been found to be free of any defects or discrepancies, the inspection shall be approved, and the Utilities Director shall send a written notification releasing the applicant from any further maintenance liability.

<b>Applicant Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

## APPLICANT'S ENGINEER CERTIFICATION

I certify that all streets contained within this application have been designed, installed and tested in accordance with the City of York's design, installation and testing requirements, or any alternative requirements approved by the Utilities Director.

Affix P.E. Seal Here

<b>Engineer Signature</b>		
<b>Name (Printed)</b>		
<b>P.E. Number</b>		
<b>P.E. State</b>		
<b>Date</b>		

This section to be completed by the City Street & Drainage Inspector

## INSPECTOR CERTIFICATION

I certify that all streets contained within this application were inspected by me on \_\_\_\_\_, 20\_\_\_\_, and were found to be free of any defects and/or discrepancies. I further certify that these streets are eligible for acceptance into the City of York Street Maintenance System, pursuant to the City of York's Subdivision Ordinance and Street Acceptance Policy, unless otherwise noted below.

<b>Inspector Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

<b>Notes/Conditions:</b>	
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This section to be completed by Utilities, Planning & Public Works Departments

### UTILITIES DEPARTMENT ENDORSEMENT

<b>Comments</b>	
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

### PLANNING DEPARTMENT ENDORSEMENT

<b>Comments</b>	Subdivision plat recorded at Plat Book(s)/Page(s) _____ _____ Bond/LOC # _____ Expiration: _____ Does property meet 95% build out requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Planning Director

### PUBLIC WORKS DEPARTMENT ENDORSEMENT

<b>Comments</b>	
<b>Recommendations</b>	

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Public Works Director

This section to be completed by the City Clerk following City Council action

## CERTIFICATION OF COUNCIL ACTION

I certify that the York City Council, during a duly called meeting on \_\_\_\_\_, 20\_\_, voted to  ACCEPT /  NOT ACCEPT into the City of York Street Maintenance System, all the streets contained within this application, unless otherwise noted below.

Pursuant to the City of York Street Acceptance Policy, the Maintenance Liability Period shall commence on \_\_\_\_\_, 20\_\_, and shall expire on \_\_\_\_\_, 20\_\_, unless otherwise noted below.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	City Clerk

<b>Notes/Conditions:</b>	
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### Statutory Reference

SECTION 6-29-1170. Approval of plan or plat not acceptance of dedication of land.

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the municipality or the county or the public of the dedication of any street, easement, or other ground shown upon the plat. **Public acceptance of the lands must be by action of the governing body customary to these transactions.**

S.C. Code of Laws, 1976, as amended.

**This section to be completed by the Applicant upon completion of the Maintenance Liability Period**

## **APPLICATION FOR FINAL INSPECTION**

I/We hereby request that the Utilities Director conduct a final inspection of all streets identified within this application. I certify that the Maintenance Liability Period has elapsed or will elapse within the next forty-five (45) days, and at least ninety-five percent (95%) of all lots within the area covered by this application have been built out and completed.

Further, following the results of the Utilities Director’s inspection, I/We agree to repair or replace any defects or discrepancies within thirty (30) days of the final inspection date. I/We understand that failure to make the required repairs within thirty (30) days will result in a drawdown of the applicant’s bond or letter of credit.

<b>Applicant Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	

<b>Applicant Notes:</b>	
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This section to be completed by the Utilities Director following final inspection / re-inspection

## FINAL INSPECTION REPORT

I certify that a final inspection for all streets contained within this application was completed by me on \_\_\_\_\_, 20\_\_\_\_. Below is a summary of my findings:

<b>Inspection Results</b>	<input type="checkbox"/>	Final Inspection <b>Approved</b> <i>(No Repairs Required)</i>
	<input type="checkbox"/>	Final Inspection <b>Not Approved</b> <i>(Repairs Required)</i>
	<u>Defects/Discrepancies (If Any):</u>   	

It is understood that the applicant will repair any defects or discrepancies, if any are noted above, within ninety (90) days from the date of this inspection report. Upon completion of these repairs, the applicant shall request a final re-inspection from the Utilities Director. Failure to make the required repairs within ninety (90) days will result in a drawdown of the applicant's bond or letter of credit.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

## FINAL RE-INSPECTION REPORT

I certify that a final re-inspection for all streets contained within this application was completed by me on \_\_\_\_\_, 20\_\_. At such time, all streets were found to be free of any defects or discrepancies. The re-inspection is hereby approved, and the applicant is hereby released from any further maintenance liability for all streets contained within this application, unless otherwise noted below.

<b>Signature</b>		<b>Date</b>	
<b>Name (Printed)</b>		<b>Title</b>	Utilities Director

<b>Notes/Conditions:</b>	
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## ADMINISTRATIVE POLICY AND PROCEDURES

### FIXED ASSETS POLICIES & PROCEDURES

#### Table of Contents

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## FIXED ASSETS POLICIES & PROCEDURES

### Goal Statement

The City of York fixed assets policy and procedures are designed to provide financial and management information regarding fixed assets that facilitate valuation and financial reporting; allow management to make effective and accurate fixed asset acquisition, deployment, replacement, and maintenance decisions; and assure that these valuable items are properly safeguarded and protected.

### Objectives

1. **Inventory information** – To provide a complete inventory record of all fixed assets owned by the City of York, including the name of the item, cost of the item, date and source of acquisition, serial # (if appropriate), City ID, location, custody, accumulated depreciation and current value of the item.
2. **Verification of inventory** – To verify the completeness and accuracy of written inventory records through periodic physical inventories.
3. **Internal control** - To assure that the City's fixed assets are continuously identified as belonging to the City of York and are not subject to loss or theft.
4. **Records maintenance** - To establish procedures that assure that fixed assets records are kept current when fixed assets are purchased, constructed, transferred, deactivated, or deleted.
5. **Accountability** - To establish accountability for fixed assets, including responsibilities and procedures to protect and secure fixed assets from neglect, abuse, or theft.
6. **Financial reporting compliance** - To comply with all accounting standards pertaining to fixed assets, and in particular with the Government Accounting Standard Board's GASB 34 reporting model which requires that depreciation be recorded for all fixed assets, including general infrastructure assets, in the government-wide financial statements. To facilitate determination of the total value and accumulated depreciation for all capital assets.
7. **Misuse avoidance** - To assure that City fixed assets are used only for governmental purposes, and not misused for personal purposes.
8. **Proper disposal of fixed assets** – To provide for a systematic and orderly process for the disposal of fixed assets no longer needed.
9. **Insurance protection** - To provide information needed for protecting the City's financial interest in fixed assets through purchased insurance.

10. **Equipment maintenance** - To provide information useful to the establishment of maintenance schedules for vehicles or other types of equipment.
11. **Asset deployment effectiveness** - To provide information to assist management in assigning, tracking, or reassigning equipment where it can be most productively utilized.
12. **Budget decision tool** - To provide data of benefit to budget decision-makers who must make judgments regarding funding of new or replacement fixed assets.

### **Fixed Assets Definitions**

**Capital Asset** – A capital asset is piece of equipment, or investment in general infrastructure, which has an expected useful life of greater than two years and has a value of at least:

- a. Machinery, equipment, and vehicles – \$5,000 with the exceptions listed immediately below.
- b. Roads /roadways - \$50,000 at a specific location
- c. Bridges /culverts - \$50,000
- d. Parking lots - \$50,000
- e. Traffic signals - \$30,000
- f. Storm drains - \$25,000 at a specific location
- g. Sidewalks /bike paths - \$25,000 at a specific location
- h. Land – regardless of value

The Governmental Accounting Standards Board (“GASB”) has issued Statement 34 directing and specifying the reporting of such assets. The value of such assets is reported in the Annual Financial Report.

**Capitalization** – Capitalization is the recording of annual depreciation for capital assets. Capitalization is determined by two factors:

1. the cost of the capital asset
2. the useful life of the capital asset.

**Infrastructure Assets** – Infrastructure assets are the public domain transportation and public works systems of the City, including streets and alleys, sidewalks and curbing, bridges, street lighting, traffic control signals, storm water drainage systems, etc. Until GASB 34, local governments had not been required to track and report infrastructure assets. Under GASB 34, cities such as York are required to report and capitalize (record depreciation for) infrastructure assets, but are **not** required to do this on a retroactive basis.

