

**CITY OF LANCASTER
WORK SESSION
TUESDAY, NOVEMBER 9, 2021**



**CITY OF LANCASTER
WORK SESSION
TUESDAY, NOVEMBER 9, 2021
7:00 P.M.**

- I. Invocation & Pledge of Allegiance – Mayor DeVenny**
- II. Roll Call**
- III. Citizen Comments***
- IV. Employee Comments**
- V. Approval of Minutes**
 - A. Regular Meeting – October 26, 2021 **Pg. 1**
- VI. Ordinance**
 - A. O21-17 (Second Reading) An Ordinance Adopting a Revised Business License Ordinance in Accordance with the Business License Standardization Act (2020 Act No. 176) (*Streater*) **Pg. 5**
 - B. O21-18 (First Reading) An Ordinance Annexing into the City of Lancaster, South Carolina One Parcel of Land Totaling 0.4 Acres Located at 128 and 130 West Terrace Road, and Owned by Jose Saul Lopez (*Huffles*) **Pg. 24**
- VII. Executive Session-Personnel Matter (§30-4-70(a)(1))**
 - A. To review the Chief of Police applicants

N.B.: Upon returning to open session, Council may take action on matters discussed in executive session.
- VIII. Adjournment**

*Persons desiring to speak should notify the City Clerk prior to the beginning of the meeting. Please begin by stating your name and address. You will have up to 3 minutes to address Council. The entire Citizen Comments portion of the agenda shall not extend longer than thirty (30) minutes. All statements should be addressed to Council as a body and not to individual Council Members. Please be advised that this is not a period of dialogue with Council or a question and answer period.



Any person requiring special accommodations should contact the Office of the City Administrator at (803) 289-1453 at least 24 hours prior to the scheduled meeting.

**CITY OF LANCASTER
REGULAR MEETING
TUESDAY, OCTOBER 26, 2021**

A meeting of the Lancaster City Council was held in the City Hall Council Chambers on Tuesday, October 26, 2021 at 7:00 p.m.

Mayor T. Alston DeVenny called the meeting to order. A notice of the meeting was posted at City Hall and placed on the City's website. The local news media was contacted of the meeting time and place. The meeting was open to the public with social spacing and the wearing of face coverings being recommended. The Council Meeting was also streamed live on the City of Lancaster YouTube channel.

I. Invocation & Pledge of Allegiance

Mayor DeVenny offered the Invocation and Young Marine Private Tucker Rollyson lead the Pledge of Allegiance

II. Roll Call

Present: Mayor Alston DeVenny, Council Member Harris, Council Member Hood, and Council Member Sowell

Present Virtually: Council Member Taylor

Absent: Council Member Jones and Council Member Mackey

Others Present: City Administrator Flip Hutfles, City Attorney Mitch Norrell, City Clerk Tracy Rabon, Director of Building and Zoning Louis Streater, Fire Chief Justin McLellan, Assistant Finance Director Tressie Barber-Thompson, Interim Police Chief Phillip Hall, Public Utilities Director Donnie Ledford, Field Superintendent Ken Sims for Public Works Director Rendell Mingo, Solid Waste Supervisor Jonathon Carnes for Sanitation & Maintenance Operations Director Matt Berry, Human Resources Director Angela Roberson, and Greg Summers with The Lancaster News

Others Present by Teleconference: IT Director Jarvis Driggers

III. Special Presentation

A. Presenting a Mayoral Proclamation for Red Ribbon Week

Young Marine Private Tucker Rollyson presented Council with a brief history of the National Family Partnership with the National Red Ribbon Campaign. Mayor DeVenny presented Rollyson with a Proclamation declaring October 23 - October 31, 2021 Red Ribbon Week in the City of Lancaster.

IV. Citizen Comments

Council Member Harris thanked Tonya Ross and Council Member Hood for organizing the community outreach event in October.

Tonya Ross addressed Council thanking the members of Council that attended the event and asked for more participation from the other Council Members.

V. Employee Comments

Chief McLellan presented Council with a letter from Governor Henry McMaster that congratulates City firefighters for saving the lives of citizens by administering naloxone to reverse the life-threatening effects of a known or suspected opioid overdose. These firefighters were awarded a challenge coin and a lapel pin to those who have provided five or more administrations. Recognized for their contribution were Training Captain David Melton, Lieutenant Matt Harris, Lieutenant Jeremy Sims, Lieutenant Todd Duncan, Engineer Ben Rowell, Engineer Thomas Hagwood, Firefighter Andrew Plyler, Firefighter Brandon Roberts, Firefighter Grant Sellers, Firefighter Andrew Porte, and Firefighter Steve Piotrowski.

