

MAYOR
Michael D. Fuesser

MAYOR PRO TEM
Edward Brown

CITY MANAGER
Dalton Pierce, MPA



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

CITY CLERK
Amy Craig

York City Council
Meeting Agenda
Tuesday, December 5, 2023
Meeting at 6:00 PM

1. **WELCOME AND CALL TO ORDER** **MAYOR MIKE FUESSER**
2. **PRAYER** **MAYOR PRO TEM ED BROWN**
3. **PLEDGE OF ALLEGIANCE** **MAYOR MIKE FUESSER**
4. **PRESENTATIONS**
 - 4.1. Julie's Fancy Feet Dance Academy **MAYOR MIKE FUESSER**
 - 4.2. New Employee – Jeremy Bodenarain **RECREATION DIRECTOR CHRIS WHITE**
 - 4.3. Promotion – Priscilla Cook **RECREATION DIRECTOR CHRIS WHITE**
 - 4.4. New Employee – David Bryant **UTILITIES DIRECTOR BEN WRIGHT**
 - 4.5. Promotion – Chris Mathewson **UTILITIES DIRECTOR BEN WRIGHT**
 - 4.6. EMT Certification – Jacob Crosby **FIRE CHIEF MIKE REGAL**
 - 4.7. Service Awards **HR DIRECTOR SARAH RAMIREZ**
5. **PUBLIC HEARING**
 - 5.1 Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses
 - 5.2 Second Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning
6. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS**
7. **CITY MANAGER'S REPORT** **CITY MANAGER DALTON PIERCE**
 - 7.1. SC Rural Infrastructure Planning Grant Award
 - 7.2. City of York FY23-24 Capital Projects Update
8. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - 8.1. Council Meeting November 7, 2023*
 - 8.2. Council Work Session November 20, 2023*

** Denotes Vote Required*

9. MONTHLY FINANCIAL REPORT

FINANCE DIRECTOR JEFF WILKINS

10. OLD BUSINESS

10.1 ORDINANCES:

- Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses*
- Second Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning*

10.2 DISCUSSION:

- Updated Handbook Approval*

11. NEW BUSINESS

11.1 BIDS & SOLICITATIONS:

- York Recreation Complex Batting Cage RFP

11.2 SPECIAL EVENTS APPLICATIONS:

- MLK Parade*
- Carriage Rides*

11.3 ORDINANCE(S):

- First Reading Ordinance 23-707 Business License State Mandated Revisions (Pending Ordinance Doctrine)*
- First Reading Ordinance 23-708 EDIP Ordinance Raines Co.*
- First Reading Ordinance 23-709 Sale of Property*
- First Reading Ordinance 23-710 Purchase of Property*
- First Reading Ordinance 23-711 Surety Specification Requirements*

12. MAYOR'S REPORT

MAYOR MIKE FUESSER

- Christmas Tree Lighting
- Christmas Parade Grand Marshal Reception
- Christmas Parade

13. EXECUTIVE SESSION

13.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements

13.2 Discussion of Matters Related to Boards & Commissions

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

15. ADJOURN

** Denotes Vote Required*

City of York

Memo

TO: City Council

FROM: Mayor Mike Fuesser

MEETING DATE: December 5, 2023

SUBJECT: Julie's Fancy Feet Recognition



GENERAL INFORMATION

The City of York would like to recognize Lizzie Martin, Kaylee Brown, Brooklyn Grace Bowers, Teagan Connelly, and Angelina Gentry for representing Julie's Fancy Feet Dance Academy at the 2023 Macy's Thanksgiving Parade. These young ladies were chosen to dance with Spirt of America Dance Stars, one of only three organizations with a standing yearly spot in the parade.

STAFF RECOMMENDATIONS

No staff recommendations

ATTACHMENT(S):

No attachments

REQUESTED ACTION

No action requested

City of York

Memo

TO: Mayor & City Council

FROM: Chris White, Parks & Rec Director

MEETING DATE: December 5, 2023

SUBJECT: New Employee/Promotion



4.2 GENERAL INFORMATION

New Employee – Jeremy Bodenarain

Jeremy Bodenarain joined the Parks & Rec Department on October 24, 2023 as the Program Assistant. Jeremy is from Connecticut, but currently lives in Charlotte, NC, with his girlfriend of 9 years. Prior to the City of York, Jeremy was with Charlotte Mecklenburg Parks & Rec for 7 years. Also, Jeremy's favorite pastime is watching the Dallas Cowboys play. Please welcome Jeremy to the City of York as the new Program Assistant for the Parks & Rec Department.

4.3 GENERAL INFORMATION

Promotion – Priscilla Cook

Priscilla Cook has been promoted to Program Coordinator. Priscilla was raised in Clover and is where she currently resides. She has an Associate's degree in Business from Tri-County Technical College. In February 2005, at the age of 15 years old, Priscilla was hired on part time in the Parks & Rec Department. Then, in May 2011, she was hired on full time. Priscilla loves spending time with her dog, family, and especially her 18 month old niece. Please congratulate Priscilla Cook on her well-deserved promotion to Program Coordinator for the Parks & Rec Department.

City of York

Memo

TO: Mayor & City Council

FROM: Ben Wright, Utilities Director

MEETING DATE: December 5, 2023

SUBJECT: New Employee/Promotion



4.4 GENERAL INFORMATION

New Employee – David Bryant

David Bryant began his career with the City on December 4, 2023, as Utility Projects Inspector. He is originally from Rock Hill and currently lives in Edgemoor with his wife, Donna of 44 years. They have grown children, and a grandchild. David has a degree in Electronics. He has attended National School of Broadcasting and University of South Carolina. David enjoys golf, spending time with family, especially his grandson, traveling, and shooting clay discs. Please welcome David to the City of York.

4.5 GENERAL INFORMATION

Promotion – Chris Mathewson

Chris Mathewson has been promoted from the Utilities Maintenance Crew to Utility Projects Inspector. Chris has been with the City since November 2020. He is originally from Buffalo, New York, but has lived in York since 1995 with his wife, Tamara and son, Wyatt James. Chris majored in Turf Grass Management at Cornell University. He is ASE certified and enjoys drag racing, golfing, and spending time at the beach. Please congratulate Chris on his well-deserved promotion.

City of York

Memo

TO: Mayor & City Council

FROM: Sarah Ramirez, Human Resources Director

MEETING DATE: December 5, 2023

SUBJECT: Service Awards



4.7 GENERAL INFORMATION

Service Awards

The City of York would like to recognize and reward those employees that have served our community for 5 years or more. The service each of you has provided does not go unnoticed and we appreciate everything that you do behind the scenes to improve our organization as a whole.

Admin = Yvonne Truesdale - 20 years (12/15/2003)

Council= Michael Fuesser - 10 years (06/01/2013)

Police= Justin Curtice - 5 years (1/29/2018)

David Dover- 5 years (01/02/2018)

Pierre K.ing-10 years (4/15/2013)

Matt Piper - 10 years (7/15/2013)

Fire= Hunter Oliver- 5 years (5/07/2018)

Chris Boulware - 10 years (9/30/2013)

Scott Shillinglaw - 20 years (4/28/2003)

Brian Rose - 30 years (6/02/1993)

Parks and Recreation = Dale Percival - 20 years (8/18/2003)

Public Works= Marvis Brown- 5 years (10/13/2018)

John Weaver - 5 years (7/24/2018)

Craig Smith- 10 years (5/04/2013)

Chris Wallace - 25 years (9/08/1998)

Utilities = Dustin Miner - 5 years (8/06/2018)

City of York

Memo

TO: Mayor & Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: December 5, 2023

SUBJECT: Public Hearing



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

5.1 and 5.2 GENERAL INFORMATION

Second Reading Ordinance 23-705 Amending Highway Commercial for Miniwarehouses

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

At its September 25, 2023, meeting, the Planning Commission considered an application to annex property located at 1176 Chester Highway and rezone from York County RMX – 20 Zoning to City of York General Industrial Zoning. The Planning Commission recommended that the property be annexed with a Highway Commercial zoning designation and that the HC requirements be amended to allow miniwarehouse storage facilities by special exception subject to all conditions specified for such uses in the GI district.

City of York



Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: December 5th, 2023

SUBJECT: City Manager's Report

GENERAL INFORMATION

7.1: SC Rural Infrastructure Planning Grant Award

The City has been awarded the RIA planning grant for a comprehensive infrastructure inventory and preliminary assessment of our water and sewer system. This is great timing but much needed due to our infrastructure system's large growth and expansion. The grant amount is \$187,500 from RIA, and the local match is \$72,500 for a total of \$260k.

7.2: City of York FY23-24 Capital Projects Update

Refer to the attached table.