### **Major Fixed Asset Classes**

*Land and Land Improvements*  
*Buildings and Building Improvements*  
*Infrastructure*  
*Machinery and Equipment*  
*Vehicles*

## **Responsibilities**

### **Administration**

1. The City Manager shall have the authority to make administrative and operational changes to this policy, but any major policy changes shall require approval by Mayor and City Council.
2. The Finance Department under the supervision of the Finance Director, is responsible for all aspects of maintaining fixed assets inventory and accounting records, including depreciation of capital assets along with any support provided by the City's auditors.
3. The Finance Department is also responsible for the supervision of tagging new fixed asset purchases (with departmental cooperation in locating the fixed assets).
4. The Finance Department along with department heads coordinates and oversees the annual physical inventory of fixed assets.
5. The Finance Department provides fixed assets reports to City Council, the City Manager, departments and auditors as appropriate to serve their oversight and management needs, and to assist in decision-making.

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### **Department Heads**

1. Department heads are responsible for maintaining, safeguarding, and securing all fixed assets owned or located within their department.
2. Department heads shall identify those fixed assets that may require routine or preventive maintenance and shall establish internal policies and procedures to address same.
3. Department heads shall ensure that the department's fixed assets are used strictly for governmental purposes in accordance with this policy, and that their employees are aware of the prohibition on personal use of the City's fixed assets.
4. Department heads shall notify the Finance Department if any fixed assets are either transferred to another department, retired, destroyed, stolen or in any other manner no longer in active use by the department.
5. Department heads shall cooperate with the Finance Department in ensuring the tagging of fixed assets and conducting annual physical inventories.

## **Policies**

### **1. Record Keeping of Fixed Assets**

The City of York shall maintain continuously up-to-date records of all fixed assets using its accounting software. These records shall be continuously updated whenever fixed assets are acquired, transferred, or retired.

### **2. Valuation and Depreciation Accounting for Capital Assets**

Capital assets shall be entered into the City's fixed assets /accounting records at purchase price or, for any donated items, fair market value at the date of donation. ("Donated items" shall be broadly defined to include any fixed assets owned by the City that were not purchased by the City.) All capital assets owned by the City shall be depreciated over their expected useful life. Depreciation expense shall be entered into the accounting records and government-wide financial statements of the City. The City shall use the straight-line method of depreciation and shall normally **not** assume a salvage value for the asset at the end of the depreciation period. The City shall maintain a Depreciation Schedule (Estimated Useful Life) that provides the time for which each type of capital asset is depreciated. This Depreciation Schedule is found at the end of this Policy and Procedures as Attachment A. Additional information regarding capitalization and depreciation may be found in the Procedures section below.

### **3. Tagging of Fixed Assets**

Certain fixed assets shall be tagged with a pre-printed, consecutively numbered tag, indicating ownership by the City of York, as part of the system to identify, track, provide accountability, and safeguard the fixed asset.

Assets to be tagged include all movable Capital Assets deemed to have value and portability, warranting an added layer of security. Tags should be placed to be easily readable and accessible, without detracting from appearance. A location near a manufacturer's ID plate is preferable, when applicable. The tagging of fixed assets shall comprise part of the City's internal control system. All numerical tags shall be always accounted for, including tags on fixed assets; lost, damaged, or destroyed tags; and tags held in inventory for new purchases.

### **4. Accountability for Fixed Assets**

Department heads are accountable for the condition, safety, security and appropriate use of all fixed assets owned by or assigned to the department. They are responsible for establishing internal departmental rules and procedures to assure that this accountability responsibility is met.

### **5. Annual Physical Inventory**

A physical inventory shall be conducted annually to assure that actual fixed assets match records on the City's Fixed Assets Inventory list. Any major discrepancies should be compiled and reported to the City Manager.

#### **6. Personal Use of Fixed Assets Prohibited**

Personal use of any City of York fixed assets shall be considered a serious breach of the City's accountability to its citizens /taxpayers. City employees may not "borrow" City equipment for personal use. Any legitimate exceptions to this policy must be documented in writing and approved by the City Manager.

#### **7. Accounting Policy – Distinction between Improvements and Repairs & Maintenance**

Routine repairs and maintenance to existing fixed assets are considered operating expense, are not capitalized, and do not impact fixed asset records and valuation.

To be considered an improvement, the life of the fixed asset must be extended beyond the original, normal life. In this situation, the cost of the improved fixed asset is the combination of the original purchase cost and the improvements cost. The asset is capitalized from the original purchase date using the new estimated life.

#### **8. Accounting Policy – Capitalization of Construction Projects**

The full cost of a construction project is capitalized, including direct costs (such as labor and materials), indirect costs (such as architecture, engineering, and construction management), and ancillary costs if applicable (such as interest for construction financing). Until completion, the project is considered "construction in progress" and is not capitalized. Costs should be cumulatively updated during construction, and then transferred to the appropriate fixed asset account upon completion.

## **Procedures**

### **Introduction to the City's Fixed Assets Software**

The City of York utilizes the Fixed Assets module from its accounting software. Many of the procedures below are written to coordinate with the features, options, and reports of this software.

The Fixed Assets Software interfaces with the General Ledger Software and may include all of the following information as appropriate:

- Asset ID
- Description
- Fund /Department
- Class (building, vehicle, infrastructure, etc., which can be customized to fit the City's needs)
- (Manufacturer's) Serial #
- Tag #
- Manufacturer
- (Manufacturer's) Model
- Notes /Comments
- Number in the Group (if the current asset represents a group of similar assets)
- Location Verified (last date that the location of the asset was verified)
- Infrastructure checkbox
- Asset Type (normal, summary, or detail)
- Primary Location
- Secondary Location
- Policy Name (name of the insurance policy that covers the asset)
- Policy Value (insurance value of asset)
- Replacement Value
- Method of Acquisition
- Date Acquired
- Original Cost
- Asset Control (fund & department codes)
- Vendor Code
- Invoice Number
- PO Number

Fixed assets listings can be reported in many ways to best suit the needs of the user.

- There are different selection methods of fixed asset information, including:
  1. By fund /department
  2. By class
  3. By asset ID
  4. By original cost
  5. By primary /secondary location
  6. By date range
  7. By customized combinations of the above
  
- Reports than can be sorted in the following sequences
  1. Fund
  2. ID
  3. Tag Number
  4. Location

### **Adding Fixed Assets**

Adding fixed assets and updating information in the Fixed Assets module is the delegated responsibility of the Financial Department. Processing an invoice for the purchase of a fixed asset triggers this procedure. When fixed asset invoices are received for payment, a copy is made to provide the information necessary for initial data input of a new asset into the FA module. The Accounts Payable staff enters the acquisition information according to the FA module help screens, including a serial Tag # number that will match the tag affixed to the fixed asset. Depreciation information is entered for all capital assets. This procedure should be kept up to date on at least a monthly basis in order to promptly establish a record of ownership for the asset.

Exceptions and cross-checking:

1. Construction in Progress –
  - a. A construction in progress fixed asset should be added for projects under construction (buildings, infrastructure, etc.) at year-end. Cost information obtained from the appropriate project expense account(s) should be entered into fixed assets in conjunction with the year-end closing.
  
2. Cross-Check and Reconciliation to Accounting Records
 

To avoid inadvertent omission of fixed assets acquisitions, it is necessary to cross-check fixed assets additions in the FA module to expense accounts in the General Fund and Capital Projects Fund accounts used for the acquisition of fixed assets. This can be done by using an FA module Auditor Report sorted by fund to cross-check against the information in the accounting system. The cross-check of fixed assets acquired during the prior fiscal year shall be completed no later than September 30 each year.

## **Tagging Fixed Assets**

The Finance Department is also responsible for custody of City of York fixed asset tags and tagging of the assets. Any tags not affixed to a fixed asset, and tag records, shall be kept in a secure area.

The Finance Department must maintain a numerical inventory record of tags and be able to account for all of the tags in one of the following general categories:

1. Tag has been assigned and affixed to a particular fixed asset.
2. Tag had been assigned to a fixed asset that has been retired and deleted from the fixed assets inventory (it is desirable to remove the tag and return it to the Financial Assistant for retention when the asset is retired).
3. Internal serial number has been assigned but tag is not affixed due to the nature of the fixed asset (e.g. infrastructure or buildings). In this situation the tag is retained and kept with the tag records.
4. Tag has been damaged beyond use, removed, or lost. Situations can occur where a tag becomes separated from its asset and cannot be securely reattached. Such instances should be documented in the tag inventory record and the "Note /Comments" FA module field for the asset should be updated should it ever be necessary to assign a second tag to an item.

Upon acquisition of a new fixed asset, the Financial Department personally tags the item. The location of the fixed asset is determined, and the Financial Department updates the FA module with this information.