VI. Approval of Minutes

A. Work Session – October 12, 2021

Motion: To approve the minutes for the Work Session on October 12, 2021

Moved by Council Member Sowell, **Seconded by** Council Member Hood

Vote: Motion carried by unanimous roll call vote

Action: Approved

VII. Monthly Reports for September 2021

Council Member Harris noted the growth in the City as presented in the Building, Planning, Zoning and Licensing Department's monthly report. Council Member Harris also thanked Ms. Roberson for discussing options on recruitment and thanked Interim Police Chief Hall for listing the training hours in detail allowing Council to see the breakdown

Mayor DeVenny thanked Interim Police Chief Hall for his work with the drug roundup program. Council Member Sowell also thanked Interim Police Chief Hall for encouraging the Police Department recruits to participate in the recent pistol qualifying event.

Council had no further questions or concerns regarding the Monthly Reports for September 2021. The complete report is available for review in the City Clerk's office.

VIII. Cash Management & Finance Report for September 2021

Ms. Barber Thompson presented Council with the Cash Management and Finance report for September 2021. Council had no questions or concerns. The complete report is available for review in the City Clerk's office.

IX. Resolution

A. R21-20 A Resolution Declaring Certain Equipment Surplus to the Needs of the City and Authorizing its Disposal

Mr. Hutfles presented Council with a list of surplus equipment the City needs to dispose of. The list consists of; 48 Volt 881 Industrial EZ Go Electric Golf Cart, Norton Floor Saw, 4350 Watts Homelite Generator & Power Guard, 2 Zurn Wilkins 3" Back Flow Devices, Sinco Air Powered Saw, 2 Honda Water Pumps, Clark Forklift (Parts Only) & Pincher, Bobcat Hydraulic Grapple, 30 Lockers, Old Water Pumps, 1999 Kawasaki Bayou 300 Four-Wheeler, 250 gal. Water Tank, and a Husqvarna KV7 Cutting Cart.

Motion: To approve R21-20 A Resolution declaring certain equipment surplus to the needs of the City and authorizing its disposal

Moved by Council Member Harris, **Seconded by** Council Member Sowell

Vote: Motion carried by unanimous roll call vote

Action: Approved

B. R21-21 A Resolution Authorizing the City of Lancaster to Enter into an Inter-Governmental Agreement with Lancaster County for the Purpose of Providing Nurse Practitioner Services

Human Resource Director Angela Roberson presented Council with a Resolution to enter into an Inter-Governmental Agreement with Lancaster County to provide Nurse Practitioner Services for City employees. The services provided are acute medical services, pre-employment and random drug testing, on-the-job injuries assessment, fitness for duty certification, police and fire physicals and post-accident evaluations.

Ms. Roberson noted that since 2017 the City has utilized the contract that the County has with MUSC and the employee premiums have not increased since 2017. This contract is coming to an end, and a new contract needs to be signed. The County Attorney has asked for an intergovernmental agreement between the City and the County. Ms. Roberson stated the City will provide \$30,600 for access to these services.

Motion: To approve R21-21 A Resolution authorizing the City of Lancaster to enter into an Inter-Governmental Agreement with Lancaster County for the purpose of providing Nurse Practitioner services

Moved by Council Member Hood, **Seconded by** Council Member Harris

Vote: Motion carried by unanimous roll call vote

Action: Approved

X. Ordinance

- A. *O21-16 (Second Reading) An Ordinance Annexing into the City of Lancaster, South Carolina One Parcel of Land Totaling 1.0 Acres Located at 1204 Woodlawn Avenue, and Owned by Homes of Lancaster, LLC*

Motion: To approve the second reading of O21-16 An Ordinance annexing into the City of Lancaster, South Carolina one parcel of land totaling 1.0 acres located at 1204 Woodlawn Avenue, and owned by Homes of Lancaster, LLC

Moved by Council Member Harris, **Seconded by** Council Member Hood

Vote: Motion carried by unanimous roll call vote

Action: Approved

- B. *O21-17 (First Reading) An Ordinance Adopting a Revised Business License Ordinance in Accordance with the Business License Standardization Act (2020 Act No. 176)*

Business License Specialist Karen Proctor presented an Ordinance adopting a revised Business License Ordinance in accordance with the 2020 Business License Standardization Act No. 176. The 2022 Business License Model Ordinance was written by the Municipal Association of South Carolina. Ms. Proctor noted that the City added the following to the Model Ordinance:

- Inclusion of Option 1 for the rate schedule, which set the base rate at \$40 and the fraction rate of \$1.20 and capped the declining rate at 65% for businesses that have a gross income of over \$7 million;
- The inclusion of the existing economic development incentive for manufacturing (new manufactures pay a maximum of \$1,000 for the first five years and then a maximum of \$2,000 for all preceding years).
- Defining that the management of rental properties are required to obtain a business license when the number of units offered for rent exceeds 5
- Having the 2022 business license year commencing on June 1, 2022, but thereafter the yearly license will be from May 1 to April 30

Mayor DeVenny asked that even though the Act calls for the rebalancing to be revenue neutral for the municipalities is it possible that some businesses will see an increase in their fees. Mr. Streater stated that revenue neutral is to prevent municipalities from receiving a windfall from the rebalancing and that some businesses would see an increase while other would see a decrease in fees. Mr. Streater further added that the goal was to design the rates so more businesses would experience a decrease in their annual business license fee instead of an increase.

