PUBLIC HEARING AND SPECIAL MEETING OF CITY COUNCIL
APRIL 30, 2020 – 4:00 PM
TELECONFERENCE

LIVE STREAM:
https://www.facebook.com/cityofgtown/

Notice of this meeting has been made in accordance with the South Carolina Code of Laws as amended.

1. CALL TO ORDER

2. ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES

3. ROLL CALL

4. PUBLIC HEARING

A. The purpose of the Public Hearing will be to receive citizen input concerning an Ordinance Authorizing a Budget Amendment for FY2019/2020 in the Stormwater Drainage Utility Fund in the amount of $80,000 for the US 17 Drainage Project Cost Overrun Settlement Costs with the SC Department of Transportation and an Ordinance Authorizing an Amendment to Business License Fees contained in the City Clerk's Official Record, as approved in the FY2020 Budget.

5. FINANCE

A. Motion to Approve Second Reading of an Ordinance Authorizing a Budget Amendment for FY2019/2020 in the in the Stormwater Drainage Utility Fund in the Amount of $80,000 for the US 17 Drainage Project Cost Overrun Settlement Costs.

Attachments:

1 Budget Amendment FY2020 Stormwater Fund (PDF)

B. Motion to Approve Second Reading of an Ordinance Authorizing an Amendment to Business License Fees contained in the City Clerk's Official Record, as approved in the FY2020 Budget.

Attachments:

1 Business License Rates Adjustment - FY2020 (PDF)

6. ADJOURNMENT

A. Motion to adjourn the Special Meeting of City Council.

120 North Fraser Street · Georgetown, SC 29440 · (843) 545-4000

ORDINANCE

DOC ID: 2990

Council Meeting Date:	30 April 2020
Department:	Finance
Issue Under Consideration:	Motion to Approve an Ordinance Authorizing a Budget Amendment for FY2019/2020 in the in the Stormwater Drainage Utility Fund in the Amount of $80,000 for the US 17 Drainage Project Cost Overrun Settlement Costs.
Amount Requested:	$80,000
Is Item in Current Budget?	No
If no, please explain:	
Financial Impact:	Reduction of Fund Balance in the Stormwater Fund.
Points to Consider:	
Options:	Approve or Disapprove.
Staff Recommendations:	Approve

Reviews:

Debra Bivens	Completed	03/06/2020 10:46 AM
Finance	Completed	03/06/2020 10:46 AM
City Attorney	Completed	03/06/2020 1:58 PM
Sandra E. Yudice Ph.D.	Completed	03/06/2020 2:25 PM
Stephanie Buccione	Completed	03/10/2020 12:02 PM
Georgetown City Council	Pending	04/30/2020 4:00 PM
Georgetown City Council	Pending	03/19/2020 5:30 PM
Georgetown City Council	Completed	03/30/2020 1:00 PM

Attachments:

1. 1 Budget Amendment FY2020 Stormwater Fund (PDF)

MOTION TO APPROVE AN ORDINANCE AUTHORIZING A BUDGET AMENDMENT FOR FY2019/2020 IN THE IN THE STORMWATER DRAINAGE UTILITY FUND IN THE AMOUNT OF $80,000 FOR THE US 17 DRAINAGE PROJECT COST OVERRUN SETTLEMENT COSTS.

AN ORDINANCE TO AMEND THE 2019/2020 ANNUAL BUDGET FOR
THE CITY OF GEORGETOWN, SOUTH CAROLINA

WHEREAS, certain expenditures considered necessary to the operations of the City of Georgetown have arisen subsequent to adoption of the 2019/2020 annual budget ordinance.

NOW, THEREFORE, BE IT ORDAINED by City Council duly assembled the 30th day of April, 2020, that the 2019/2020 annual budget be amended to incorporate the following supplemental appropriation:

STORMWATER FUND

Original Appropriations		$ 1,213,321
Supplemental Appropriation:		
For unanticipated expenditure:	US 17 Drainage Project Settlement Cost to SCDOT	$80,000
Total Amended Budget		$ 1,293,321

PASSED by City Council duly assembled this 30th day of April 2020.

ATTEST:

Stephanie Buccione
City Clerk

Brendon M Barber, Sr.
Mayor

APPROVED AS TO FORM:

Elise F Crosby
City Attorney

First Reading: March 30, 2020
Second Reading: April 30, 2020

120 North Fraser Street · Georgetown, SC 29440 · (843) 545-4000

ORDINANCE

DOC ID: 2993

Council Meeting Date:	30 April 2020
Department:	Finance
Issue Under Consideration:	Motion to Approve an Ordinance Authorizing an Amendment to Business License Fees contained in the City Clerk's Official Record, as approved in the FY2020 Budget.
Amount Requested:	NA
Is Item in Current Budget?	
If no, please explain:	
Financial Impact:	
Points to Consider:	Business License Rate Adjustment of 8% was included in the FY2020 budget, which was projected to yield additional revenue of approximately $160,000 in the General Fund.
Options:	
Staff Recommendations:	Approve.