## **Transfer of Fixed Assets**

There are any numbers of reasons why changes occur in the "location" of a fixed asset. The important thing to remember is that any such permanent changes can invalidate the accuracy of the FA module and can cause serious problems when it comes time to take the physical inventory. Therefore it is very important that the Finance Department is notified of all such changes.

## **Distribution of Fixed Assets Inventory Reports**

The Financial Assistant shall distribute a fixed assets inventory report semi-annually to each department to assure departments continuously have current fixed assets information. One of these times shall be 2-4 weeks prior to the physical inventory, allowing the department to informally get organized for the inventory. Additional inventory reports may be made available to departments upon request.

## **Physical Inventory**

A physical inventory of the City's fixed assets shall be conducted on an annual basis, in January, by the Finance Department. This is intended to immediately precede budget preparation. The procedure for the inventory is as follows:

1. The Financial Department shall provide each Department Head a copy of the department's fixed assets 2-4 weeks prior to the physical inventory as provided above.
2. The Department Head shall be responsible for assigning responsible personnel to assist the Finance Department in conducting the inventory. The department is advised to do any necessary preliminary work in order to be ready for the inventory.
3. The inventory process shall check to see that each item listed in inventory is located within the department, and that "location" information is correct.
4. The inventory process shall also determine if there are any fixed assets that are not listed on the inventory or that do not have a City of York tag.
5. During each department's inventory, any corrections or adjustments shall be documented, and the department head shall receive a copy of the corrections /adjustments.
6. Upon completion of the inventory, all corrections or adjustments shall be input into the FA module. The Finance Department shall report all discrepancies to the City Manager if there are any major areas of concern.

## **Disposal of Fixed Assets /Purge of Fixed Assets Records**

When a fixed asset has reached the end of its use and is ready to be removed from the fixed assets inventory, the Department shall provide this information in writing to the Finance Department. If the fixed asset is to be sold at auction, it is transferred to a location, with security provided by the Police Department, for storage until the auction takes place. The Financial Department enters the disposal information into the FA module of the accounting software.

The FA module allows input of various disposal codes when the asset is disposed /retired. Even though the fixed asset is disposed /retired, it is often desirable to maintain the historical record of the asset. This provides documentation of the fixed assets that have been used by departments and the actual life expectancy experience. Therefore, the fixed assets record should not normally be purged at the time of the fixed asset is disposed or retired.

**FIXED ASSETS POLICIES & PROCEDURES**  
**Attachment A**

**City of York**  
**Depreciation Schedule (Estimated Useful Life)**

The following is to be considered as guidelines – special circumstances might warrant deviations from this schedule.

**Land and Land Improvements** - not depreciated.

**Buildings and Building Improvements –**

Construction - 50 years

Portable Structures - 25 years

**Infrastructure**

Water/Sewer Infrastructure - 10 to 50 years

Streets/alleys - asphalt 15 years

Sidewalks and curbing - 15 years

Traffic control signals – 15 years

Street Lighting 15 years

Storm sewer collection (piping) 40 to 50 years

Bridges - 50 years

**Machinery and Equipment**

Outdoor Equipment - 5 to 10 years

Police and Fire Equipment - 3 to 10 years

Machinery & Tools - 5 to 15 years

Custodial/Kitchen Appliances - 15 years

Science & Engineering Equipment - 10 years

Furniture & Accessories - 5 to 10 years

Business Machines - 10 years

Communications Equipment - 10 years

Computer Equipment - 3 years

Computer Software - 5 years

Audiovisual Equipment - 10 years

Contractor Equipment - 10 years

Grounds Maintenance Equipment - 5 to 15 years

**Vehicles**

Police Patrol Vehicles - 5 years

Other Licensed Vehicles - 5 years

Contractor Equipment (forklifts, loaders, bulldozers, backhoes, etc.) - 10 year

# City of York

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## Memo

**TO:** Mayor & City Council

**FROM:** Dalton Pierce, MPA, City Manager

**MEETING DATE:** February 5<sup>th</sup>, 2024

**SUBJECT:** FY24-25 Budget Schedule & First Tryon Advisors

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### **GENERAL INFORMATION**

#### 10.5: FY24-25 Budget Schedule

City staff have prepared the FY2025 Budget Schedule per MASC recommended best practices. The Council should enact the annual operating budget before the beginning of each fiscal year. Because the budget is a financial operating plan for the municipality, it is important that local officials are aware, as early as possible, of the scheduled date and times of meetings, deadlines, and key processes related to the preparation and adoption of the budget. A calendar establishing all key dates in the budget preparation should be developed.

### **REQUESTED ACTION**

Action Requested by City Council to Adopt FY23-24 Budget Schedule

### **ATTACHMENT(S):**

FY24-25 Budget Schedule

### **GENERAL INFORMATION**

#### 10.5: First Tryon Advisors

On January 23, 2023, City Staff met with team members from First Tryon Advisors regarding services and an overview of the company. City staff would like to move forward with Work Order Number One, which would cost between \$20,000 to \$25,000 for the Capital Planning model. The Capital Planning Model (the "Model") is a tool developed by First Tryon that gives entities the ability to forecast the impact of funding proposed capital projects over both a near-term and a long-term horizon. The model is designed to be interactive and to allow an entity to run multiple scenarios with different assumptions in a timely manner. The model is not a "one size fits all" model but instead tailored to the individual needs and goals of the client. The model's Dashboard contains charts that track existing and proposed debt, fund balance, and key financial ratios, such as Debt Service Coverage Ratio and Days' Cash on Hand. Charts can be customized based on the issuer's preferences. Lastly, the City is in a position of need for this financial tool due to growth, financial forecasting, identified capital needs, and financing debt service, which would cover funds such as the General Fund, Enterprise Fund, Tourism Fund, Impact Fee Fund, Capacity Fee Fund, Capital Projects Fund, and Enterprise Capital Projects Fund.

### **REQUESTED ACTION**

General Information

Action Requested by City Council on Agreement & Work Order #1

### **ATTACHMENT(S):**

Financial Advisory Services Agreement

Work Order #1

Overview of First Tryon's Capital Planning Model

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## FY 2024-2025 Budget Schedule

<u>Dates &amp; Phases</u>	<u>Task</u>
February 19, 2024	City Council Budget Workshop #1 Kick-Off Discussion <i>(At a City Council Workshop)</i>
March 25, 2024	Department Head's notified by City Manager of the start of FY2024-2025 Budget Preparation and Budget Requests due 5/1/2024
April 1- 30, 2024	City Administration Preliminary Budget Discussions and Preparation
May 1, 2024	Department Head Budget Requests due to City Manager & Finance Director
<b><u>Phase 1: Budget Planning</u></b>	
May 2 - 12, 2024	City Administration Review Department Head Budget Requests
May 13 - 17, 2024	1st Individual Department Budget Meetings: Administration, Police, Fire, Planning & Zoning, Parks & Rec., Public Works, & Public Utilities
May 18 - June 8, 2024	Budget Expense Review, Preliminary Revenue Projection Analysis, Rate & Fee Schedule Review
<b><u>Phase 2: Budget Prioritization</u></b>	
June 10 - 14, 2024	2nd Individual Department Budget Meetings: Administration, Police, Fire, Planning & Zoning, Parks & Rec., Public Works, & Public Utilities
June 11 - 16, 2024	Budget Expense Preliminary Draft Final & Revenue Projection Analysis
June 17, 2024	Presentation of the Overview for the Proposed Budget for FY2024 - 2025 at Work Shop #2 <i>(At a City Council Workshop)</i>
June 18 - 30, 2024	Review feedback from City Council from the proposed Budget for FY2024 - 2025 Workshop #2
<b><u>Phase 3: Budget Formulation &amp; Adoption Process</u></b>	
July 1 - 5, 2024	Final Individual Department Budget Meetings: Administration, Police, Fire, Planning & Zoning, Parks & Rec., Public Works, & Public Utilities
July 6 - 14, 2024	City Administration Preliminary Final Review Budget Expense & Revenue Projection
July 15, 2024	Presentation of the Overview for the Proposed Budget for FY2024 - 2025 at Work Shop #3 <i>(At a City Council Workshop)</i>
July 16 - 28, 2024	Review feedback from City Council from the proposed Budget for FY2024 - 2025 Workshop #3
July 29 - August 12, 2024	City Administration Budget Expense & Revenue Projection Recommendation
August 14 - 18, 2024	Final FY2024 - 2025 Budget prepared and sent to City Council & Department Heads for Final Review
August 15, 2024	Publication date of Public Notice of Public Hearing for FY2024 - 2025 Budget <i>(Requires 15 Day Notice; Publish in Herald)</i> Publication date of Public Notice of Public Hearing for FY2024 - 2025 Rate & Fee Schedule <i>(Requires 15 Day Notice; Publish in Herald)</i>
August 19, 2024	Presentation of the Final Proposed Budget for FY2024 - 2025 at Work Shop #4 <i>(At a City Council Workshop)</i>
August 22 - September 2, 2024	City Administration Final Review Department Head Budget Requests & Budget Expense Draft Final & Revenue Projection Analysis
September 3, 2024	First Reading of FY2024 - 2025 Budget Ordinance <i>(At a Regular Scheduled City Council Meeting)</i>
September 16, 2024	Second Reading and Adoption of FY2024 - 2025 Budget Ordinance <i>(At a Special City Council Meeting)</i> Second Reading and Adoption of FY2024 - 2025 Rate & Fee Schedule <i>(At a Special City Council Meeting)</i> Public Hearing for FY2024 - 2025 Budget Ordinance <i>(At a Special City Council Meeting)</i> Public Hearing for FY2024 - 2025 Rate & Fee Schedule <i>(At a Special City Council Meeting)</i>
September 17, 2024	Budget Sent to Printer & Uploaded into the Accounting System
<b><u>Phase 4: Budget Execution</u></b>	
October 1, 2024 - September 30, 2025	