Mayor DeVenny asked about a grace period to allow for business owners to adjust to the new renewal date. It was noted that the due date for license renewals for existing businesses will still be June 1, 2022 for the first year. Ms. Proctor also stated that the City is utilizing the Municipal Association's recommendation of applying a 5% late fee instead of the current 15%.

Council Member Harris asked how the Department will inform the businesses of the change. Ms. Proctor confirmed that letters will be sent at least a month prior to the new renewal date.

Mr. Huffles stated that the City has been working with the Chamber of Commerce to implement a plan of informing the local businesses. Council Member Harris recommended additional options for the business that are not a part of the Chamber of Commerce.

Council Member Harris asked about the rates in comparison with other surrounding municipalities. Ms. Proctor stated that each municipality set their individual rates, but the classification will be the same across the state.

Mr. Streater noted that the City is required to have this change implemented prior to January 1, 2022 or the City will not be able to collect business license fees.

Motion: To approve the first reading of O21-17 an Ordinance adopting a Revised Business License Ordinance in accordance with the Business License Standardization Act (2020 Act No. 176)

Moved by Council Member Harris, **Seconded by** Council Member Hood

Vote: Motion carried by unanimous roll call vote

Action: Approved

XI. Executive Session-Personnel Matter (§30-4-70(a)(1))

- A. *To review the Chief of Police applicants*
- B. *To discuss the Finance Director selection procedures*

Motion: To enter Executive Session

Moved by Council Member Hood, **Seconded by** Council Member Sowell

Vote: Motion carried by unanimous roll call vote

Action: Approved

Council returned from Executive Session where no votes were taken.

Motion: To come out of Executive Session

Moved by Council Member Hood, **Seconded by** Council Member Harris

Vote: Motion carried by unanimous roll call vote

Action: Approved

XII. Adjournment

Motion: To adjourn

Moved by Council Member Harris, **Seconded by** Council Member Sowell

Vote: Motion carried by unanimous roll call vote

Action: Adjourned

There being no further business, Council adjourned at 9:25 p.m.

Respectfully submitted,

Tracy Rabon
City Clerk

Agenda Item VI.A

**City of Lancaster
City Council Meeting
November 9, 2021**

TO: City Council
SUBJECT: Business License Standardization
INITIATED BY: Building & Zoning Director
PREPARED BY: Building & Zoning Director

Background: The Business License Standardization Enactment Ordinance and the 2022 Business License Model Ordinance were written by the Municipal Association of South Carolina. The City added the following to the Model Ordinance:

- The inclusion of Option 1 for the rate schedule, which set the base rate at \$40.00 and the fraction rate of \$1.20 and capped the declining rate at 65% for businesses that have a gross income of over \$7 million;
- The inclusion of the existing economic development incentive for manufacturing (new manufactures pay a maximum of \$1,000 for the first five years and then a maximum of \$2,000 for all preceding year);
- Defining that the management of rental properties are required to obtain a business license when the number of units offered for rent exceeds 5; and
- Having the 2022 business license year commencing on June 1, 2022, but thereafter the yearly license will be from May 1 to April 30.

City Council unanimously approved the first reading of Ordinance O21-17 at the October 26, 2021 City Council meeting.

Financial: Based on the revenue collected from the 2019 business license, the new rate classes and rate schedule the City is projected to lose \$1,792.06.

Policy Considerations: The South Carolina Business License Tax Standardization Act requires all municipalities and counties that impose a business license tax to utilize standard licensing requirement and class schedule. The Act also requires municipalities and counties to update their business license class schedules every odd year based on the latest available IRS statistics.

Recommendations/Actions: Approve Ordinance O21-17.

Attachments: Ordinance O21-17 and 2022 Business License Ordinance.