REQUESTED ACTION

General Information

ATTACHMENT(S):

1. CIP FY23-24 Capital Projects Update Table

ATTACHMENT #1

#	Project Name	Status	Budget
1	Liberty St. Waterline	Final Design Complete; Awaiting SCDHEC, & SCDOT Permit	\$ 6,256,932
2	Fishing Creek WWTP Upgrade	Design Complete; Awaiting Permit; Let Bid Soon	\$ 10,568,800
3	U/L Dam Remediation	Phase 2 Ongoing: Remediation Plans & Preliminary Cost Estimate	\$ 200,000
4	Water Filtration Plant Remediation	Phase 2 Ongoing: Demolition Plans & Preliminary Cost Estimate	\$ 750,000
5	AMI Water Meter System Upgrade	Design & Discovery Process Underway with Vendor	\$ 1,855,000
6	N. Congress St. Water Line Upgrade	Preliminary Engineering & Cost Estimate Underway	\$ 796,000
7	Lake Caldwell	SCDHEC Permit Received for Design modifications; Let Bid Soon	\$ 750,000
8	City Park Phase II	Bid Opening December 14, 2023 @ 10 a.m.	\$ 500,000
9	Railroad Ave Sidewalk	Final Design Underway; Community Meeting December 18, 2023 @ 6:30 p.m. at City Hall	\$ 503,000
10	Lincoln Rd Sidewalk	Project will be in Two Phases due to Stream Crossing; ESP resubmitting to SCDOT & SCDHEC; Stream Crossing Issue is being resolved with A.C.E	\$ 795,000
11	Kings Mountain St Sidewalk	Survey Complete; Preliminary Design Ongoing	\$ 150,000
12	Larson Rd Light Industrial Park	Erosion Control Install & Site Work Ongoing	\$ 868,000
13	South Congress St Hotel	Awaiting Phase 2 Geotechnical Report	\$ 2,000,000
14	Gateway Signs	Permitting Phase	\$ 250,000
15	YPD Gun Range Improvements	Grading Plan Completed & Final Design Plans will be received soon; Project estimated start Q1 2024	\$ 300,000
16	YFD Interior & Exterior Upgrades	Design Phase	\$ 300,000
17	Green St. Park	Surveying & Preliminary Engineering	\$ 325,000

City Council Meeting November 7, 2023

DATE AND TIME: Tuesday, November 7, 2023, 6:00 PM

Members Present:

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

Councilmember Stephanie Jarrett
Councilmember Charles Brewer
Councilmember Kellie Harrold

Staff Present:

City Manager Dalton Pierce
Municipal Clerk Amy Craig
Police Chief Brian Trail
YPD Telecommunicator McCenzie McCoy
Planning Director David Breakfield
Utilities Director Ben Wright
Utilities Crew Member Sergio Terrell
Fire Chief Mike Regal
PC Member Niki Barnett
PC Member Jessica Koon

Human Resources Director Sarah Ramirez
Community Engagement Director Becky Mestas
Public Works Director Chris Wallace
Commercial Driver Tikierra Anderson
Finance Director Jeff Wilkins
Accounting Assistant Lorrie Cobb
Accounts Receivable Clerk April Trammell
Officer Rusty Badger
Officer Wes Burrell
BZA Member Neil McWhorter
BAR Member Amber Palmer

Participants:

Jamie Smith

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Mike Fuesser

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

2. PRAYER

Mayor Pro Tem Ed Brown

3. PLEDGE OF ALLEGIANCE

Mayor Mike Fuesser

4. PRESENTATIONS

- 4.1. New Employee – Sara “McCenzie” McCoy
Chief Brian Trail introduced McCenzie McCoy as the new Telecommunicator for York Police Department.
- 4.2. New Employee – Tikierra Anderson
Public Works Director Chris Wallace introduced Tikierra Anderson as the new Commercial Driver for Public Works.
- 4.3. New Employee – Kenneth Pettus
Utilities Director Ben Wright introduced Kenneth Pettus, in his absence, as the new Maintenance Crew Member for the Utilities Department.
- 4.4. New Employee – Sergio Terrell
Utilities Director Ben Wright introduced Sergio Terrell as the new Maintenance Crew Member for the Utilities Department.

City Council Meeting November 7, 2023

4.5. New Employee – April Trammell

Finance Director Jeff Wilkins introduced April Trammell as the new Accounts Receivable Clerk.

4.6. Promotion – Lorrie Cobb

Finance Director Jeff Wilkins introduced Lorrie Cobb as the new Accounting Assistant. She was congratulated for her well-deserved promotion into this new position.

4.7. B&C Recognition for New Appointments

Planning Director David Breakfield introduced the new and reappointed Board Members, which are as follows: Neil McWhorter (BZA, appointed), Amber Palmer (BAR, appointed), Niki Barnett (Planning Commission, appointed), Jessica Koon (Planning Commission, appointed), Jordan Dorsey (Planning Commission, appointed), and Laura Korn (Planning Commission, reappointed).

4.8. Veteran's Day Parade

Ronnie Taylor invited Council and the community to the Veteran's Day Parade. He stated that if you would like to participate, bring your own vehicle (car, golf cart, etc.). The lineup will begin at 9:30am, at 60 N. Congress Street (Dickerson Motors), and the parade will begin at 10:00am. The Grand Marshal is a 103 year old WWII veteran, the speaker is Manning Kimmel from WRHI in Rock Hill, and a 4 year old little girl is singing the National Anthem. The parade will be held rain or shine.

5. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

Jan Ramsey spoke on the miniwarehouses and stated that with the growth of the City, they were necessary. Also, she stated her desire for Mr. Jamie Smith or another contractor to build nice patio homes for retirees, citizens, handicapped people, and people wanting to downsize. She stated that when the houses were beginning to be built that they were not supposed to be built all at once. Others in the community have approached her and have inquired how York will take care all of the growth. The growth is needed, but it needs to be more controlled. Concerns that Ms. Ramsey expressed are the plans for the elementary schools due to them being "maxed out," plans for the infrastructure and need for increased fire protection, police protection, and trash pickup, plans for water and sewer lines, City streets, and traffic, plans to recruit more doctors, nurses, and dentists, and medical facilities, and the allocation of impact fees. In addition, Ms. Ramsey stated that the administration of the City needs to improve its communication skills with the general public, but that the City Manager does an excellent job with the Manager's Report. One thing she would like to have considered is for the Manager's Report to be placed in the monthly water bill for those residents that do not have access to computers.

Chris Holbert, with Yorkville Marketplace, spoke in regard to the H-Tax grants. Mr. Holbert stated that Yorkville Marketplace drives tourism by hosting events that brings business into the downtown area. This year, the event has grown by adding an additional day of events, bands, and carriage rides. Also, he stated that in 2020, during Covid, Yorkville Marketplace had a "shoestring budget" to work with and brought in thousands of people downtown. The following year, former City Manager Seth Duncan approached him about H-Tax grant opportunities. They collaborated with Events and added in-kind donations to the grants for security purposes. Mr. Holbert would like Council to consider granting Yorkville Marketplace more funding due to them driving tourism by bringing in thousands of people from outside the City of York, and this particular Christmas event is the largest event they have held to date.

6. CITY MANAGER'S REPORT

6.1. Preamble to FY22-23 Annual Report

City Manager Dalton Pierce stated that he and staff are working an Annual Report, which has never done by the City of York before. An Annual Report is common best practices that is done

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by most organizations, public and private. Staff put together their sections and the document is being finalized and will be presented during the November Work Session. The Annual Report is a “snapshot” of goals, staff capacity, a look of where we are going, and a message from the manager, plus other details.

6.2 City Park Phase II Update

City Manager Dalton Pierce stated that an advertisement for City Park Phase II had been sent out previously, but the Bid that was received was twice the budgeted amount. Currently, Planning Director David Breakfield, Utilities Director Ben Wright, Public Works Director Chris Wallace, and Recreation Director Chris White are working with Keck & Wood. The Bid approval has been sent out and a pre-bid conference will be held at City Hall on November 28, 2023, at 2:00pm, with the Bid Opening held on December 14, 2023, at 10:00am. The goal is to drive the project schedule to have it completed by the first half of the year, so the construction is not interfering with the children at the splash pad.

6.3 FY23-24 SC State Appropriations Update

City Manager Dalton Pierce stated that the City was allocated funding for \$4.774 million in State Appropriations. Standard documents were completed and submitted, so the City should be receiving the funding soon. The projects funded include N. Congress Street water line upgrade, AMI system upgrade, Public Safety upgrades, and S. Congress Street hotel.

6.4 YPD Gun Range Update

City Manager Dalton Pierce stated the City is working with an engineer for the York Police Department’s gun range, which will be located at the Wastewater Treatment Plant. The City has engaged the U.S. Army Reserve because they need to do community projects. The tentative start date is in January, in which grading and soliciting contractors for concrete pads and structure will be the focus. The target system will be installed by the vendor that makes the target systems.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

7.1. Council Meeting October 3, 2023

7.2 Council Work Session October 16, 2023

Councilmember Ramsey made a Motion to approve the Minutes, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Minutes were approved unanimously.