## FINANCIAL ADVISORY SERVICES AGREEMENT

This Agreement (this “**Agreement**”) is made by and between the City of York, South Carolina (the “**Client**”) and First Tryon Advisors, LLC (the “**Advisor**”), as of the date acknowledged and accepted by the Client below (the “**Effective Date**”).

In consideration of the mutual covenants contained in this Agreement, the parties hereby agree with respect to financial advisory services to be provided by the Advisor to the Client as follows:

### SERVICES

The Advisor, as an independent contractor and not as an employee, shall provide financial advisory services to the Client as specified from time to time in the work order or work orders in the form attached to this Agreement as Exhibit A (collectively, if more than one, the “**Work Order**”), perform all work and deliver all requisite work product (the “**Deliverables**”) in connection therewith (collectively, together with the Deliverables, the “**Services**”). The Advisor agrees to perform the Services in accordance with the highest professional standards applicable to the performance of like services. As part of such Services, Client may periodically request reasonable written reports concerning the Advisor’s progress, project status and other matters pertaining to the Services, and the Advisor shall promptly provide such reports to Client at no additional charge.

Client may, from time to time, request that the Advisor perform additional Services (“**Additional Services**”). If the Advisor accepts such assignments, the parties shall agree to the parameters of the Additional Services to be undertaken by executing a new or revised Work Order in the form of Exhibit A. The Additional Services shall be considered “**Services**” under this Agreement and shall be performed in accordance with, and subject to the terms and conditions of, this Agreement and the Work Order specifying the Services to be performed.

Nothing contained in this Agreement shall constitute making or appointing the Advisor an agent of the Client. The Advisor shall not (a) hold itself out contrary to the terms of this Agreement; (b) enter into any agreement on behalf of the Client or bind the Client in any way; or (c) make any representation, agreement, act or commission contrary to the terms of this Agreement.

### CLIENT MATTERS

With respect to any matter described in this Agreement, nothing in this Agreement shall limit the Client’s unqualified right, in the Client’s discretion, (a) to reject in whole or in part any advice, suggestion, counsel or proposal made by the Advisor; or (b) to make any decision the Client deems to be in the best interests of the Client.

The Client represents that (a) it has taken all necessary action to authorize the Client’s execution, delivery and performance of this Agreement and (b) it has obtained all consents, approvals and authorizations necessary for the Client’s execution and delivery of this Agreement and the performance of its obligations under this Agreement.

### TERM

This Agreement shall commence on the Effective Date and thereafter shall remain in effect unless terminated in accordance with the provisions under the “**TERMINATION**” heading below. The Advisor shall render Services to Client for the period (the “**Term**”) set forth in the applicable Work Order.

### PERSONNEL

The Advisor’s Services under this Agreement shall be rendered solely by (a) its individual employees or (b) individuals or entities that are not employees of the Advisor that have been engaged by the Advisor to

perform Services under this Agreement on the Advisor's behalf (collectively, the "**Third Parties**"), in each case as specified in the Work Order (collectively, the "**Personnel**"). The Advisor represents any such Personnel are qualified to perform the Services and have been assigned by the Advisor to work with the Client pursuant to this Agreement. The Advisor certifies that after hiring an employee to work in the United States, the Advisor shall verify the work authorization of the employee through E-Verify (or any replacement procedure).

### **FEES**

Upon the performance by the Advisor of all of its obligations under this Agreement and in an applicable Work Order, and as full compensation for Services performed by the Advisor to Client, Client agrees to pay to the Advisor, and the Advisor agrees to accept, a fee for Services as rendered on the basis set forth in the Work Order. In no event shall Client be obligated to pay any fees accrued in excess of the Estimated Cost set forth in the Work Order, or accrued in respect of services not described in the Work Order, without the written consent of Client.

In establishing fees, the Advisor takes into account multiple factors, including the efficiency with which the work was done, the result achieved, the complexity of the matter and any special experience or expertise applied to it, any extraordinary scheduling or preemptive attention devoted to the project, and the degree of professional responsibility or liability undertaken by the firm.

Unless specifically provided otherwise in the applicable Work Order, the Advisor shall invoice Client upon completion of the Services performed under the applicable Work Order. Invoices will be paid within 30 days of Client's receipt and acceptance of a proper invoice in accordance with the applicable Work Order.

### **TERMINATION**

Either party shall have the right to terminate any or all of the Services, any or all Work Orders or this Agreement without cause and in its sole discretion upon 30 days' prior written notice.

In the event of any termination of any Services, Work Order or this Agreement as set forth above, the Client shall pay the Advisor only for those Services performed, and reimbursable expenses incurred, before the effective date of termination; provided, however, that the Client shall have no liability for any further charges in respect of Services performed or expenses incurred after such termination date. Upon termination of this Agreement, the Advisor shall be relieved of any further obligations to provide services under this Agreement or any applicable Work Order.

### **MISCELLANEOUS**

The provisions of this Agreement constitute the entire agreement of the parties as to the matters addressed in this Agreement and supersede any prior understanding not specifically incorporated in this Agreement. No changes to this Agreement or waiver of any of the terms of this Agreement shall be made except in writing signed by the Client and the Advisor. In addition, no Work Order applicable to this Agreement shall be binding on the Client unless executed by the Client and the Advisor. In the event of any inconsistency between a Work Order and the terms set forth in this Agreement, the terms of the applicable Work Order shall prevail.

### **GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina applicable to agreements made and to be fully performed therein.

### **NOTICES**

All notices, requests, demands or other communications in connection with this Agreement shall be in writing and shall be deemed to have been duly given if delivered in person, by a nationally recognized overnight courier service or by United States mail, postage prepaid, certified or registered, with return receipt requested, or otherwise actually delivered:

If to the Client at:

City of York, South Carolina  
ATTN: Dalton Pierce, City Manager  
10 N. Roosevelt St (PO Box 500)  
York, SC 29745

If to the Advisor, at:

First Tryon Advisors, LLC  
Attn: Chief Compliance Officer  
6101 Carnegie Blvd, Suite 210  
Charlotte, NC 28209

### **LIMITATION ON LIABILITY**

NEITHER PARTY SHALL BE LIABLE FOR ANY CAUSE RELATED TO OR ARISING OUT OF THIS AGREEMENT, WHETHER IN CONTRACT, NEGLIGENCE OR TORT, IN EXCESS OF THE TOTAL FEES AND CHARGES PAID BY THE CLIENT FOR SERVICES RENDERED DURING THE TERM. NEITHER PARTY'S AFFILIATES, DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS SHALL BE LIABLE FOR ANY CAUSE RELATED TO OR ARISING OUT OF THIS AGREEMENT, WHETHER IN CONTRACT, NEGLIGENCE OR TORT.

### **HEADINGS**

The paragraph headings in this Agreement are solely for convenience of reference and shall not affect the interpretation of this Agreement.

### **ASSIGNMENT**

Each provision of this Agreement and all Work Orders shall inure to, and shall be legally binding on, the successors and assigns of the parties to this Agreement.

### **COMPLIANCE WITH LAW**

The Advisor will comply with all statutes, ordinances, and regulations of all federal, state, county and municipal or local governments, and of any and all the departments and bureaus thereof, applicable to the carrying on of its business and performance of the Services and its obligations under this Agreement.