Reviews:

Debra Bivens Completed 03/06/2020 11:53 AM

Sandra E. Yudice Ph.D. Completed 03/06/2020 2:24 PM

Stephanie Buccione Completed 03/10/2020 11:56 AM

Georgetown City Council Pending 04/30/2020 4:00 PM

Georgetown City Council Pending 03/19/2020 5:30 PM

Georgetown City Council Completed 03/30/2020 1:00 PM

Attachments:

1. 1 Business License Rates Adjustment - FY2020 (PDF)

MOTION TO APPROVE AN ORDINANCE AUTHORIZING AN AMENDMENT TO BUSINESS LICENSE FEES CONTAINED IN THE CITY CLERK'S OFFICIAL RECORD, AS APPROVED IN THE FY2020 BUDGET.

AN ORDINANCE TO AMEND THE BUSINESS LICENSE FEES CONTAINED IN THE CITY CLERK'S OFFICIAL RECORD OF UTILITY RATES, DEPOSITS, AND MISCELLANEOUS FEES AND CHARGES FOR THE CITY OF GEORGETOWN, SOUTH CAROLINA

WHEREAS, S.C. Code Section 5-7-30 authorizes the City to impose business license taxes; and

WHEREAS, Council has determined that the business license provisions of the City Code should be revised and updated;

NOW, THEREFORE, BE IT ORDAINED by City Council of The City of Georgetown, South Carolina, that the Business License Fees contained in the City Clerk's Official Record of Utility Rates, Deposits, and Miscellaneous Fees and Charges be revised as follows:

Section 13-36. Classification; Rates.

The license fee for each class of business shall be computed in accordance with the following rates. The major groups of businesses included in each class are listed with the major group number according to the United States North American Industry Classification System (NAICS) codes. The license inspector shall determine the proper class for a business according to the NAICS.

Business License Rates

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RATE CLASS	INCOME: 0 - $2,000 MINIMUM FEE	ALL OVER $2,000 Rate per Thousand or fraction thereof
1	$32.40	$ 1.35
2	37.80	$1.57
3	43.20	$1.78
4	48.60	$2.00
5	54.00	$2.21
6	59.40	$2.43
7	64.80	$2.65
8	See individual business in class 8.	

NON-RESIDENT RATES

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

DECLINING RATES

Declining rates apply in all classes for gross income in excess of one million dollars ($1,000,000).

Gross Income in $ Millions	Percent of Class Rate for Each Additional $1,000
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
4 - 5	60%
5 - 10	50%
Over 10	40%

Business License Rates

CLASS 8 RATES

(Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Nonresident rates do not apply except where indicated.)

NAICS 23 - *Contractors, construction, all types:*

	Income	Minimum	Per $1,000 or Fraction
A.	Having permanent place of business within the city:		
	First $2,000...	$37.80	Plus
	Over $2,000...		$1.57
B.	Non-resident (no permanent place of business in the city):		
	First $2,000...	$75.60	Plus
	Over $2,000 (nonresident double rates do not apply)…….....		$3.13

A trailer at a construction site is not a permanent place of business under this ordinance.

The total fee for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date.

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.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general or prime contractor for value of work performed by a subcontractor.

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 inspector a list of subcontractors furnishing labor or materials for each project.

Business License Rates

NAICS 482 - Railroad companies - (See Code Sec. 12-23-210) …………Flat fee……….$295.00

<u>Telecommunications Companies</u>

(a) Notwithstanding any other provisions of the business license ordinance, the business license tax for retail telecommunications services, as defined in S.C. Code 1976, section 58-9-2200, shall be at the maximum rate authorized by S.C. Code 1976, section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by state law as in effect on February 1, 2005. Declining rates shall not apply.
(b) In conformity with S.C. Code 1976, section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
(c) For the year 2005, the business license tax for retail telecommunications services shall be due on February 1, 2005 and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.
(d) The delinquent penalty shall be five (5) per cent of the tax due for each month, or portion thereof, after the due date until paid.
(e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.
(f) Nothing in this ordinance [Ordinance of September 16, 2004] shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.
(g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this ordinance [Ordinance of September 16, 2004].
(h) As authorized by S. C. Code 1976, section 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code 1976, section 58-9-2200, shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this ordinance [Ordinance of September 16, 2004] and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