8. MONTHLY FINANCIAL REPORT

Finance Director Jeff Wilkins presented an overview of the FY22-23. Mr. Wilkins stated that our revenues are outpaced by expenditures in Quarter 1, meaning money market accounts are moved over to General Fund and Enterprise Fund to pay the City’s bills during that time. Then, around Quarter 2, the property taxes begin coming in and the revenues eclipse the expenditures. In Quarter 3, the revenues from Business Licenses begin coming in and continue the increase. In Quarter 4, Franchise Fees are collected mid-October, which have to be accrued back into the Fund. The Fund Balance ends with \$167,000 in revenues over expenditures. Three variables that can possibly change the balance are York Police Department grants that will be accrued back to the Fund balance, auditor adjustment entries for minor mistakes now or in the past, and invoices that are still being paid that will be accrued back into the Fund. Approximately \$250,000 could be added back, which will give a truer Fund Balance. The Fund Balance will have approximately \$767,000 to \$1million due to York Police department’s grants. Utility and Enterprise Funds have more of an ebb and flow with revenues and expenditures. Those Fund Balances are \$262,000. Restricted accounts, such as Hospitality Fees, and Impact Fees have larger revenue streams and are doing extremely well. Accommodations Tax was budgeted for \$145,000 and has a balance of \$145,000. Hospitality Tax budget was \$625,000 and has a balance of \$758,000. The Capacity Fees and Impact had zero expenditures FY22-23, but with upcoming various projects, money will transfer from Impact Fees and Capacity Fees. Capacity Fees have a balance of \$1.3million and Impact Fees have a balance of \$1.1million. Having CDs is important because it can be utilized for construction. The Year End result for the General Fund is

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currently \$9.5million but will surpass \$12million when accruals are reflected. The Utility Fund budget is \$4.6million. The Hospitality Tax exceeded the budget. The FY23-24 is better detailed, so a budget amendment may be necessary to address issues if any are found.

9. OLD BUSINESS

9.1. ORDINANCES:

- Second Reading Ordinance 23-704, Rezoning Lee Street
Mayor Fuesser announced that the application has been pulled, so there will be no action on this item.

9.2. DISCUSSION:

- Proposed Organizational Changes

A. Accrual Rates

Council stated they have worked with Human Resources Director Sarah Ramirez to provide a solution to accrual rates for employees. The accrual rates consist of frontloading the annual sick leave as follows:

8 hour employees receive 80 hours

12 hour employees receive 84 hours

24 hour employees receive 96 hours

Annual PTO is as follows:

0-3 years of service receives 10 days (80 hours)

4-10 years of service receives 15 days (120 hours)

11-15 years of service receives 20 days (160 hours)

16+ years of service receives 25 days (200 hours)

Councilmember Hickey made a Motion to adopt the new schedule backloaded to October 1st for the fiscal year for the outlines for the sick and annual leave as 8 hour employees receive 80 hours, 12 hour employees receive 84 hours, 24 hour employees receive 96 hours, 0-3 years of service receives 10 days (80 hours), 4-10 years of service receives 15 days (120 hours), 11-15 years of service receives 20 days (160 hours), 16+ years of service receives 25 days (200 hours) to be frontloaded and backdated to October 1st, which was Seconded by Councilmember Jarrett. In Discussion, Councilmembers discussed the comparisons of the various shifts by different departments to ensure the fairness of the breakdown of the accrual rates. Council's main concern were the employees that work 24 hour shifts. Frontloading the time will allow for the employees to have the time necessary if they need to take vacation or sick time, which was the main concern. Human Resources Director stated that the accrual rates will continue until the maximum amount is reached, which is the same amount as before. Council stated that they can always go back and make amendments if necessary. Also, Council wanted the opinion of Ms. Ramirez since she is the Human Resources Director. She stated that her proposal was similar but tiered a little heavier for the 12 hour and 24 hour employees. She had hoped to have a rate increase because the majority of the employees fall within a range where they will not see an increase. She stated that after speaking with Council that things were accomplished that she had hoped to be accomplished. With no other Discussion, the Motion was adopted 6-1, with Councilmember Ramsey voting in opposition.

10. NEW BUSINESS

10.1 BIDS & SOLICITATIONS:

- Inventory Management and Consignment Parts RFP

Utilities Director Ben Wright stated that an RFP was released in October for Inventory Management and Consignment Parts. The parts are mainly for water and sewer, and none of this affects the meters due to the sole source agreement for those. The purpose of this RFP is to better track parts, see how they are used, and the amount that is used. At the end of the year, staff will

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have a better idea for the budget. After releasing the Bid, only one bid was received, which was by Fortiline. The proposal they sent in was for cost plus 20%, and an additional 2% discount if paid net 10. If approved, Fortiline will come in and consign all the parts, so the Utilities staff is compiling a list of parts that are routinely used, in addition to specialty parts they may need as well. Every 2 weeks, a sales representative will take inventory of what has been used and bill us. Overall, this will be a great cost saver for the City.

Councilmember Jarrett made a Motion to approve the Bid for Inventory Management and Consignment Parts RFP, which was Seconded by Councilmember Hickey. In Discussion, Council inquired about the billing to ensure that the City would not be billed until after the parts are used, checked on the type of security, if a scanning system could be used, and accountability for the parts. Utilities Director Ben Wright confirmed that the City would not be billed until after the parts were used, he stated the parts have been moved to a secure location with locks, cameras, and an automatic gate, a scanning system is not available at this time through Fortiline or Ferguson, and the operators are accountable for knowing what they load on the trucks and use each day for repairs. With no other Discussion, the Motion was adopted unanimously.

- **Non-Compliant Backflow Devices RFP**

Utilities Director Ben Wright stated the Non-Compliant Backflow Devices RFP is a part of the Backflow Prevention Program and Compliance that Utilities has to achieve every year. Letters were sent out to businesses and residents for them to have their backflow devices tested annually and send the results back to the City. If businesses or residents do fall non-compliant, they have a 90 day window to rectify it, or the City deems them non-compliant. For this reason, an RFP was released in October for Non-Compliant Backflow Devices RFP. The RFP is for a third-party to test the non-compliant devices and then the third-party company bills the City. The City will then pay for the testing and add the amount to the business or resident water bill. If the water bill is not paid, then the water will be turned off. Only one third-party testing company sent in a bid proposal, which was AAA City Plumbing. The proposal was 3/4inch-2inches \$289.00 each and 2inches-12inches \$409.00 each.

Councilmember Jarrett made a Motion to approve the bid from AAA City Plumbing for the Non-Compliant Backflow Devices, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council inquired if this testing was different than the hydrant testing, which Utilities Director Ben Wright confirmed that it was different. Also, Mr. Wright explained that backflow devices were on irrigation units on most businesses, commercial, and industrial, which consists of system protection. This means that water comes in, but it cannot go back out. It is a testable device that has to be tested annually, in which DHEC audits them every year to determine how many devices are in compliance in the system. Council stated that this seems to free up utility workers by obtaining this service, which Mr. Wright confirmed that it would as there are only two employees now that can test. Council inquired about the process of billing, in which Mr. Wright stated that they would frontload costs and then bill the those that are non-compliant, and possibly add an administration fee. With no other Discussion, the Motion was adopted.

10.2 SPECIAL EVENT APPLICATIONS:

- **Blush Blossom Boutique**

Community Engagement Director Becky Mestas stated that she had an amendment for a special event application, which was for the downtown partnership for the Carolina Christmas Show. When approved, the application was contingent upon the presence of police officers. After speaking with York Police Department, it was discussed that road closures would be best. Originally, that is not what was desired due to that weekend already being so busy with

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other events. The goal now is to have the Beer Garden at City Market, as that location is already being utilized with photos with Santa and food trucks. This would be in addition those events at City Market.

Councilmember Hickey made a Motion to approve the downtown partnership for the Carolina Christmas Show, which was Seconded by Councilmember Jarrett. With no Discussion, the Motion was adopted unanimously.

- The Garden Café Holiday Marketplace

Community Engagement Director Becky Mestas stated that this will be the 18th Annual Garden Café Holiday Marketplace. The event will take place on November 24th and 25th, which attract local vendors and customers. There are no road closures for this event, but they are asking for police assistance with parking.

Councilmember Jarrett made a Motion to approve the Garden Café Holiday Marketplace, which was Seconded by Councilmember Harrold. With no Discussion, the Motion was adopted unanimously.

- Will Frederick Memorial Run for the Kids 5k

Community Engagement Director Becky Mestas stated that the Will Frederick Memorial Run for the Kids 5k will take place in April 27th. This event raises money for scholarships for kids and helps with community enriching efforts.

Councilmember Hickey made a Motion to approve the Will Frederick Memorial Run for the Kids 5k, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was adopted unanimously.