### **SEVERABILITY**

If any term of this Agreement shall be held invalid, illegal or unenforceable in whole or in part, then neither the validity of the remaining part of such term nor the validity of any other term of this Agreement shall be in any way affected.

### **MUNICIPAL ADVISORY CLIENT EDUCATION AND PROTECTION**

The Advisor is registered with the U.S. Securities and Exchange Commission ("SEC") as a Municipal Advisor. As a registered Municipal Advisor, the Advisor is subject to the rules of the Municipal Securities Rulemaking Board ("MSRB"). The MSRB provides certain protections for municipal entities and obligated persons that are clients of a municipal advisor. For complete regulatory and educational information, visit the MSRB's website at [www.msrb.org](http://www.msrb.org). A municipal advisory client brochure is available on the MSRB website's (currently available at <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx>). The client brochure describes client protections that may be provided under MSRB rules, including how to file a complaint with an appropriate regulatory authority.

### **MUNICIPAL ADVISOR REGULATORY DUTIES**

MSRB Rule G-42 requires that municipal advisors provide disclosures of material conflicts of interest and of information regarding certain legal events and disciplinary history. Such disclosures are provided in the Advisor's Municipal Advisor's Disclosure Statement, which the Advisor has to this Agreement as Exhibit B.

**IN WITNESS WHEREOF**, the Client and the Advisor have duly executed this Agreement, and the Client has acknowledged and accepted the terms of this Agreement, as of the \_\_\_\_ day of January, 2024.

**CITY OF YORK, SOUTH CAROLINA**

By: \_\_\_\_\_  
Name: Dalton Pierce, MPA  
Title: City Manager

**FIRST TRYON ADVISORS, LLC**

By:  \_\_\_\_\_  
Name: J. Walter Goldsmith  
Title: President & COO

**EXHIBIT A**  
**WORK ORDER**

**WORK ORDER** to the Agreement dated \_\_\_\_\_, by and between the City of York, South Carolina (the “**Client**”) and First Tryon Advisors, LLC (the “**Advisor**”).

**SERVICES**

Pursuant to this Work Order, the Advisor’s Services will include the following:

**TERM**

The term with respect to the Services to be performed under this Work Order shall end 30 days after the completion of the Services, unless terminated earlier in accordance with the Agreement.

**COMPENSATION**

In establishing fees, the Advisor considers multiple factors, including the efficiency with which the work was done, the result achieved, the complexity of the matter and any special experience or expertise applied to it, any extraordinary scheduling or preemptive attention devoted to the project, and the degree of professional responsibility or liability undertaken by the firm.

For services to be performed in connection with this Work Order, the Advisor shall be as follows:

- [To be determined]

Such fees may vary if (1) the contemplated assignment changes materially during the course of the Term or (2) unusual or unforeseen circumstances arise which require a significant increase in the type or scope of the Advisor’s responsibilities. The Advisor will consult with the Client if at any time the Advisor believes that circumstances require an adjustment to its fee. The fee will not be increased without the written consent of the Client.

In addition to the compensation outlined above, the Client will reimburse the Advisor for out-of-pocket expenses incurred in connection with the Services. Customary out-of-pocket expenses include, without limitation, costs of travel, meals, lodging, printing/copying, etc. The Advisor will bill the Client for such expenses at cost, with no mark-up. The Advisor will not bill the Client for indirect costs such as phone and video conference services; instead, the Client will pay the Advisor an administrative expense fee equal to 4% of any invoiced fee for Services as reimbursement for costs not reasonably allocable on a client-by-client basis.

The Advisor is firmly committed to demonstrating value to the Client throughout the financing process. ***If at any time the Client believes that the Services provided are not consistent with the fees charged by the Advisor, the Client may adjust the fee for such Services to any amount the Client deems appropriate.***

AGREED AND ACCEPTED this \_\_\_\_ day of January, 2024:

**CITY OF YORK, SOUTH CAROLINA**

By: \_\_\_\_\_  
Name:  
Title:

**FIRST TRYON ADVISORS, LLC**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name: J. Walter Goldsmith  
Title: President & COO

**EXHIBIT B**  
**MUNICIPAL ADVISOR DISCLOSURE STATEMENT**

Developing best practices for regulatory compliance and following the spirit, not just the letter, of any applicable regulation are central tenets of First Tryon Advisors, LLC (“First Tryon”). To that end, we are providing you with this Disclosure Statement of Municipal Advisor (this “Disclosure Statement”) to explain our fiduciary duties and commitment to you (the “Client”), as well as to provide you with certain disclosures that are required by the Municipal Securities Rulemaking Board (“MSRB”) Rule G-42 (“Rule G-42”), which became effective on June 23, 2016.

**FIDUCIARY DUTY:** In the conduct of all municipal advisory activities for the Client, First Tryon is subject to a fiduciary duty that includes a Duty of Loyalty and a Duty of Care.

First Tryon’s Duty of Care includes, but is not limited to, the following:

- First Tryon Advisors must possess the degree of knowledge and expertise needed to provide the Client with informed advice.
- First Tryon Advisors must make a reasonable inquiry as to the facts that are relevant to the Client’s determination as to whether to proceed with a course of action or that form the basis for any advice provided to the Client.
- First Tryon Advisors must undertake a reasonable investigation to determine that it is not basing any recommendation on materially inaccurate or incomplete information. Among other matters, First Tryon Advisors must have a reasonable basis for:
  - o any advice provided to or on behalf of the Client;
  - o any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the Client, any other party involved in the municipal securities transaction or municipal financial product, or investors in the Client’s securities or securities secured by payments from the Client; and
  - o any information provided to the Client or other parties involved in the municipal securities transaction in connection with the preparation of an official statement for any applicable issue of municipal securities.

First Tryon’s Duty of Loyalty includes, but is not limited to, the following:

- First Tryon Advisors must deal honestly and with the utmost good faith with the Client and act in the Client’s best interests without regard to First Tryon’s financial or other interests.
- First Tryon Advisors may not engage in municipal advisory activities for the Client if First Tryon cannot manage or mitigate its conflicts of interest in a manner that will permit it to act in the Client’s best interests.

**FIRST TRYON’S RECOMMENDATIONS TO CLIENTS:** Rule G-42 requires that our advisors have a reasonable basis to believe that any recommendation First Tryon makes to the Client is suitable for the Client, based on the information obtained through our reasonable diligence. If the Client requests a review of another party’s recommendation, our advisors must determine, based on the information obtained through our reasonable diligence, whether the recommendation is suitable for the Client. In addition, First Tryon must inform the Client of:

- our evaluation of the material risks, potential benefits, structure, and other characteristics of the recommended municipal securities transaction or municipal financial product;
- the basis upon which First Tryon reasonably believes that the recommendation (or reviewed recommendation) is or is not suitable for the Client; and - whether our advisors have investigated or considered other reasonably feasible alternatives to the recommendation that might also serve the Client’s objectives.

**PROHIBITED ACTIVITIES:** Rule G-42 prohibits First Tryon, and any other municipal advisor, from engaging in the following activities:

- receiving compensation that is excessive in relation to the municipal advisory activities actually performed;
- delivering an invoice for fees or expenses for municipal advisory activities that is materially inaccurate in its reflection of the activities actually performed or the personnel that actually performed those activities;
- making any representation or the submission of any information that First Tryon knows or should know is either materially false or materially misleading due to the omission of a material fact about the capacity, resources or knowledge of First Tryon, in response to requests for proposals or qualifications or in oral presentations to the Client or another prospective client, for the purpose of obtaining or retaining an engagement to perform municipal advisory activities;
- making, or participating in, any fee-splitting arrangement with underwriters on any municipal securities transaction as to which it has provided or is providing advice, and any undisclosed fee splitting arrangements with providers of investments or services to the Client; and
- making payments for the purpose of obtaining or retaining an engagement to perform municipal advisory activities

**MANDATORY DISCLOSURES REGARDING CONFLICTS:** Under Rule G-42, First Tryon must disclose to you in writing any actual or potential material conflicts of interest, including:

- any First Tryon affiliate that provides any advice, service or product to or on behalf of the Client that is directly related to the municipal advisory activities to be performed by First Tryon;
- any payments made by First Tryon, directly or indirectly, to obtain or retain an engagement to perform municipal advisory activities for the Client;
- any payments received by First Tryon from a third party to enlist First Tryon's recommendation to the Client of its services, any municipal securities transaction or any municipal financial product;
- any fee-splitting arrangements involving First Tryon and any provider of investments or services to the Client;
- any conflicts of interest arising from compensation for municipal advisory activities to be performed that is contingent on the size or closing of any transaction as to which First Tryon is providing advice; and - any other actual or potential conflicts of interest, of which First Tryon is aware after reasonable inquiry, that could reasonably be anticipated to impair First Tryon's ability to provide advice to or on behalf of the Client in accordance with the fiduciary duty it owes to the Client.

