



**Finance & Operations Committee
York County Council
1070 Heckle Blvd, Rock Hill, SC
Small Conference Room
Wednesday, August 7, 2024, 5:30pm**

AGENDA

Committee Members

Chair, Allison Love
Council member, Tom Audette
Council member, Tommy Adkins

A. Call to Order.....Allison Love, Chair

B. Order of Business

- Discussion regarding Fort Mill School District Impact Fee Resolution
- Approve minutes from the July 15, 2024 Finance & Operations Committee meeting

Adjournment

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

A RESOLUTION DIRECTING THE YORK COUNTY PLANNING COMMISSION TO CONDUCT THE NECESSARY STUDIES RELATED TO PUBLIC EDUCATION FACILITIES FOR GRADES K-12 CONSIDERED NECESSARY FOR THE PROPER EDUCATION OF CHILDREN WITHIN THE GEOGRAPHIC AREA OF THE FORT MILL SCHOOL DISTRICT IN ACCORDANCE WITH THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT, TO RECOMMEND AN UPDATED CAPITAL IMPROVEMENTS PLAN, AND TO RECOMMEND AN UPDATED IMPACT FEE ORDINANCE RELATED THERETO.

Whereas, York County, a body politic and political subdivision of the State of South Carolina ("County"), acting through the York County Council as the governing body thereof (the "County Council"), is empowered to provide for Resolutions on topics respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order and good governance; and

Whereas, the County, has adopted a comprehensive plan, as provided in Chapter 29 of Title 6, South Carolina Code of Laws; and

Whereas, as a Governmental Entity which has adopted a Comprehensive Plan, by and through its County Council the County is authorized by the South Carolina Development Impact Fee Act, S.C. Code Ann. Section 6-1-910, et seq. ("Act"), to impose impact fees and did so adopt a fee, applicable to new development in the geographic area of the Fort Mill School District ("District"), to pay a development's proportionate share of impact to public education facilities with the District on July 16, 2018; and

Whereas, pursuant to the adoption of an impact fee, Section 6-1-950(B) of the Act provides for and requires a review and update of the corresponding public facilities capital improvements plan and impact fees, by the York County Planning Commission ("Commission"), and the Commission did so review and update the District capital improvements plan and impact fees, as adopted by County Council through Ordinance No. 6822 on December 22, 2022; and

Whereas, Section 7 of Ordinance No. 6822 established a sunset provision, terminating the public education facilities fee in the District as of June 30, 2025.

Whereas, the County is in receipt of a letter from the District dated May 21, 2024, requesting County Council adoption of a resolution directing the Commission to conduct the studies to update the capital improvements plan and established impact fee, wherein the District anticipates retaining TischlerBise, Inc. as a consultant to facilitate an updated study for the Commission's ultimate review and recommendation to County Council; and

Whereas, the County finds that the geographic area of the District has experienced and continues to experience population growth and development which will continue to impact the District's level of service for public education facilities; and

Whereas, the costs associated with the land acquisition, construction, and equipping of public education facilities necessitated by population growth are significant and expensive; and

Whereas, the County finds that it is fair and equitable for new residential development in the District to fund new public education facilities whose need will result from such new residential development, in part, through a proportionate share public education impact fee, as may be permitted by the Act; and

Whereas, the County may amend its capital improvements plan to include new projects to be funded by the existing impact fee; and

Whereas, the existing impact fee may be insufficient to provide adequate funding for the needed new public education facilities based on upon the projected population growth within the District; and

Whereas, the County finds that the projected population growth requires consideration of additional public education facilities to be funded by the existing impact fee and of a new impact fee related to the public education facilities within the District for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the children of the State of South Carolina including the children within the District.

NOW THEREFORE BE IT RESOLVED BY THE YORK COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The Commission is hereby directed to conduct the required studies, and to recommend an update to the capital improvements plan and impact fee ordinance in response to the District request and in conformity with the South Carolina Development Impact Fee Act based upon the results of those studies;
2. The York County Planning Director or his designee(s) shall act as liaison(s) between the Commission and York County Council and serve as the facilitator(s) with such designated consultants, County personnel, and District personnel who may have been tasked to date or who may be tasked to assist in the performance of the statutory requirements incident to the generation of the impact fee including, but not limited to, the performance of any required analysis and study; the generation of any required plans and reports; and the structuring of the ultimate recommended ordinance;
3. The Commission is directed to conduct the studies and make its recommendations in the manner which fully and most efficiently uses funds collected pursuant to the existing fee before consideration of any new proposed impact fee for additional projects;

4. The Commission shall instruct TischlerBise to provide status reports to the Commission at least every 60 days during the process authorized herein by written documentation, in person presentations, or both, so the Commission can gain a better understanding of the District's public educational needs and provide TischlerBise with commentary and feedback to evaluate and consider when preparing its updated report to the Commission;
5. The Commission is further directed to, in addition to making its recommendation on any new proposed fee, evaluate alternatively amending the existing impact fee ordinances and capital improvements plan and make any corresponding recommendation based on its findings;
6. It is the intent of the Council that the Commission shall complete its assigned task with a recommendation to Council as soon as practicable and no later than March 10, 2025;
7. The County Manager and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents, and perform such tasks as may be required by the County or Commission in order to carry out, give effect to, and consummate the impact fee ordinance process authorized by this Resolution;
8. This Resolution shall be construed and interpreted in accordance with the laws of the state of South Carolina;
9. This Resolution shall become effective immediately upon approval by the Council and is not intended to alter or modify and shall not be interpreted as altering or modifying currently existing impact fees and associated ordinances;
10. The provisions of this Resolution are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder; and
11. A copy of this resolution shall be delivered to the Commission and the District upon adoption.

IN WITNESS THEREOF, I have hereunto set my hand this 19th day of August, 2024.

By:

Christi P. Cox, Chairwoman, York County Council

Attest:

Joshua S. Edwards, County Manager

Minutes
Finance & Operations Meeting
Monday, July 15, 2024
5:40pm

The York County Finance & Operations Committee met on the above date for a Finance & Operations Committee Meeting at 5:40pm in the Government Center, 6 South Congress Street, York, SC. The following Council members were present: Council member Tom Audette, Council member Tommy Adkins and Council member Allison Love. Also present were County Manager, Josh Edwards, Assistant County Manager, Kevin Madden, and Clerk to Council, Karen Brogdon.

Summary and Actions:

1. Motion was made by Council member Tom Audette and seconded by Council member Tommy Adkins to recommend for consideration by Council the appointment of Ralph Merchant to the Bethel Fire Tax Board. Motion Carried.
2. Motion was made by Council member Tom Audette and seconded by Council member Tommy Adkins to approve allocation of funds from District 4 to Habitat for Humanity in the amount of \$4,100.00. Motion Carried.
3. Motion was made by Council member Tom Audette and seconded by Council member Tommy Adkins to approve allocation of funds from District 4 to City Girl Gardening 803 in the amount of \$3,200.00. Motion Carried.
4. Motion was made by Council member Tom Audette and seconded by Council member Tommy Adkins to approve the minutes from the June 17, 2024 Finance & Operations Committee meeting. Motion Carried.
5. Aaron Seigler, Auditor provided a monthly financial report for May 2024. Mr. Seigler reported that as of May 2024 the Sheriff's Office continues to have significant vacancies at 6.9% and the general fund departments in May 2024 was 6.6%. This is the primary reason for the projected surplus in FY24.

There being no additional matters to discuss a motion was made by Council member Tom Audette and seconded by Council member Tommy Adkins to adjourn the meeting. Motion Carried.