- Pixies Street Con

Community Engagement Director Becky Mestas stated that Pixies Street Con is a new event proposal for an annual geek culture event, which would require road closures on Congress Street between Liberty Street and Madison Street. Since this culture is growing, they are hoping this event will promote and help them grow within the City of York. This event will require road closures. The proposed date is also April 27th and 28th, which is the same weekend as the Will Frederick Memorial Run for the Kids 5k. They have an alternate date for May 4th and 5th.

Councilmember Hickey made a Motion to approve Pixies Street Con upon the contingency they use their fallback date for road closures, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council wanted to know if there was a possibility of Pixies Street Con using the backup dates of May 4th and 5th since other events in April requiring road closures as well. Also, next year Council would like to discuss this be a one day event due to closing down the roads for two days and potentially taking away from downtown businesses. With no other Discussion, the Motion was adopted unanimously.

10.3 H-TAX EVENT GRANTS:

- FY23-24 H-Tax Event Grant Applications

Community Engagement Director Becky Mestas stated that last year the City had approximately \$47,000 in applications requested funding. This year, 14 applications were received that totaled over \$70,000. Certain items had to be cut back to get to the \$50,000 cap.

Councilmember Harrold made a Motion to reallocate the funds, except the in-kind services for the 5k races, which totals \$4,200.00 and out of the monies \$2,500.00 goes to Carolina Christmas Show with the remainder being divided equally between the four 5k races, which was Seconded by Councilmember Jarrett. In Discussion, Council stated that if the intentions of the program are to draw tourism and increase revenue, then they need to look at the nonprofits and charitable events listed and possible adjust some of those monies. In the future, in some fashion, grants

City Council Meeting November 7, 2023

needed to be tiered by somehow measuring the metrics of how many people are coming and the community participation. 5ks can use fees generated through participation for advertisement and they can seek sponsorships for entertainment and speakers. The City can assist with advertisement through social media, community calendar, new website, and York County Tourism. With 5ks, participants leave around 10:00am and limits the actions of businesses. Consideration for the Carolina Christmas Show should be given due to the amount of tourists projected this weekend and bands are being brought to the downtown area. Concerns were expressed, especially for those that put in applications months prior and those that have always been funded, such the Turkey Trot. It was reiterated that in-kind services, such as police services, were not being taken away, but a reallocation of advertising funds is being considered. Also, 5ks that are qualifying races are what brings in the tourism and none of the 5ks listed are qualifying races. Overall, \$500.00 will be leftover and it will be in the bank in case of overages. Traffic control and road closures were discussed, in which Chief Trail stated that providing police services should not be an issue if that is what Council wanted. With no other Discussion, the Motion was adopted 6-1, with Mayor Fuesser voting in opposition.

10.4 RESOLUTION:

- Resolution 23-05 Bank of America Card

City Manager Dalton Pierce stated that this Resolution is to provide Bank of America with the names of those that are no longer employed but are still listed on the card account. To update the list and remove and add names, a Resolution is required. The following names will be added to the account: Jeff Wilkins, Lorrie Cobb, and Sarah Ramirez. The following names will be removed: Lisa Wallace, Cindy Wyatt, Jennifer White, and Michelle Williams.

Councilmember Hickey made a Motion to approve Resolution 23-05, which was Seconded by Councilmember Ramsey. In Discussion, Council inquired if titles could be placed on the Resolution rather than names, so another Resolution would not have to be done in the future. City Manager Dalton Pierce stated that names were required by the bank. Also, Council questioned why City Manager Dalton Pierce's name was not added, and Finance Director Jeff Wilkins stated that upon approval of the Resolution, a phone call could be made to the bank to add Mr. Pierce's name, but historically, City Managers were not listed on the Resolutions. With no other Discussion, the Motion was adopted unanimously.

10.5 ORDINANCES:

- First Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses

Councilmember Hickey made a Motion to approve First Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses, which was Seconded by Mayor Pro Tem Brown. In Discussion, Council inquired about how many miniwarehouses there would be in this location. Mr. Jamie Smith spoke and stated that it is approximately 25,000sq.ft., and the concept plan has not been designed yet. Half of the units would be climate-controlled and the other half not climate-controlled. Council stated with the growth, the miniwarehouses were necessary. With no other Discussion, the Motion was adopted unanimously.

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

Councilmember Jarrett made a Motion to approve First Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning, which was Seconded by Mayor Pro Tem Brown. With no Discussion, the Motion was approved unanimously.

City Council Meeting November 7, 2023

11. MAYOR'S REPORT

Mayor Fuessler read a Proclamation for World Pancreatic Cancer Day and announced Mrs. Josie Guthrie as the Grand Marshal for the 2023 York Christmas Parade. Mayor Fuessler addressed Ms. Ramsey and stated that hopefully, in 2024, the City can hold Town Hall Meetings so the public can ask questions.

12. EXECUTIVE SESSION

- 12.1 Discussion of Negotiations Incident to Proposed Contractual Arrangements
- 12.2 Discussion of Proposed Sale or Purchase of Property
- 12.3 Discussion of Proposed Sale or Purchase of Property

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

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

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

Councilmember Jarrett made a Motion to approve the Economic Development Agreement between the City of York and Raines Co. and designate City Manager Dalton Pierce to sign it, which was Seconded by Mayor Pro Tem Brown. With no discussion, the Motion was adopted unanimously.

14. ADJOURN

Mayor Fuessler made a Motion to Adjourn, which was Seconded by Councilmember Hickey. The Motion was adopted unanimously. The meeting Adjourned at 7:54pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk

Council Work Session November 20, 2023

DATE AND TIME: Monday, November 20, 2023, 05:00 PM

Members Present:

Mayor Pro Tem Ed Brown
Councilmember Marion Ramsey
Councilmember Kellie Harrold

Councilmember Charles Brewer
Councilmember Stephanie Jarrett
Councilmember Hickey (virtual)

Members Present:

Mayor Mike Fuesser

Staff Present:

City Manager Dalton Pierce
Municipal Clerk Amy Craig
Police Chief Brian Trail
Fire Chief Mike Regal
Utilities Crew Member Chris Mathewson
Public Works Director Chris Wallace

Human Resources Director Sarah Ramirez
Community Engagement Director Becky Mestas
Finance Director Jeff Wilkins
Planning Director David Breakfield
Parks & Rec Director Chris White

Participants:

Others Present:

(See Sign-in Sheet)

1. WELCOME AND CALL TO ORDER

Mayor Pro Tem Ed Brown

- Mayor Pro Tem Brown called the meeting to order at 5:00 pm

2. PRAYER

Mayor Pro Tem Ed Brown

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ed Brown

4. PRESENTATIONS

4.1. FY23 Annual Report

City Manager Dalton Pierce stated that staff has completed the first-ever Annual Report for City of York, which will provide a comprehensive report of the organization's activities. This allows shareholders and other interested parties to have information about the organization's activities and financial performance and demonstrates improved transparency and enhanced accountability. During the presentations, City Manager Pierce provided an overview of the entire organization. Then, each Department Head provided a departmental overview, accomplishments for the prior year, and future goals.

5. DISCUSSIONS

5.1. Surety Program Ordinance Update

City Manager Dalton Pierce stated that he has met with the City Attorney, Planning Director, Utilities Director to draft an updated Ordinance for Appendix B Subdivision Regulations Article. The updated Ordinance will enhance what is already written in the Ordinance. The Planning Commission is pleased with what has been proposed. A First Reading has been requested for December and a Second Reading for January.

Council Work Session November 20, 2023

5.2. Economic Development Incentive Ordinance – Raines Co.

On November 7, 2023, Council approved an Economic Development Incentive Agreement between the City of York and Raines Co. Now that the Economic Development Incentive Agreement is in place, an Ordinance can be approved. Incentives received are state appropriations, which will be invoiced soon. This Ordinance is more for housekeeping and tidying up to ensure the City is following all the rules outlined in the Ordinance.

5.3 Business License Ordinance Update

The State mandate for Act 176 was installed previously, and there are some items that need to be tweaked. Minor changes will need to be made to our Business License Ordinance. A First Reading will be completed in December with a Second Reading in January to comply with the State's mandate. There will be changes to the fee schedule and related issues.

6. ADJOURN

Councilmember Ramsey made a Motion to Adjourn, which was Seconded by Councilmember Brewer. With no Discussion, the Motion was passed unanimously. The meeting Adjourned at 6:16pm.

Respectfully Submitted,



Amy Craig
Municipal Clerk

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: December 5, 2023

SUBJECT: Second Reading Ordinances 23-705 & 23-706



10.1 GENERAL INFORMATION

Second Reading Ordinance 23-705, Amending Highway Commercial for Miniwarehouses & Second Reading Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning

At its September 25, 2023, meeting, the Planning Commission considered an application to annex property located at 1176 Chester Highway and rezone from York County RMX – 20 Zoning to City of York General Industrial Zoning. The Planning Commission recommended that the property be annexed with a Highway Commercial zoning designation and that the HC requirements be amended to allow miniwarehouse storage facilities by special exception subject to all conditions specified for such uses in the GI district.