ORDINACE 021-17

AN ORDINANCE ADOPTING A REVISED BUSINESS LICENSE ORDINANCE IN ACCORDANCE WITH THE BUSINESS LICENSE STANDARDIZATION ACT (2020 ACT NO. 176)

WHEREAS, in September 2020 the South Carolina General Assembly adopted the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at S.C. Code Sections 6-1-400 to 6-1-420 (the “Act”); and

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to adopt a standard business license year of May 1 through April 30; and

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to utilize the Act’s standard business licensing requirements and class schedule; and

WHEREAS, the Act requires all municipalities and counties to update their business license class schedules every odd year based on the latest available IRS statistics; and

WHEREAS, in order to comply with the requirements of the Act, the City of Lancaster (the “Municipality”) has prepared the attached 2022 Business License Ordinance, which is incorporated herein by reference.

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

1. The attached 2022 Business License Ordinance is hereby adopted and shall become effective beginning with the business license period commencing on May 1, 2022.
2. All prior ordinances of the Municipality related to business licensing which are in effect at the time of this enactment are hereby repealed and replaced in their entirety with the 2022 Business License Ordinance; provided that any prior ordinances of the Municipality related to collections programs administered by the Municipal Association of South Carolina, including without limitation the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms except to the extent specifically amended by the 2022 Business License Ordinance.

DONE IN MEETING ASSEMBLED on the 9th day of November 2021, and to become effective November 9, 2021.

Yeas _____ Nays _____

Requested by:

Building & Zoning Director

T. Alston DeVenny, Mayor

Approved as to form:

Mitch Norrell, City Attorney

Tracy Rabon, City Clerk

First Reading: October 26, 2021
Second Reading: November 9, 2021

2022 BUSINESS LICENSE ORDINANCE

Section 12-1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Lancaster, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided. Where dates establishing deadlines within this chapter fall on a Saturday, Sunday or a city-observed holiday, the deadline so established shall be extended through the following regular business day.

Section 12-2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

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

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

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

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

“Council” means the City Council of the City of Lancaster.

“Domicile” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax

purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

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

"Municipality" means the **City** of Lancaster, South Carolina.

"NAICS" means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

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

Section 12-3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year

ending on April 30, 2022, shall commence on June 1, 2022 and shall run for a 11 month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect *from year to year as amended by the Council*.

Section 12-4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the *refund to the business, within thirty days after receipt of the request*.

Section 12- 5. Registration Required- Penalty

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the

Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. Failure to obtain the proper license prior to beginning work will subject the violator to a doubling of the license fee or two hundred dollars (\$200) plus the license fee, whichever amount is less. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.
- E. Owners, agents of owners, real estate managers and any others engaging in the ownership and/or management of real estate rental properties are required to obtain a license when the number of units, regardless of use, offered for rent exceeds five (5).

Section 12- 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 12-7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 12- 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 12- 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake

reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 12-10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 12-11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business, or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12-12. Delinquent License Taxes, Partial Payment.

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

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

Section 12-13. **Notices.** The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 12-14. **Denial of License.** The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 12-15. **Suspension or Revocation of License.** When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;

- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 12- 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 12-17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 12-18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 12-19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00, not to include other fees and assessments or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 12-20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 12-21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.

- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$ 40.00	\$ 1.20
2	\$ 45.00	\$ 1.32
3	\$ 50.00	\$ 1.44
4	\$ 55.00	\$ 1.56
5	\$ 60.00	\$ 1.68
6	\$ 65.00	\$ 1.80
7	\$ 70.00	\$ 1.92
8.1	\$ 32.80	\$ 1.05
8.2	\$ 295.00 Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$43.70 plus \$5.00 -OR- \$12.50 per table	\$ 1.30
9.1	\$ 71.00	\$ 1.85
9.2	\$ 54.60	\$ 2.20
9.3	\$ 32.80	\$ 1.05
9.41	\$ 150.00	\$ 3.30
9.42	\$ 11.00	\$0.00
9.5	\$ 65.00	\$ 1.20
9.6	\$ 125.00	\$0.00
9.7	\$ 109.20	\$ 5.50

New manufacturers shall pay in each of the first five (5) years of operation a fee at the rate scheduled for the applicable rate class with a maximum of one thousand dollars (\$1,000.00).

Starting with year six (6) and preceding thereafter, a fee will be charged for the applicable rate, not to exceed two thousand dollars (\$2,000.00).

NON-RESIDENT RATES

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

DECLINING RATES

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

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 2	95%
2 - 3	90%
3 - 4	85%
4 - 5	80%
5 - 6	75%
6 - 7	70%
OVER 7	65%

CLASS 8 RATES

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000	\$32.80 PLUS
Each additional 1,000.....	\$1.05

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

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

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

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

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

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

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

8.3 NAICS 517311, 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of

South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 and 5242 – Insurance Companies and Brokers:

Independent agents and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) [Type I and Type II].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine	\$12.50 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine	\$180.00 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types. (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000	\$43.70 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.30

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA
BUSINESS LICENSE STANDARDIZATION CLASS NINE SUPPLEMENT

Appendix A of the Association’s Model Business License Ordinance includes a list of mandatory or recommended Class 8 rates. Under S.C. Code Section 6-1-400(G)(2), municipalities “may provide for additional reasonable subclassifications ... based upon particularized considerations as needed for economic stimulus or the enhanced or disproportionate demands by specific business subclassifications on taxing jurisdiction services or infrastructure.”