Business License Rates

NAICS 5175 Television, cable or Pay ....Consent or Franchise

NAICS 2211 - 2212 Electric and Gas Companies ....Consent or Franchise

NAICS	Income	Minimum	Per $1,000 or Fraction
423930	*Junk or Scrap Dealers* (Nonresident rates apply):		
	First $2,000..	$70.20	Plus
	Over $2,000..		$2.97
4411	*Automotive, Motor Vehicle Dealers and Farm Machinery, Retail*		
	First $2,000.00..	$27.00	Plus
	Over $2,000.00..		$0.86

One sales lot not more than four hundred (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 full sales price without deduction for trade-ins. Dealer transfers shall not be included in gross receipts.

NAICS	Income	Minimum	Per $1,000 or Fraction
7224	*Drinking Places* - (Alcoholic beverages, beer and wine consumed on premises):		
	First $2,000..	$70.20	Plus
	Over $2,000..		$2.97
522298	*Pawn Brokers*, All Types:		
	First $2,000..	$70.20	Plus
	Over $2,000..		$2.97
7131	*Vending Machines* *and* all other coin-operated Automatic Merchandising Machines (not Included in Business Gross Income)		
	First $2,000..	$43.20	Plus
	Over $2,000..		$1.78

Business License Rates

454390 *Peddlers, Solicitors, Canvassers, Door-To-Door Sales,*
direct retail sales of merchandise. (Nonresident rates do not apply.):

Temporary activities up to three (3) consecutive days. (Separate license required for each sale period.):

First $2,000..	$27.00	Plus
Over $2,000..		$2.97

Long-term activities (up to 365 days):

First $2,000..	$118.80	Plus
Over $2,000..		$2.97

Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums collected (1) on policies on property or risks located in the municipality, and (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by the insurance company's office located in the municipality or by the insurance company's employee doing business within the municipality or by the office of the insurance company's licensed or appointed producer (agent) located in the municipality or by the insurance company's licensed or appointed producer (agent) doing business within the municipality. As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the municipality whether or not an office is maintained therein. A premium collected on property or a risk located within the municipality shall be deemed to have been collected within the municipality. Declining rates shall not apply.

Business License Rates

Life, health and accident ....0.75% of gross premiums

Fire and casualty ....2% of gross premiums

Title insurance ....2% of gross premiums

Brokers for fire and casualty insurers -- Non-admitted:

As to brokers for non-admitted fire and casualty insurers, "gross premiums" means gross premiums collected by or for fire and casualty insurers not licensed in South Carolina (1) on policies on property or risks located in the municipality and/or (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by a broker located in or doing business within the municipality. Brokers shall provide, with their payment of the tax, a copy of the report required by the state department of insurance showing the locations of the property or risks insured ....2% of gross premiums

[Premiums for non-admitted business are not included in broker's gross commissions for other business. Declining rates shall not apply.]

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies and brokers for non-admitted fire and casualty insurers shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

The agreement with the Municipal Association of South Carolina, pursuant to S. C. Code section 5-7-300, for collection of current and delinquent license taxes from insurance companies and brokers for non- admitted fire and casualty insurers shall continue in effect.

NAICS – 7131 *Amusement machines, coin operated:*

A. Music machines, kiddie rides, and amusement machines licensed pursuant to South Carolina Code 1976, section 12-21-2720(A)(1) and (A)(2):

1. Operator of machine: $13.50 per machine, [South Carolina Code 1976, section 12-21-2746], plus $13.50 business license for operation of all machines (not on gross income).

2. Distributor selling or leasing machines (not licensed by the state as an operator pursuant to South Carolina Code 1976, section 12-21-2728):

Business License Rates

Income	Minimum	Per $1,000 or Fraction
First $2,000...................................	$43.20	Plus
Over $2,000.................................		$1.78

NAICS - 7139 *Billiard or Pool rooms*, all types - $5.00 stamp per table, plus

Income	Minimum	Per $1,000 or Fraction
First $2,000...................................	$43.20	Plus
Over $2,000.................................		$1.78

NAICS – 7119 *Carnivals and Circuses:*

Income	Minimum	Per $1,000 or Fraction
First $2,000................................	$70.20	Plus
Over $2,000...............................		$2.97

Effective July 1, 2020, as passed in the FY2020 budget.

PASSED this 30th day of April, 2020

ATTEST:

Stephanie Buccione, City Clerk

Brendon M. Barber, Sr., Mayor

First Reading: 30 March 2020
Second Reading: 30 April 2020

Approved as to Form:

Elise F Crosby, City Attorney