STAFF RECOMMENDATIONS

Planning Commission recommends the property, 1176 Chester Highway, be annexed with a Highway Commercial (HC) zoning designation and that the HC requirements be amended to allow mini-warehouse storage facilities by special exception subject to all conditions specified for such issues on the GI district.

ATTACHMENTS

- A. Ordinance 23-705, Amending Highway Commercial for Miniwarehouses
- B. Ordinance 23-706, Annexing 1176 Chester Highway with HC Zoning
- C. Planning Viewer
- D. Site Plan
- E. Petition for Annexation

REQUESTED ACTION

Council's Approval of Second Reading Ordinance 23-705 and Second Reading Ordinance 23-706

CITY OF YORK

- a. The minimum distance between a mini-warehouse/storage building and a residential zoning district shall be 25 feet.
- b. The minimum setbacks for mini-warehouse/storage buildings shall be 25 feet from the front street right-of-way, ten feet from each side property line and 25 feet from the rear property line.
- c. A fence shall be constructed around the perimeter of the mini-warehouse/storage facility property. The fence shall be constructed of brick, textured block, wrought iron or black chain-link fence material. The fence span directly in front of the mini-warehouses shall be constructed of wrought iron and/or brick.
- d. Landscaping shall be installed which meets the following design standards as well as all standard requirements from the Zoning Ordinance:
 - A bufferyard shall be installed along the outside of the fence perimeter facing a street, road, or highway that complies with Type C Buffer requirements specified for the Gateway Corridor Overlay District.
 - Street trees shall be provided per Gateway Corridor Overlay District requirements.

- One tree at each building termination is required.
- e. The exterior building façades shall be designed in accordance with Gateway Corridor Overlay District requirements.
- f. The roofing material shall consist of asphalt shingles or raised seam metal.
- g. The driving surfaces shall be paved.
- h. Each building shall be numbered with minimum six-inch-high letters or numbers at the end of each building and above each door.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

)

)

)

CITY OF YORK

ORDINANCE 23-706

AMENDING APPENDIX A, ZONING ORDINANCE AND OFFICIAL ZONING MAP BY ANNEXING
AND REZONING PROPERTY REFERENCED BY YORK COUNTY TAX MAP ID NUMBER
2960000016 FROM YORK COUNTY RMX-20 TO HC-HIGHWAY COMMERCIAL

WHEREAS, the York City Council and Planning Commission find that an annexation and rezoning application has been received for property referenced by York County Tax Map Identification # 2960000016 and located on Chester Highway;

WHEREAS, the York City Council and Planning Commission find that the Official Zoning Map may be revised if the proposed change is found to be in compliance with the Future Land Use Map and overall Comprehensive Plan; and

WHEREAS, the York City Council and Planning Commission find that the proposed annexation and rezoning application is substantially compliant with the Comprehensive Plan and is compatible with nearby zoning and land usage.

NOW, THEREFORE, BE IT ORDAINED in Council assembled on the dates hereafter set forth that the York City Council does herewith amend Appendix A, Zoning Ordinance and Official Zoning Map by annexing and rezoning the specified property identified by York County tax map identification # 2960000016 from York County RMX-20 to HC-Highway Commercial.

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:

I want to...

Parcel# 2960000016; DEDMON JOAN S ETAL

Tax Billing Address: 1017 TARLTON DR SHELBY NC 28150
Owner(s): DEDMON JOAN S ETAL

[View Additional Details](#) [Run a Report](#) [Remove from Results](#)

0257

2960000018

2960000073

2960000074

Edgefield Rd (State)

Edgefield Rd (State)

2960000070

2960000016

0276

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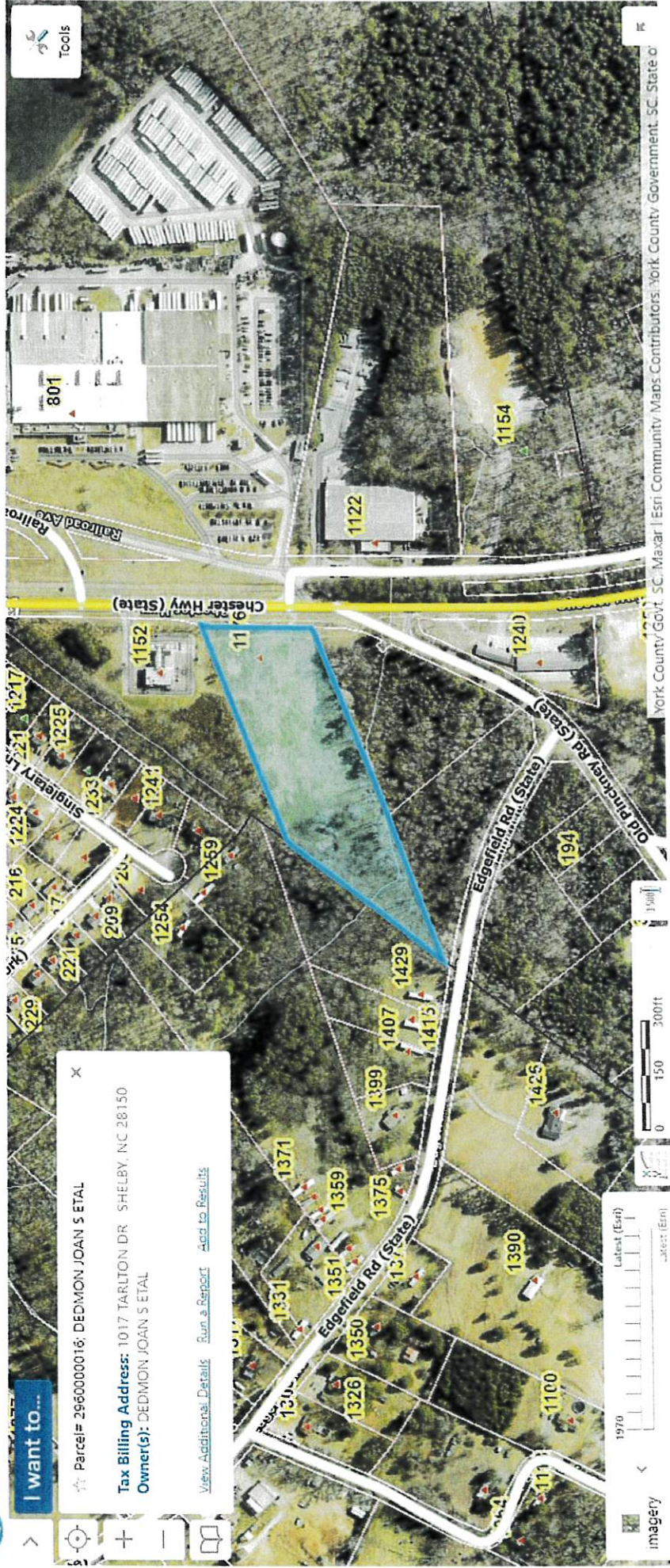
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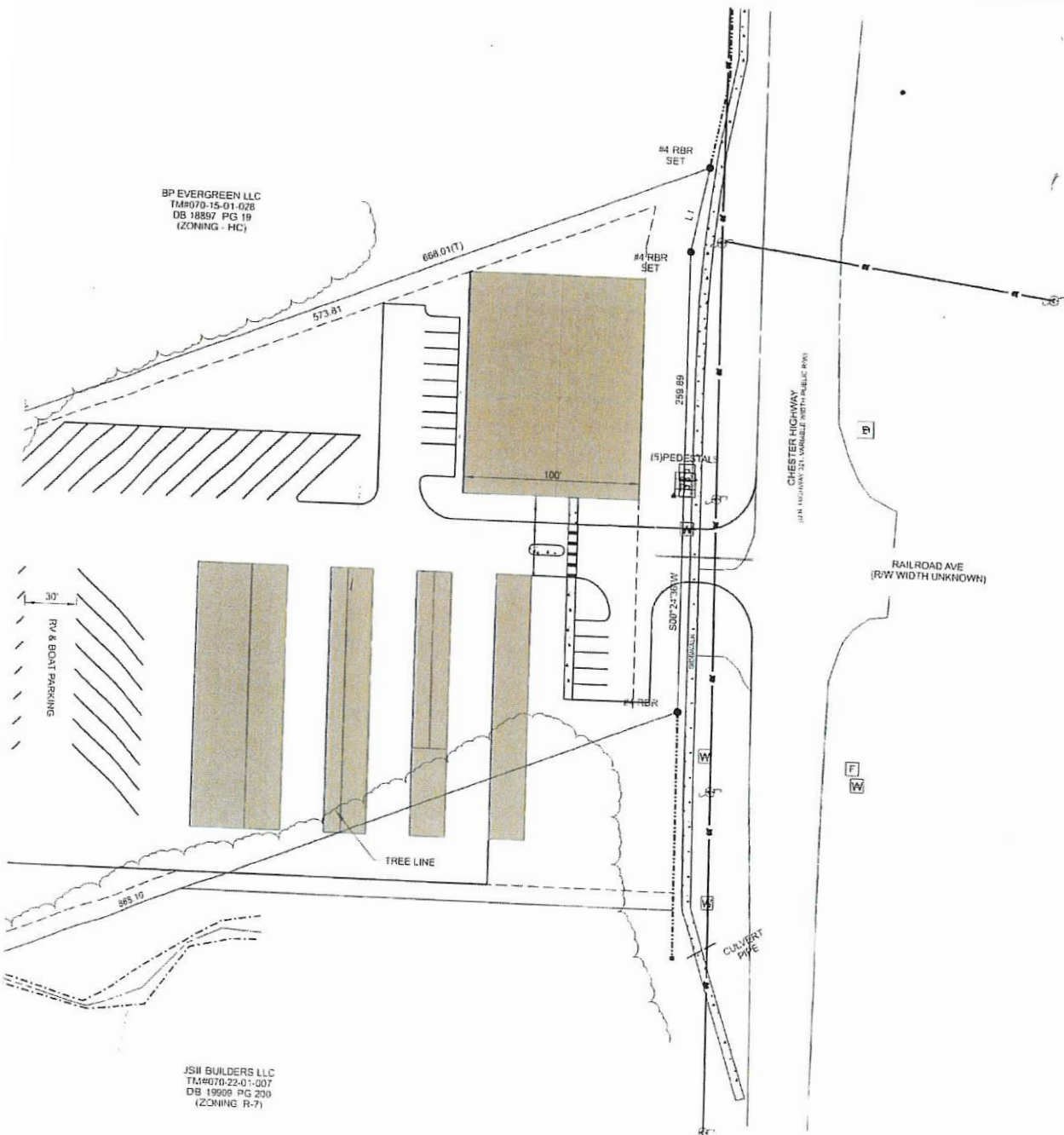
Latent: 1E:00