Commonly used optional subclasses are listed below. These subclasses are not mandatory. The adopting municipality should review the list below, compare it to its existing class schedule, and determine which subclasses below (if any) to continue or adopt following standardization. Note that in the process of standardization, the subclasses have been renumbered from the number assigned in the Association’s prior Model Business License Ordinance. The numbering from the prior Model Ordinance is indicated below.

The Association strongly recommends that, if a municipality adopts one or more optional Class 9 subclasses, it uses the numbering and suggested language provided below.

- 9.1 **NAICS 423930 – Junk or Scrap Dealers** [Non-resident rates apply].

Minimum on first \$2,000	\$71.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.85

- 9.2 **NAICS 522298 – Pawn Brokers** [All Types].

Minimum on first \$2,000	\$54.60 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$2.20

- 9.3 **NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.**
 (except auto supply stores - see 4413)

Minimum on first \$2,000	\$32.80 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.05

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

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

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

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

9.41 Peddlers, all types, itinerant (compliance with all administrative regulations required. Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000 \$150.00 PLUS
Per \$1,000, or fraction, over \$2,000..... \$3.30

9.42 Crafters, Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Fee..... \$11.00

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

9.5 NAICS 713290 – Bingo halls, parlors.

Minimum on first \$2,000 \$65.00 PLUS
Per \$1,000, or fraction, over \$2,000..... \$1.20

9.6 NAICS 711190 – Promoters, Carnivals and Circuses.

Fee..... \$125.00
Or \$10.00 per vendor not to exceed \$125.00

9.7 NAICS 722410 – Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 \$109.20 PLUS
Per \$1,000, or fraction, over \$2,000..... \$5.50

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

APPENDIX B
2021 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
31	Manufacturing	2.00
32	Manufacturing	2.00
33	Manufacturing	2.00
42	Wholesale trade	1.00
44	Retail trade	1.00
45	Retail trade	1.00
48	Transportation and warehousing	2.00
49	Transportation and warehousing	2.00
51	Information	4.00
52	Finance and insurance	7.00
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation se	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
721	Accommodation	3.00
722	Food services and drinking places	1.00
81	Other services	5.00
Class 8		
23	Construction	8.10
482	Rail Transportation	8.20
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
Class 9		
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
522298	Pawnshops	9.20
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Regular Peddlers)	9.41
454390	Other Direct Selling Establishments (Seasonal Peddlers)	9.42
713290	Bingo Halls	9.50
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
722410	Drinking Places (Alcoholic Beverages)	9.70

Note: Class Schedule is based on 2017 IRS data.

Agenda Item VI.B

**City of Lancaster
City Council Meeting
November 9, 2021**

TO: City Council
SUBJECT: Annexation Ordinance
INITIATED BY: Jose Saul Lopez
PREPARED BY: City Administrator

Background: Article I Chapter 28 of the City Code states in part that neither water nor sewer services shall be furnished or rendered in any area outside the city limits to an existing structure if the structure has been without water and sewer service for a period of 6 consecutive months unless the customer executes a utility service/annexation agreement. Furthermore, this agreement states that the City can call at any time for the owner to petition to annex into the City.

The utility service to the residential structures at 128 and 130 Terrace Road (both dwelling units are located on one parcel) were disconnected in July 2012 and July 2013, respectively. Mr. Lopez purchase this parcel on October 15, 2020, and now wish to reestablish water and sewer service at both structures.

This parcel adjoins the city limits to the north.

Financial: 128 and 130 Terrace Road will not place any additional burden on the existing police and fire services, and residential trash. These residential dwelling units will be rental; therefore, the property will be assessed at the 6% rate. The parcel is currently appraised at \$24,900 which will generate approximately \$263 in property tax revenue for the City.

Policy Considerations: Section 28-1, 28-2, and 28-3 of the City Code. Furthermore, the proposed annexation would be in the best interest of the City as there will be no additional burdens placed on existing City residents.

Recommendations/Actions: Approve Ordinance O21-18.

Attachments: Ordinance O21-18 annexation petition, deed, plat, and location map.