Please be aware of the following actual or potential material conflicts of interest related to our role as your advisor:

- *Contingent Fees Based on Closing & Size:* The Advisor represents that in connection with the issuance of municipal securities, the Advisor may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, the Advisor hereby discloses, that such contingent and/or transactional compensation may present a potential conflict of interest regarding the Advisor's ability to provide unbiased advice to enter into such transaction. The contingent fee arrangement creates an incentive for the Advisor to recommend unnecessary financings or financings that are disadvantageous to the Client, or to advise the Client to increase the size of the issue. This potential conflict of interest will not impair the Advisor's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Client.
- *Hourly Fees:* The Advisor's fees under this agreement may be based on hourly fees of the Advisor's personnel, with the aggregate amount equaling the number of hours worked by such personnel times an agreed-upon hourly billing rate. This form of compensation presents a potential conflict of interest because it could create an incentive for the Advisor to recommend alternatives that would result in more hours worked. This conflict of interest will not impair the Advisor's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Client.

- *Fixed Fees:* The Advisor's fees under this agreement, may be a fixed amount established at the outset of the Agreement. The amount is usually based upon an analysis by the Client and the Advisor of, among other things, the expected duration and complexity of the transaction and the Scope of Services to be performed by the Advisor. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the Advisor may suffer a loss. Thus, the Advisor may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. This conflict of interest will not impair the Advisor's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Client.
- *Increase Cost:* The fee paid to the Advisor increases the cost of investment to the Client. The increased cost occurs from compensating the Advisor for municipal advisory services provided.
- *Other Advisory Clients:* The Advisor serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of another Advisor client. For example, the Advisor serves as municipal advisor to other municipal advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to the Client. These other clients may, from time to time and depending on the specific circumstances, have competing interests. In acting in the interests of its various clients, the Advisor could potentially face a conflict of interest arising from these competing client interests. The Advisor fulfills its regulatory duty and mitigates such conflicts through dealing honestly and with the utmost good faith with the Client.

In addition to mitigating factors cited above, we believe the following factors enable First Tryon to manage and mitigate the conflicts described above:

- *Fiduciary Duty:* First Tryon's commitment to the fiduciary duty it owes the Client serves as a general mitigating factor for any conflict of interest. Taken together, the Duty of Care and the Duty of Loyalty require First Tryon to deal honestly and in good faith with the Client and to act in the Client's best interests, without regard to First Tryon's financial or other interests.
- *Business Model and Capitalization:* First Tryon Advisors is well-capitalized, and its business model is not dependent on maximizing short-term revenues from any single advisory client or recommendation. Instead, First Tryon's business model and profitability are dependent on cultivating long-term client relationships based on a demonstrated track record of putting our clients' interests first.
- *Supervisory Structure:* First Tryon has the experience, expertise and infrastructure to ensure compliance with all of its regulatory obligations. The firm's supervisory structure, which includes a Chief Compliance Officer, and other safeguards ensure that our advisors understand, and act in accordance with, the fiduciary duty First Tryon owes to each of its clients.

**MANDATORY DISCLOSURES REGARDING DISCIPLINARY EVENTS:** Under Rule G-42, First Tryon must disclose to you in writing (1) any legal or disciplinary event that is material to the Client's evaluation of First Tryon or the integrity of its management or advisory personnel and (2) the date of the last material change or addition to the legal or disciplinary event disclosures on any Form MA or Form MA-I filed with the SEC by First Tryon, along with a brief explanation of the basis for the materiality of the change or addition.

- *Material Legal or Disciplinary Events:* First Tryon does not have any legal events or disciplinary history on First Tryon's Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation.
- *How to access Form MA and Form MA-1:* First Tryon's most recent Form MA and each most recent Form MA-I filed with the SEC may be accessed electronically at the following website:

[www.sec.gov/edgar/searchedgar/companysearch.html](http://www.sec.gov/edgar/searchedgar/companysearch.html)

- *Most Recent Change in Legal or Disciplinary Event Disclosure:* There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against Frist Tryon, we will provide complete disclosure to the Client in detail.

FUTURE DISCLOSURES: As required by Rule G-42, First Tryon will, throughout the course of its engagement with the Client, promptly notify the Client in writing to supplement or amend this Disclosure Statement as may be necessary in connection with (1) any changed circumstance that results in new, material conflicts of interest or material changes to the conflicts of interest described above or (2) any required update to First Tryon's disciplinary event information.

If you have any questions or concerns about this Disclosure Statement or the information above, please make those questions or concerns known immediately. In addition, the Client should consult with its own legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate.

## WORK ORDER NUMBER 1

**WORK ORDER** to the Agreement dated January 24, 2024, by and between the City of York, South Carolina (the “Client”) and First Tryon Advisors, LLC (the “Advisor”).

### SERVICES

The Advisor will provide the following Services under this Work Order:

- Develop a comprehensive capital planning model (the “model”) to assist in the prioritization and phasing of the Client’s capital improvement needs, taking the following variables into consideration:
  - Project timing and amounts
  - Existing and projected revenues and expenditures
  - Available funding structures
  - Financing term
  - Amortization/debt service structure
  - Impact of projects on financial ratios, coverages, rates, etc.
- Work hand-in-hand with the Client’s staff to refine the model to help forecast future financial performance, evaluate the Client’s debt capacity and affordability and assess the sensitivity of the Client’s various planning assumptions.
- Attend meetings of the governing body of the Client, its staff, representatives or committees as requested, whether in person or virtually, when First Tryon may be of assistance or service and the subject of capital planning and potential financings or related topics are to be discussed.
- Provide ongoing responses to routine/miscellaneous questions.

### TERM

The term with respect to the Services to be performed under this Work Order shall end 30 days after the completion of the Services described above, unless terminated earlier in accordance with the Agreement.

### COMPENSATION

In establishing fees, the Advisor considers multiple factors, including the efficiency with which the work was done, the result achieved, the complexity of the matter and any special experience or expertise applied to it, any extraordinary scheduling or preemptive attention devoted to the project, and the degree of professional responsibility or liability undertaken by the firm.

For services to be performed in connection with this Work Order, the Advisor proposes a fee range of \$20,000 to \$25,000 to deliver a completed model. Any additional work on, or updates to, the model after development and delivery of a final, working model would be billed at an hourly rate of \$350 per hour for 2024. After 2024, First Tryon’s hourly rates are subject to adjustment from time to time as agreed upon by the Client. If at any time we believe circumstances require an adjustment of our fees, we will consult with you and any adjustment will be left to the sole discretion of the Client.

***If at any time the Client believes that the Services provided are not consistent with the fees First Tryon has charged, the Client may adjust the fee for such Services to any amount the Client deems appropriate.***

Such fee may vary if (1) the contemplated assignment changes materially during the course of the Term or (2) unusual or unforeseen circumstances arise which require a significant increase in the type or scope of the Advisor's responsibilities. The Advisor will consult with the Client if at any time the Advisor believes that circumstances require an adjustment to its fees. Fees will not be increased without the written consent of the Client.

In addition to the compensation outlined above, the Client will reimburse the Advisor for out-of-pocket expenses incurred in connection with the Services. Customary out-of-pocket expenses include, without limitation, costs of travel, meals, lodging, printing/copying, etc. The Advisor will bill the Client for such expenses at cost, with no mark-up. The Advisor will not bill the Client for indirect costs such as telephone, fax, and conference call services; instead, the Client will pay the Advisor an administrative expense fee equal to 4% of any invoiced fee for Services as reimbursement for costs not reasonably allocable on a client-by-client basis.