Azteca Systems, LLC - Cityworks® 2009 - 2023 | York County Govt. SC, Maxar, Microsoft | Esri Community



BP EVERGREEN LLC
 TM#070-15-01-026
 DB 18897 PG 19
 (ZONING - HC)

JSW BUILDERS LLC
 TM#070-22-01-007
 DB 19909 PG 200
 (ZONING R-7)



SHEET TITLE

SITE PLAN

NO	DATE	REVISIONS	BY	SCALE
				DATE 07/21/2023
				JOB NO 230618
				SHEET C300

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CITY OF YORK

**PETITION FOR ANNEXATION OF REAL PROPERTY
TO THE CORPORATE LIMITS OF THE
CITY OF YORK, SOUTH CAROLINA**

This Petition for Annexation by John Braxton Ferguson, Susan C. McDaniel and Joan S. Dedmon is requesting the York City Council to annex by Ordinance the hereinafter described real property and is dated as of this the 13th day of October 2023, and is herewith dated prior to the first signature being affixed hereto. This Petition for Annexation is in accordance with the provisions as set forth in Section/Paragraph/Title 5-3-150 of the Code of Laws of South Carolina, 1976, and as amended. The Petition is signed by the above-named property owners. The Petition requests that the real property in the area as shown on the attached description consisting of a parcel, known currently as York County Parcel 296-00-00-016, of real property lying adjacent to US Highway 321, west and southwest of the City Limits, and joining that portion of the City of York, South Carolina, be annexed to the corporate limits of the City of York, South Carolina. The real property involved herein is more fully described and set forth on the attached plat as follows:

SEE ATTACHED DESCRIPTION AND MAP

It is requested that the above real property be annexed to the City of York, South Carolina with and initial zoning of Highway Commercial

John Braxton Ferguson

Susan C. McDaniel

Joan S. Dedmon
Joan S. Dedmon

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CITY OF YORK

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It is requested that the above real property be annexed to the City of York, South Carolina with and initial zoning of Highway Commercial

John Braxton Ferguson
John Braxton Ferguson

Susan C. McDaniel
Susan C. McDaniel

Joan S. Dedmon

ATTACHED DESCRIPTION TO
FERGUSONS/MCDANIEL/DEDMON
PETITION

All that certain piece, parcel or tract of land lying and being situated near the southern incorporate limits of York, South Carolina, beginning at a point in the center of tracks of C. & N.W. Railway and running thence with said railway S. 0-30 W. 300 feet; thence S. 68-33 W. 1,120.0 feet to point in center of tracks of Southern Railway; thence with Southern Railway N. 36-45 E. 530.00 feet; thence N. 68-33 E. 787.6 feet to the beginning, containing SIX AND 05/100 (6.05) ACRES, more or less, and being bounded now or formerly by Southern Railway, lands of the Coker Pedigreed Seed Company, C. & N. W. Railway, and lands of C.L. Boyd.

LESS: 8,020 square feet in Book 18456 at Page 274 to York County

DERIVATION: The lots above were acquired by Petitioners by deed recorded in Books 14066, Page 285, 11991, Page 41 and 11966, Page 174, R.M.C. Office for York County, South Carolina.

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FERGUSONS/MCDANIEL/DEDMON
PETITION

All that certain piece, parcel or tract of land lying and being situated near the southern incorporate limits of York, South Carolina, beginning at a point in the center of tracks of C. & N.W. Railway and running thence with said railway S. 0-30 W. 300 feet; thence S. 68-33 W. 1,120.0 feet to point in center of tracks of Southern Railway; thence with Southern Railway N. 36-45 E. 530.00 feet; thence N. 68-33 E. 787.6 feet to the beginning, containing SIX AND 05/100 (6.05) ACRES, more or less, and being bounded now or formerly by Southern Railway, lands of the Coker Pedigreed Seed Company, C. & N. W. Railway, and lands of C.L. Boyd.

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City of York



Memo

TO: Mayor & Council

FROM: Sarah Ramirez, Human Resource Director

MEETING DATE: December 5, 2023

SUBJECT: Old Business – Organization Changes: Handbook

10.2 GENERAL INFORMATION

On November 7th, Council voted in favor of a proposed sick and vacation leave policy, which then finalized the remaining contents of the new proposed handbook. The handbook has since been reviewed by an attorney and is ready for approval and distribution. In order to move forward, Council must revoke and remove the old handbook, and approve the new handbook.

STAFF RECOMMENDATIONS

Staff recommends Council revoke and remove the previous version of the handbook, and approve the new handbook.

ATTACHMENT(S):

REQUESTED ACTION

Council Approval



City of York Employee Handbook

Approved December 2023

DISCLAIMER

ALL EMPLOYEES OF THE CITY OF YORK ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT"; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY MANAGER.



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I UNDERSTAND THAT THE CITY OF YORK'S PERSONNEL POLICY MANUAL IS ACCESSIBLE ON THE CITY'S WEBSITE: www.yorksc.gov AND A HARD COPY CAN BE OBTAINED THROUGH MY SUPERVISOR.

I FURTHER UNDERSTAND THAT NEITHER THE PERSONNEL POLICY MANUAL NOR MY SIGNATURE ON THIS DOCUMENT CONSTITUTES A CONTRACT OF EMPLOYMENT.

Signature (Please sign in blue ink)

Date

Printed Name

For ease of readability, these policies follow the traditional English practice of referring to unidentified individuals by the use of masculine pronouns. Wherever such a pronoun is used, it is intended to apply to both males and females.



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SECTION 1. INTRODUCTION

1.1 To the Employee:

As an employee of The City of York, you work for an important group of people -- the citizens of our city. Through your employment with the City of York, you play a part in providing essential services to the public. These services are important to the existence and improvement of our city, and the provision of these services is critical to the quality of life in the City of York. For these reasons, it is important that you take your job seriously and perform your duties to the best of your ability. Attitude is a most important part of your job. Your attitude toward the public should be one of courtesy, efficiency and willingness to serve. Your attitude toward coworkers and supervisors should be one of cooperation, responsibility and fairness.

As a public employee, you should also realize that all of your actions, both on and off the job, reflect directly on the City of York. Keep in mind that as a public employee, paid with public funds and using public equipment, you are in the public eye. It is essential that your actions be beyond reproach and in the best interest of the city that you serve. It is the objective of the City Council to maintain a staff of efficient and well-trained employees who are aware of their responsibilities and who are interested in serving the needs of the citizens of York.

The Personnel Policy Manual of the City of York is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read and understand all provisions of the Personnel Policy Manual. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No personnel policy manual can anticipate every circumstance or question about policy. As City of York operations continue to grow, the City reserves the right to revise, supplement, or rescind any policy or portion of the manual from time to time, as it deems appropriate, at its sole and absolute discretion, with or without notice.