ORDINANCE O21-18

**AN ORDINANCE ANNEXING INTO THE CITY OF LANCASTER, SOUTH CAROLINA ONE
PARCEL OF LAND TOTALING 0.41 ACRE LOCATED AT 128 AND 130 TERRACE ROAD,
AND OWNED BY JOSE SAUL LOPEZ**

WHEREAS, the South Carolina Code of Laws of 1976, as amended, Title 5 Chapter 3 provides for the process for municipalities to annex property; and

WHEREAS, the City of Lancaster has enacted a Zoning Ordinance which governs the annexation and rezoning of annexed property; and

WHEREAS, a proper petition has been filed with the City of Lancaster by 100 percent of the freeholders owning 100 percent of the assessed value of the contiguous property hereinafter described petitioning for annexation of the property to the City of Lancaster under provisions of South Carolina Code Section 5-3-150(3); and

WHEREAS, it appears to Council that annexation would be in the best interest of the property owner and the City of Lancaster.

NOW, THEREFORE, BE IT ORDAINED, by Mayor and Council of the City of Lancaster, South Carolina, in Council assembled, that the property herein described below is hereby annexed to and becomes a party of the City of Lancaster.

All that piece, parcel, or lot of land with any and all improvements thereon, situate in Gills Creek Township, Lancaster County, lying, being near the western city limits of the Town of Lancaster, and this said property being more fully described as shown on a Plat of Survey made by E.S. Clyburn, and being Lots Numbers Three (3) and Number Four (4) on said plat which is recorded in the Register of Deeds Office for Lancaster County in Plat Book Three (3), Page 206. Plat is recorded for a more accurate description as to metes and bounds.

Tax Map No.: 0082D-0H-010.00

The property shall have an interim zoning classification of R-6 pending rezoning pursuant to the Zoning Ordinance.

DONE IN MEETING ASSEMBLED on the 23rd day of November 2021, and to become effective November 23, 2021.

Yeas _____ Nays _____

Requested by:

Jose Saul Lopez

T. Alston DeVenny, Mayor

Approved as to Form:

Mitch Norrell, City Attorney

Tracy Rabon, Municipal Clerk

First Reading: November 9, 2021
Second Reading: _____



City of Lancaster Annexation Petition

216 South Catawba Street
PO Box 1149
Lancaster SC 29721-1149
Phone: 803-283-4253

INFORMATION

Petitioner/Owner Name <i>Jose Saul Lopez</i>	Telephone <i>704-606-2486</i>
Mailing Address / City ST ZIP <i>3222 Shelby Dr Monroe NC 28110</i>	
Additional Owner Name (if applicable)	Telephone
Mailing Address / City ST ZIP	
Additional Owner Name (if applicable)	Telephone
Mailing Address / City ST ZIP	

GENERAL LOCATION OF SUBJECT PROPERTY OR PROPERTIES

<i>130 and 128 Terrace Rd</i>	Tax Map # <i>00820-04-</i>	Requested Zoning <i>R6</i>
	Acres (±) <i>010.00 0.4</i>	
	Tax Map #	Requested Zoning
	Acres (±)	
	Tax Map #	Requested Zoning
	Acres (±)	
	Tax Map #	Requested Zoning
	Acres (±)	
	Tax Map #	Requested Zoning
	Acres (±)	

Attach a metes and bounds legal description prepared by a surveyor registered in South Carolina as Exhibit A of this petition.

PETITIONER'S STATEMENT AND ASSURANCES

I, the undersigned, pursuant to Section 5-3-150(3) of the Code of Laws of the State of South Carolina, representing to be at least 18 years of age and owner of all the area described on Exhibit A attached hereto at the date hereof, and whose name(s) appear on the county tax records as the owner(s) of said real estate, do by this petition, request that the property described on Exhibit A attached hereto be annexed into the City of Lancaster, South Carolina, and be classified in the above indicated City Zoning District. I certify that I have received a copy of, understand and agree to Sections 28-2 and 31-24(e) of the City of Lancaster Code of Ordinances regarding provision of utility services to contiguous properties and extension of City services pending final action by City Council regarding annexation.

PRINTED NAME(S) AND SIGNATURE(S) OF PETITIONER/PROPERTY OWNER(S) AND DATE

<i>Jose Saul Lopez</i>	<i>Jose Saul Lopez</i>	<i>10/25/2021</i>

ACTION BY LANCASTER CITYCOUNCIL

Petition <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Action Date
Signature of Authorized City Representative	Date Signed

Deed prepared by Trimnal & Myers

LANCASTER COUNTY ASSESSOR

Tax Map:
 0082D 0N 011 00
 0086C 0D 002 00
 0086C 0D 001 00
 0082D 0H 010 00

RECORDED THIS 16th DAY
 OF OCTOBER, 2020
 IN BOOK 00 PAGE 00

Janet F. Collins
 Auditor, Lancaster County, SC

LANCASTER COUNTY, SC	
2020018049	DEED
RECORDING FEES	\$15.00
STATE TAX	\$312.00
COUNTY TAX	\$132.00
PRESENTED & RECORDED	
10-16-2020	08:55:34 AM
BRITTANY GRANT	
REGISTER OF DEEDS	
LANCASTER, COUNTY SC	
By: STEPHANIE KNIGHT	
BK:DEED 1374 PG:67-69	