**AGREED AND ACCEPTED** this \_\_\_\_\_ day of January, 2024:

**CITY OF YORK, SOUTH CAROLINA**

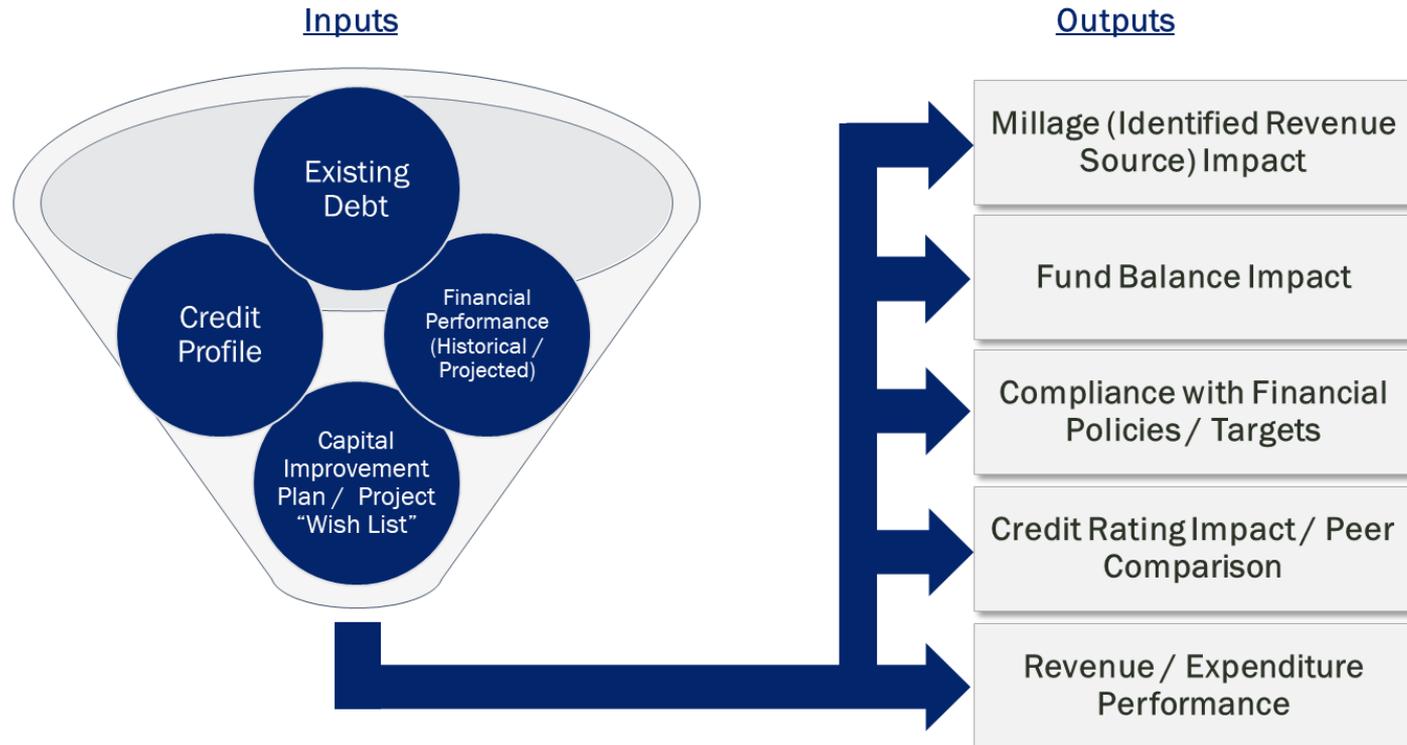
By: \_\_\_\_\_  
Name: Dalton Pierce, MPA  
Title: City Manager

**FIRST TRYON ADVISORS, LLC**

By:  \_\_\_\_\_  
Name: J. Walter Goldsmith  
Title: President & COO

# Overview of First Tryon's Capital Planning Model

- The Capital Planning Model (the “Model”) is a tool developed by First Tryon that gives entities the ability to forecast the impact of funding proposed capital projects over both a near-term and a long-term horizon.
- The model is designed to be interactive and to allow an entity to run multiple scenarios with different assumptions in a timely manner.
- The model is not a “one size fits all” model but instead tailored to the individual needs and goals of the client.



# Inputs: Capital Improvement Plan

- As shown below, the issuer inputs its entire capital improvement plan / project wish list and specifies the relevant assumptions on a project-by-project basis.
- Each project can be turned on/off (column 1) with the resulting financial impact calculated immediately.

Turn Projects on or off

Specify project description, amount, and timing

Specify funding type / revenue source

Customize repayment structure

Projects Under Consideration									
1	2	3	4	5	6	7	8	9	10
On/Off	Description	Amount	Timing (FY)	Fund / Revenue Source	Funding Type	Structure	Term	Principal Deferral	Rate
On	City Hall	2,500,000	2024	General Fund	G.O.	Level D/S	20	0	4.25%
On	Public Safety Downtown Surveillance	500,000	2024	General Fund	Fund Balance				
On	Fire Truck	1,200,000	2025	General Fund	G.O.		5	0	3.00%
On	Park Renovations	750,000	2025	General Fund	Fund Balance				
On	Water and Sewer Upgrades	5,000,000	2026	Water & Sewer	Revenue Bond	Level D/S	25	2	4.75%
On	Parking Garage	7,000,000	2027	General Fund	G.O.	Level Principal	25	0	4.50%
On	Vehicles and Equipment	1,000,000	2027	General Fund	G.O.	Level D/S	5	0	3.00%
On	Sidewalks	700,000	2027	General Fund	Fund Balance				
Off	Fire Station Renovation	2,000,000	2027	General Fund	G.O.	Level D/S	7		3.25%
Off	Vehicles and Equipment	1,000,000	2027	General Fund	Fund Balance				

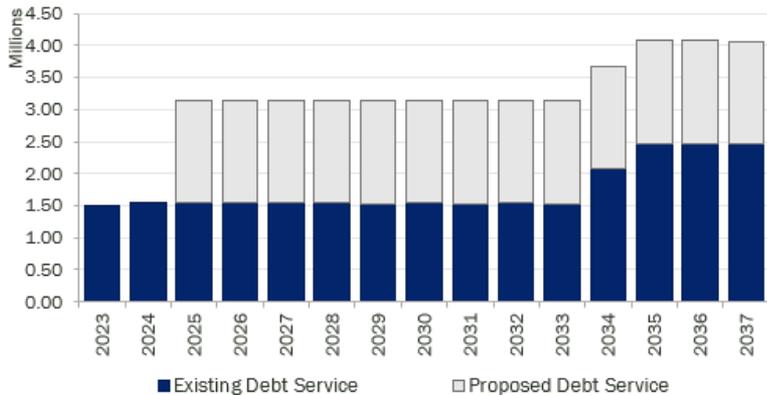


# Outputs: Charts and Financial Ratios

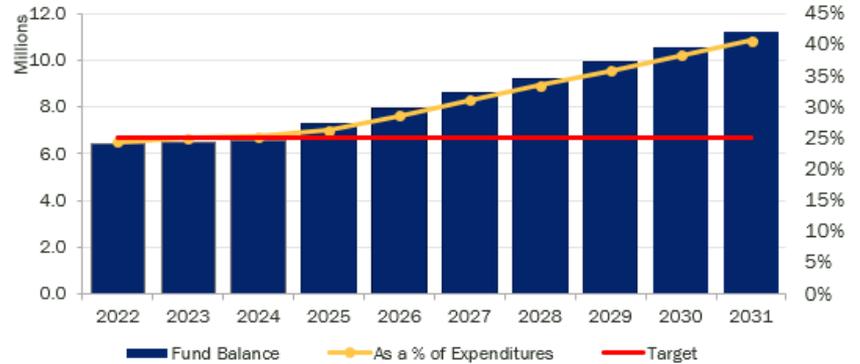
- ▶ The model's Dashboard contains charts that track existing and proposed debt, fund balance, and key financial ratios, such as Debt Service Coverage Ratio and Days' Cash on Hand. Charts can be customized based on the issuer's preferences.