All employees are expected to meet certain work standards, including faithful attendance to the job and compliance with safety rules and operating procedures. The City of York maintains an "open door" policy with regard to problems that you may experience on the job. Your supervisor and management personnel are receptive to comments or questions you may have regarding your employment and working conditions.



1.2 City of York Government

- A. The City of York operates under the Council-Manager form of government as set forth in Title 5, Chapter 13 of the South Carolina Code of Laws.
- B. The Mayor is elected at large, and the six (6) Council members are elected by districts for four-year staggered terms. The Council determines all municipal policies, adopts ordinances and appoints the City Manager, City Attorney, Municipal Judge, and members of various boards and commissions.

1.3 Authority and Responsibility of the City Manager

The City Manager serves as the administrative head of the City Government and is responsible for the administration of all departments of the City. The City Manager executes the policies, directives and legislative actions promulgated by the City Council and supervises the expenditure of appropriated funds.

1.4 Employees Subject to These Policies

The provisions of these policies are applicable to all City employees. Persons not covered include:

- A. Mayor and Council Members
- B. Members of Boards, Commissions, and Committees
- C. Individuals retained on a contractual fee for services or retainer basis
- D. Volunteers receiving no salary or non-monetary compensation.

SECTION 2. GENERAL POLICIES

2.1 Departmental Policies

- A. Departmental policies established by the Department head remain valid and in force unless they are in contradiction of the Personnel Policy Manual. In case of conflict, the Personnel Policy Manual prevails.

2.2 Severability Policy

- B. It is the intent of the City that the sections, paragraphs, sentences, clauses, and phrases of this Personnel Policy Manual are severable. Should any such section, paragraph, sentence, clause or phrase be declared unconstitutional or invalid, such declaration does not affect the remaining sections, paragraphs, sentences, clauses and phrases, since the same would have been enacted by the City without the incorporation of this policy of such unconstitutional, invalid or unenforceable section, paragraph, sentence, clause or phrase.

2.3 Equal Employment Opportunity

- A. State and federal law require that the City not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, gender identification, sexual orientation, pregnancy, disability, age, genetic information and national origin or any other characteristic protected by law. This requirement extends to all



personnel actions including, but not limited to: recruitment, selection and hiring, training, promotion, demotion, compensation (rates of pay) and benefits, transfer, layoff, return from layoff, economic demotion, disciplinary actions, termination, and the handling of appeals.

- B. An employee with a question or concern about any type of discrimination in the workplace is encouraged to bring such issue to the attention of his immediate supervisor, department head, or the City Manager.

Employees can raise concerns and make reports without fear of reprisal.

2.4 Americans with Disability Act (ADA), Americans with Disabilities Amendments Act (ADAAA), and Reasonable Accommodation.

To ensure equal employment opportunities to qualified individuals with a disability, the City of York will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require a reasonable accommodation should contact Human Resources.

2.5 Anti-Harassment Policy

- A. Various laws and regulations generally prohibit employment decisions from being made based on race, color, religion, gender, gender identification, sexual orientation, pregnancy, disability, age, genetic information and national origin or any other characteristic protected by law. In addition, the City endeavors to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats, and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City does not tolerate harassment of any kind. The City forbids retaliation against anyone who has reported harassment in good faith.

B. Sexual Harassment

1. Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:
 - a. Submission to the conduct is an explicit or implicit term or condition of employment; or
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision; or
 - c. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually-oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, put-downs or condescending or derisive comments or terms based on gender, and physical conduct, such as patting,



pinching, or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

3. Disputes sometimes arise as to whether conduct was welcome or unwelcome. Conduct that would violate this policy if it were unwelcome is considered to violate the policy if anyone complains of it. Obviously, not all conduct that is prohibited by this policy constitutes a violation of the law.

C. Anti-Bullying

1. In addition to the Anti-Harassment Policy adopted by the City, other behaviors, which may not technically be considered unlawful harassment, are also considered inappropriate.
2. The following is a list of some behaviors which the City may consider a violation of this policy. The list is not all-inclusive, and the City reserves the right to handle each matter as it deems appropriate.
 - a. Singling out a person for conduct others engage in
 - b. Shouting or raising one's voice toward an individual either in public or private
 - c. Verbal or obscene gestures
 - d. Insults and use of offensive nicknames. Whether such language is deemed offensive is determined by the person to whom it is directed.
 - e. Public humiliation or reprimands
 - f. Ignoring or interrupting employee
 - g. Spreading rumors or gossip
 - h. Manipulating the ability of another to complete his work. For example, overloading work; withholding information; setting unreasonable guidelines; excluding an individual or isolating him from work-related activities and meetings; encouraging others to disregard or ignore an employee.

2.6 Complaint Procedure and Investigation

A. If you believe this policy that the Equal Employment Opportunity or anti-harassment policies have been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, you should report the incident(s). You may do this by reporting to your supervisor or, if he is the offender, to the City Manager. Complaints against the City Manager should be made to the Mayor. You may also report directly to the human resources manager.



B. Supervisors and managers who receive complaints of, or become aware of, harassment should immediately contact human resources.

C. Every harassment allegation is investigated. Investigatory procedures may vary from case to case, depending upon the circumstances. The investigation is conducted as confidentially as possible, consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one, or merely a potential witness. This does not mean, however, that employees may not complain to civil rights agencies.

D. Important

1. To avoid misunderstandings, complaints made to members of management or to the human resources manager must involve completion of a complaint report, either by you or by the person to whom you make the complaint, detailing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint report to confirm you have complied with this procedure.
2. These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that, generally, you may not sue the City for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported.

2.7 Social Media Policy

Social networking, personal websites, and blogs have become common methods of self-expression. The City respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using City equipment. What is "reasonable" is determined in the sole discretion of the City. The only sure way to avoid violating the City's policy on personal social media site access is to not to access such sites at all during working hours or using City equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate City policies if done in person also violates City policy if done through social media. Employees may not disclose confidential information over social media or similar sites.



Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites, must make it clear that they are expressing their own views and not those of the City.

2.8 Computer/Internet Use Policy

A. The workplace is intended to be a place of work. An important part of work is communications and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on City premises are not entitled to a guarantee of privacy.

B. Management may search City property and documents in City-owned vehicles, employee desks, offices, lockers, file cabinets, etc.

C. Electronic media raise similar issues. The City provides electronic and telephonic communication devices and, when necessary, computers and mobile devices to employees for use in performing their job duties. Although assigned to the employee, these items still belong to the City. Similarly, any computer files created or software downloaded on a City computer belong to the City. Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else. Software, programs, games, and any other downloads may not be installed on City computers without the written permission of the City Manager.

D. Employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing databases containing personal employee information. Employees who have received appropriate authorization to access and/or view databases containing personal employee information are prohibited from using or discussing information in those databases except as directed by management.

E. The City consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of the City. The only sure way to avoid violating the City's policy on personal use is not to use the City's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

1. Accessing any material which the City considers to be pornographic; transmitting or knowingly accepting receipt of any



communication which is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, color, religion, gender, gender identification, sexual orientation, pregnancy, disability, age, genetic information and national origin or any other characteristic protected by law;

2. Conducting business for outside employment or a side-business;

F. Although employees may use City-owned communication devices, computers and network for limited personal use all files and data created or transmitted using a computer (desktop or laptop), or any other electronic device provided to the employee by the City belong to the City and may be accessed by the City during transmission of the communication or while in storage on the City's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (sms) messages, multi-media messages (mms), instant messages, and the content of internet websites.

By accepting employment with the City, you consent to monitoring, including "real time" monitoring, of all communications described in this policy and authorize the City to access all data stored on communication devices provided by the City. The City also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on a City communication device includes data, such as personal third-party e-mail accounts (e.g., yahoo, Hotmail, Gmail, etc.) and websites, that is accessed with a password where the data was accessed using the City's communication device. **Thus, if you do not want the City to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using City-owned communication devices.** Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using City-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected the City-owned communication device. The City is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using City-owned equipment.

City employees may not use their own *personal* electronic equipment (including, but not limited to, personal laptop computers and cellular phones) on City property or at City work sites to engage in conduct which would be prohibited if using City equipment.



2.9 SUBSTANCE ABUSE AND TESTING POLICY

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City of York to comply with the Drug Free Workplace Act, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and / or use of controlled substances on or off the job. For these reasons, the City adopts the following policy:

1. General Rule

- A. Effective immediately, all City employees are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. City employees are permitted to possess any substance when required by their jobs or for lawful delivery to another person.
- B. Effective immediately, all City employees are prohibited from using or possessing alcoholic beverages on City premises or time. (The term "City premises or time" includes: City vehicles and private vehicles on City premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicle. The City Manager may approve moderate alcohol use at designated social or business functions.
- C. All City employees are prohibited from reporting to or being at work while under the influence of alcohol. **(An employee is considered to be "under the influence of alcohol" if he has any detectable amount of alcohol in his system.)** An employee taking prescribed medication which might affect his ability to perform his job is required to advise his supervisor. The City will determine whether the employee may continue to work. Employees may be required to submit to a drug screen.
- D. These prohibitions also apply to leased employees and contractors employed by the City or working on City property.
- E. On occasion, there may be City-sponsored events that are off-duty and/or after hours, both on and off City premises. During these times, employees are reminded that they are responsible for their own conduct at all times and inappropriate behaviors may subject them to disciplinary action, up to and including termination.