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT **Randall D. Collins and Janet F. Collins as Trustees of The Collins Investments Trust** (hereinafter called "Grantor") in the State aforesaid, for and in consideration of the sum of **One Hundred Twenty Thousand and 00/100 (\$120,000.00) Dollars**, to it paid by **Jose Saul Lopez** (hereinafter called "Grantee") in the State aforesaid (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these Presents (do(es) grant, bargain, sell and release, unto the said:

Jose Saul Lopez His Heirs and/or Assigns Forever:

All that certain piece, parcel or lot of land, with all improvements thereon, consisting of a three room house, fronting 67 feet on the southwesterly line of Sixth Street, in Midway Village, Lancaster County, South Carolina, containing 0.14 acres, more or less; the same being Lot Number Eleven (11) in Block K on map of said area, prepared December, 1955 and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, in Plat Book 8, at page 167. For a more minute description, reference to said plat is craved.

TMS# 0082D-0N-011.00

That parcel of land known as Lot Number 4 contained in the tract of land conveyed to Arthur E. Small by Mary E. Gooch by the deed dated October 15, 1940, and recorded October 17, 1940 in Book L-3 at page 531 of the records of deeds in the Office of the Register of Deeds for Lancaster County, Said Lot Number 4 being sixty-eight (68') wide, more or less, on the Northeast, one hundred seventeen (117') feet wide, more or less, on the Southeast, seventy-five (75') feet wide, more or less, on the Southwest, one hundred eight (108') feet wide, more or less, on the Northwest. Said Lot Number 4 being bounded on the Northeast by lands now or formerly of Arthur E. Small to Lloyd E. Small, bounded on the Southwest by South Carolina Highway Number 914, known as the 'Gooch Ferry Road', bounded on the Northwest by lands now or formerly of Arthur E. Small.

TMS# 0086C-0D-002.00

ALSO: All that piece, parcel or tract of land with any and all improvements thereon, lying, being and situate in Lancaster County, South Carolina, on South Carolina Highway Number 914 about 700 feet West of the intersection with South Carolina Number 93, designated as Lot Number 5 on plat of A. E. Small Property, recorded in Plat Book 7 at Page 214. Beginning at a point at the intersection of Highway Number 914 and a dirt road and running S 72-45 E 332.4 feet; thence S 42 W 176.2 feet; thence along said highway N 43-32 W 200 feet; thence 35-41 W 104 feet to beginning. Plat is recorded for a more accurate description as to metes and bounds.

TMS# 0086C-0D-001.00

All that piece, parcel or lot of land with any and all improvements thereon, situate in Gills Creek Township, Lancaster County, lying, being near the western city limits of the Town of Lancaster, and this said property being more fully described as shown on a Plat of Survey made by E.S. Clyburn, and being Lots Number Three (3) and Number Four (4) on said plat which is recorded in the Register of Deeds Office for Lancaster County in Plat Book Three (3), Page 206. Plat is recorded for a more accurate description as to metes and bounds.

TMS# 0082D-0H-010.00

This being the identical property conveyed to Randall D. Collins and Janet F. Collins as Trustees of The Collins Investments Trust by Deed dated October 15, 2020 and recorded simultaneously herewith in the Office of the Register of Deeds for Lancaster County, South Carolina.

Grantee's Address: 3222 Shelby Dr., Monroe, NC 28110

This conveyance is made subject to all existing easements, restrictions, rights of way and/or encroachments.

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

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said **GRANTEE**, His Heirs and/or Assigns forever.

AND the said **GRANTOR** do hereby bind themselves and their heirs and/or assigns to warrant and forever defend all and singular the said premises unto the said **GRANTEE**, His Heirs and/or Assigns, against Himself and His Heirs and/or Assigns and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS our Hand(s) and Seal(s) this 15 day of Oct, in the year of our Lord 2020

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness #1

[Signature]
Witness #2

Randall D Collins, Trustee
Randall D. Collins, Trustee

Janet F. Collins, Trustee
Janet F. Collins, Trustee

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

ACKNOWLEDGEMENT

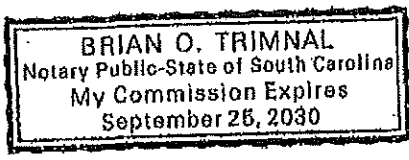
I, Brian O Trimnal, Notary Public for the State of SC,