## Dashboard Graphics

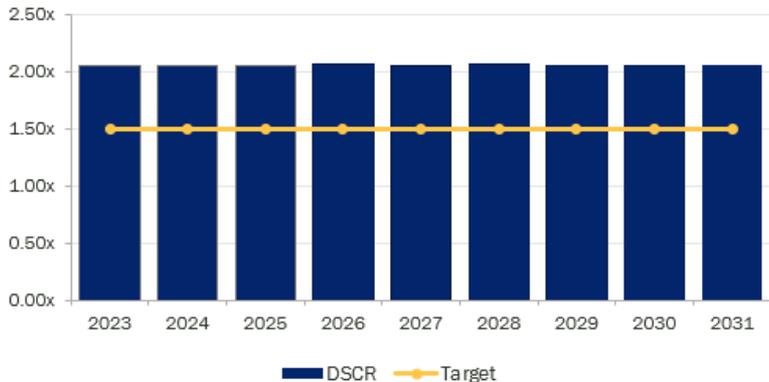
Annual Debt Service Requirements (General Fund)



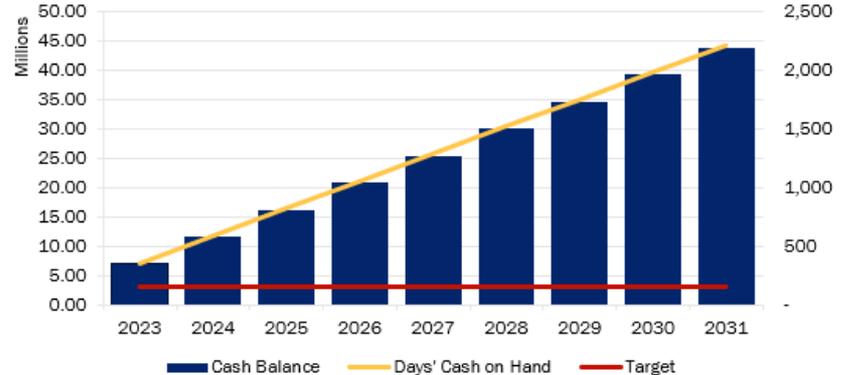
Fund Balance (General Fund)



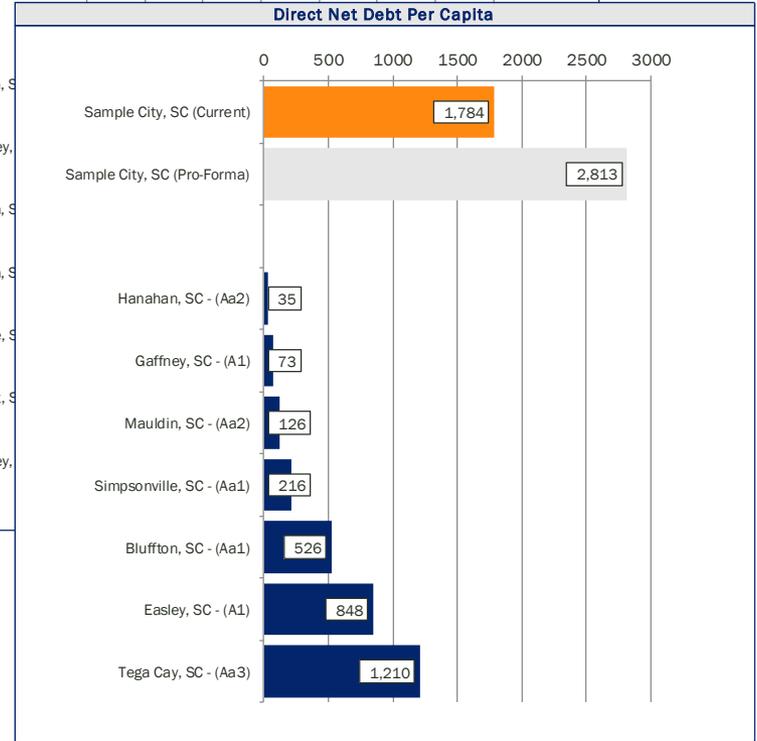
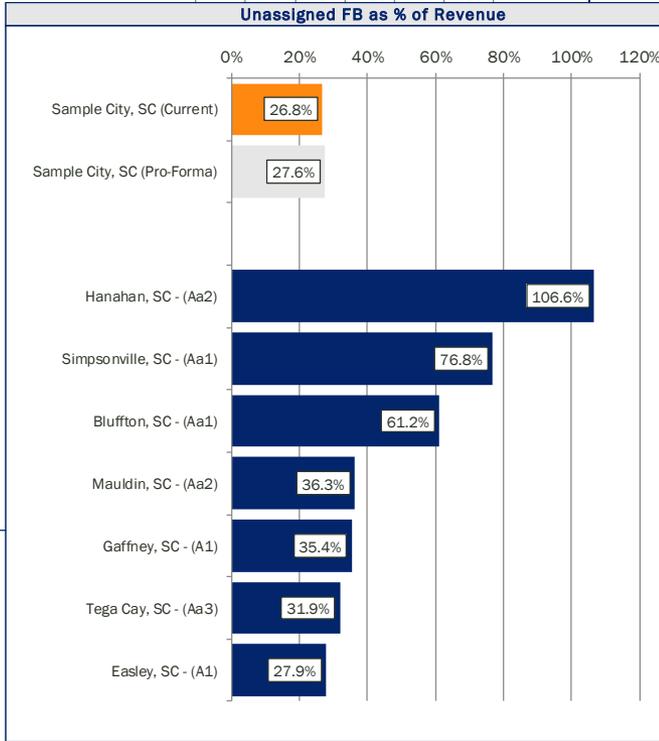
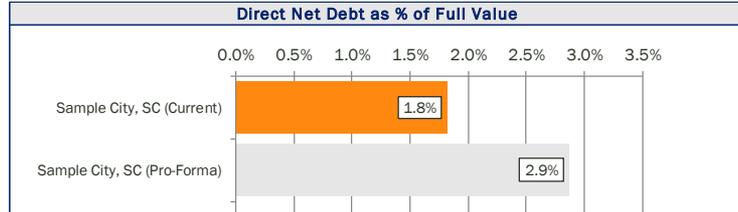
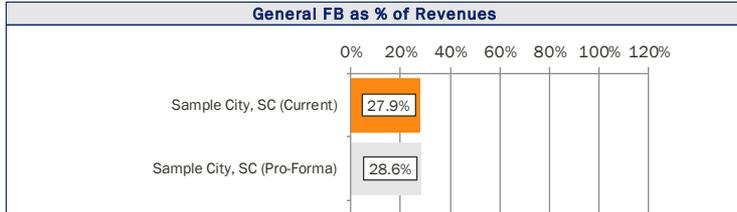
Debt Service Coverage (Water & Sewer Fund)



Days' Cash on Hand (Water & Sewer Fund)

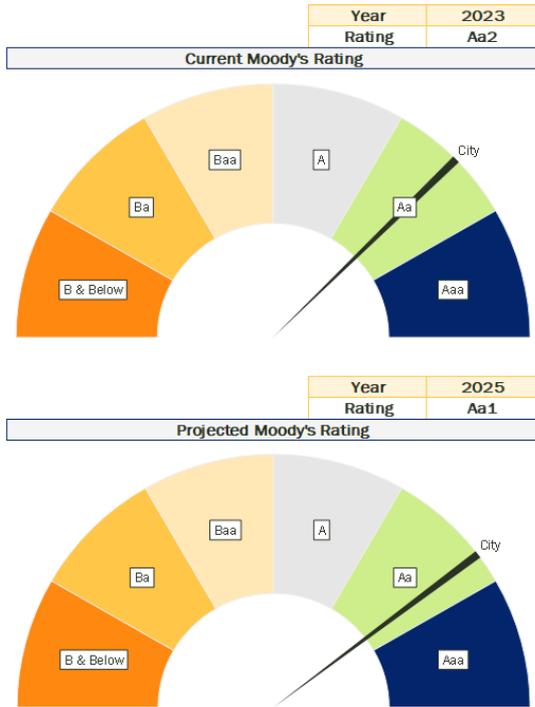


# Outputs: Peer Comparisons



# Outputs: Projected Scorecard Impact

Observe the immediate and future credit impact of a proposed financing in real time as the City develops the optimal plan of finance



Track future credit performance to ensure the City is on track to meet credit goals

	Weight	2025	
		Value	Rating
<b>Economy/Tax Base</b>			
Tax Base Size (full value) (000's)	10.0%	2,836,083	Aa3
Full Value Per Capita	10.0%	114,437	Aa2
Wealth (median family income)	10.0%	120.7	Aa2
<b>Finances</b>			
Fund Balance (% of revenues)	10.0%	73.2	Aaa
Fund Balance Trend (5-year change)	5.0%	8.6	A1
Cash Balance (% of revenues)	10.0%	64.5	Aaa
Cash Balance Trend (5-year change)	5.0%	-28.8	B1
<b>Management</b>			
Institutional Framework	10.0%	SC	Aaa
Operating History	10.0%	1.4	Aaa
<b>Debt/Pensions</b>			
Debt to Full Value	5.0%	1.1	Aa1
Debt to Revenue	5.0%	1.6	A2
Moody's-ANPL (3-year average) to Full Value (%)	5.0%	0.4	Aaa
Moody's-ANPL (3-year average) to Revenue (X)	5.0%	0.6	Aa2
<b>Implied Rating</b>		<b>1.72</b>	<b>Aa1</b>



# First Tryon Advisors

SIMPLIFYING PUBLIC FINANCE

FIRSTTRYON.COM

MSRB Registrant

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