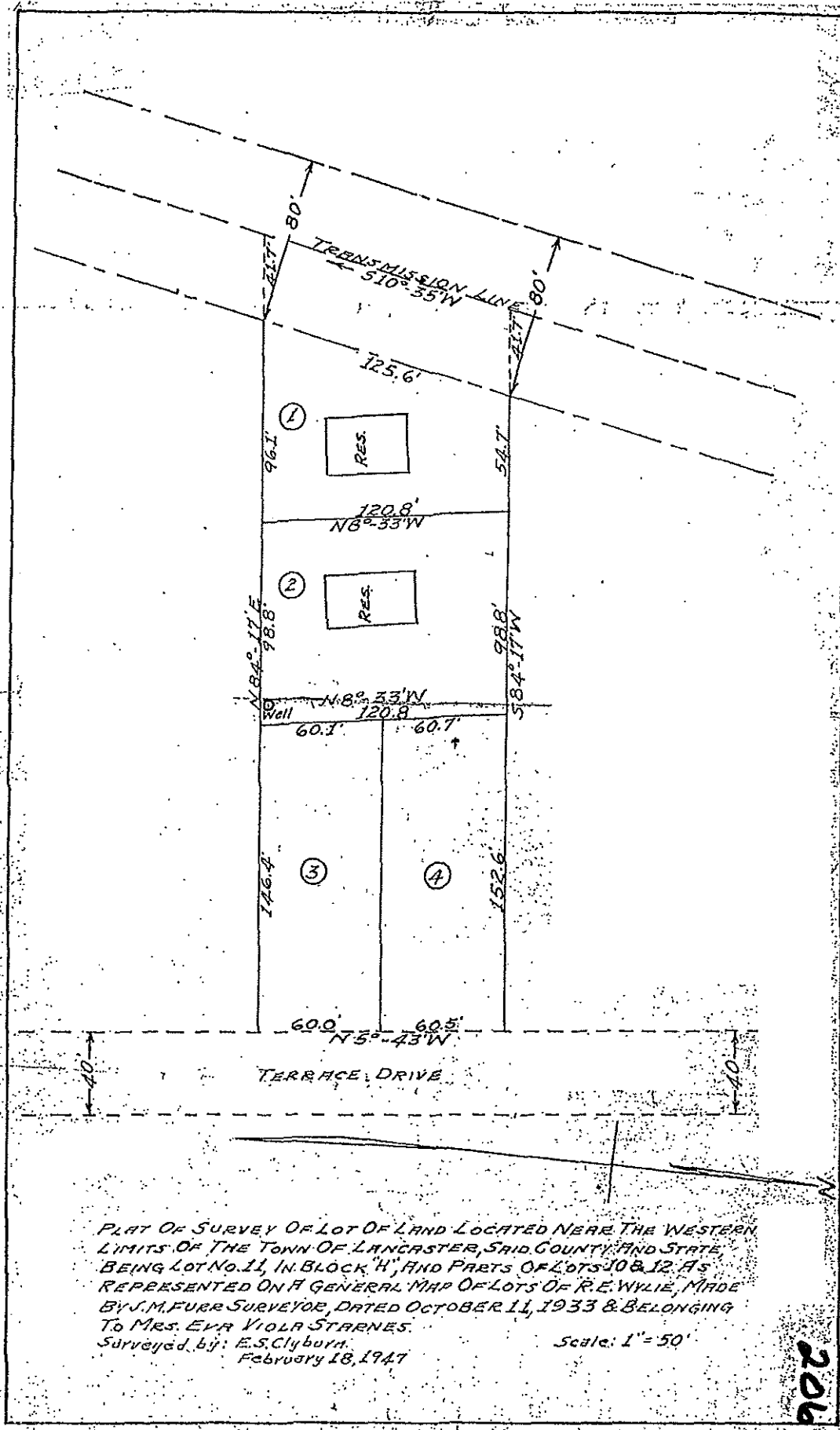
do hereby certify that GRANTOR(S) personally appeared before me this day and acknowledged the due execution of the foregoing deed.

Sworn before me this 15 day
of Oct, 2020

[Signature]
Notary Public for the State of South Carolina

My Commission Expires: 9/25/2030





PLAT OF SURVEY OF LOT OF LAND LOCATED NEAR THE WESTERN LIMITS OF THE TOWN OF LANCASTER, SAID COUNTY AND STATE BEING LOT NO. 11, IN BLOCK "H", AND PARTS OF LOTS 10 & 12 AS REPRESENTED ON A GENERAL MAP OF LOTS OF R. E. WYLIE, MADE BY J. M. FURR SURVEYOR, DATED OCTOBER 11, 1933 & BELONGING TO MRS. EVA VIOLA STARNES.
 Surveyed by: E. S. Clyburn, February 18, 1947

Scale: 1" = 50'

206

Filed Dec. 28, 1948