2. Current Employees

- A. All City employees are subject to drug testing by urinalysis or other generally recognized means where "particularized suspicion" of drug use



in violation of this policy exists or under other lawful conditions. Particularized suspicion is deemed to exist when:

1. Information that an employee has used drugs or substances in violation of this policy is provided by a reliable informant;
2. An accident occurs: "accident" is defined as:
 - a. an occurrence involving a fatality;
 - b. an occurrence causing personal injury; or
 - c. an occurrence involving property damage.

NOTE: DOT regulated employees (CDL drivers) are subject to special rules for post-accident testing and will be tested following an accident in accordance with DOT regulations.

3. An employee exhibits any of the following:
 - a. extreme mood swings;
 - b. slurred speech;
 - c. unusual clumsiness;
 - d. staggering;
 - e. dilation of pupils;
 - f. sleeping on the job or lethargy;
 - g. excessive unexplained sweating;
 - h. other aberrational behavior; or
 - i. an employee has been arrested for or convicted of a violation of drug laws.
 - j. an employee has tested positive for drugs or otherwise violated this policy in the last five years.
- B. All employees are subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists. Particularized suspicion is deemed to exist when:
 1. Information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant; A serious accident occurs due to the apparent fault of an employee. "An accident" is defined in the same manner as it is in Section II, A.2.
 2. An employee exhibits behavior consistent with alcohol use such as but not limited to:
 - a. erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - b. the apparent odor of an alcoholic beverage on an employee's breath;
 - c. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.
 3. An employee has admitted violating the City's alcohol policy;
 4. An employee is arrested for, or convicted of, an alcohol-related offense;



5. An employee has tested positive for alcohol in violation of this policy within the past five years.
- C. Particularized suspicion testing is conducted upon the approval of the City Manager or his designee.
- D. All sworn police officers, fire suppression personnel, employees who are required by their jobs to possess a Commercial Driver's License or employees whose jobs the City regards as "safety-sensitive" are subject to random testing to determine compliance with this policy. Names of "safety-sensitive" employees are provided to the City's Medical Review Officer. Random selection testing is unannounced.
- E. Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples are in violation of this policy and subject to disciplinary action, up to and including discharge. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount of saliva, breath, or urine, failure to undergo a medical examination to evaluate your ability to provide an adequate breath specimen, or failure to sign a required certification form.

3. Testing Procedure

- A. Drug testing.
 1. Drug testing will be by urinalysis, hair follicle or any other recognized method.
 2. The collection of urine samples is performed under reasonable and sanitary conditions. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.
 3. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed in such a manner as to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
 4. Specimens are checked for at least the following six drugs:
 - a. marijuana
 - b. cocaine
 - c. opiates



- d. amphetamines
- e. phencyclidine
- f. barbiturates

NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.

- 5. Applicants and employees are provided an opportunity to provide any information that they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
- 6. Samples that initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (GCMS) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, written report of the Medical Review Officer is conclusive for all employment-related purposes.
- 7. The Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before they notifies the City.
- 8. A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent satisfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.

B. Alcohol Testing.

- 1. A non-evidential screening device may be utilized initially to determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the City, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. The City uses only DOT-approved non-evidential screening devices and DOT-approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. The City reserves the right to utilize blood testing for non-DOT alcohol tests.
- 2. Employees will have an opportunity to provide any information that they consider to be relevant to the test.
- 3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT-regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)
- 4. A confirmatory test result generated through the use of an EBT or blood test that indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.



4. Notice to Employees

The City attempts to distribute to all employees a copy of this policy by making it available on the City's website: www.yorksc.gov. Hard copies of this policy are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

5. Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities

- A. As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City will notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.
- B. The City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

6. Consequences of Violating This Policy

- A. Employees who violate this policy are subject to immediate termination of employment.
- B. In the case of an employee who tests positive for or admits to the use of illegal drugs, the City may, in lieu of termination, condition continued or future employment upon the successful completion of an alcohol or drug counseling/rehabilitation program.
- C. After considering all of the relevant circumstances, if the City agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:
 - 1. Referral of the employee for alcohol or drug abuse counseling;
 - 2. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
 - 3. Requiring the employee to authorize any rehabilitation facility to report periodically to the City during the course of treatment/counseling;
 - 4. Placing the employee on probation for at least six months following the employee's return to duty; and
 - 5. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five years.
- D. An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to immediate termination.



- E. An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

7. Coming Forward With Substance Abuse Problems

- A. Other than sworn law enforcement officers, an employee who has a substance abuse problem and reports it to the City before being selected for testing, and before the occurrence of an event that normally would result in testing, in the City's sole discretion may, upon the first violation, be subject to Subsection 6, of this policy in lieu of termination.
- B. An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, is subject to immediate termination if he again either admits to, or is otherwise found to be in violation of this policy.

8. Confidentiality

Alcohol or drug test results or information supplied by employees and applicants as part of the City's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

9. Testing Costs

The City is responsible for the costs of all drug tests to which the City requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Subsection 6 is solely responsible for the cost of all follow-up tests.

Notification of Test Results

- A. Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.
- B. Employees are notified of the results (including the drug[s] discovered) of all positive drug tests.

10. Drug-Free Awareness / Assistance

- A. The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the City has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.
- B. For information on where to obtain treatment or assistance for drug or alcohol problems, see the below list. These organizations, along with Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), are most helpful in identifying sources for treatment and assistance.



1. National Clearinghouse on Alcohol and Drug
Information 1-800-729-6686
 2. National Council on Alcoholism
1-800-622-2255
- C. Periodically, the City may make available to employees information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

2.10 Vehicle Use and Driving Policy

1. **Purpose.** In order to safeguard the City's drivers, passengers, the general public, and property, and to provide guidance and direction to employees assigned, authorized, or required to drive a City vehicle, this policy establishes standards for City employees' eligibility to drive City or personal vehicles on City business.

When using City vehicles, employees should be aware that they are representatives of City of York government and that their conduct is a reflection on the entire organization.

Failure to comply with this policy may constitute grounds for disciplinary action, including suspension or dismissal from employment.

2. **Scope.** This policy applies to all CDL and non-CDL City employees assigned, authorized, or required to drive a City vehicle or a personal vehicle in the performance of their job duties.
3. **Policy.** All City of York employees assigned, authorized, or required to drive a City vehicle in the performance of their job responsibilities shall maintain an appropriate valid South Carolina driver's license and adhere to acceptable minimum standards established by this policy. Departments may adopt specific policies and procedures regarding eligibility for driving specific vehicles and/or equipment, but such policies and/or procedures may not be less restrictive than those herein adopted.

Definitions:

- A. Vehicle - Any automobile, motorcycle, boat, truck, tractor, heavy equipment, or any other motorized vehicle that is owned, leased, or in possession or control of the City of York.
- B. Employee classifications.
 1. *CDL employee.* Any City employee whose job description, as maintained in the Human Resource Department, requires that the



employee maintain a valid Commercial Driver's License (Class A or B) issued by the South Carolina Department of Transportation.

2. *Non-CDL employee.* All other city employees whose job descriptions, as maintained in the Human Resource Department, do not require that they maintain a valid Commercial Driver's License, but who are authorized or required to drive City or personal vehicles occasionally or frequently as a job responsibility.

C. Types of violations.

1. *Statutory.* Non-moving violations, including but not limited to improper equipment, false registration, operating uninsured vehicle, etc.
2. *Ordinary.* Moving violations, including but not limited to speeding, failure to stop at a traffic control device, improper turn, improper signal, illegal passing, careless driving, etc. (points system violations).
3. *Major/capital.* Serious moving violations, including but not limited to driving under the influence, reckless driving, hit and run with bodily injury, murder, reckless homicide, vehicular felonies, passing a stopped school bus, failure to stop for a law enforcement officer, and other offenses that indicate a willful or wanton disregard for public safety. Major/capital violations also include any offense leading to automatic revocation of the driver's license.
4. *Chargeable accident.* An accident in which the employee is charged with and/or convicted of an ordinary or major moving violation as reported on the MVR.

D. MVR. The official Driving Record provided by the South Carolina Department of Public Safety, Division of Motor Vehicles.

Procedures:

- A. CDL and non-CDL employees. The City of York will audit all City employees' motor vehicle records (MVRs) annually. The results will be reviewed by the human resource manager, any findings will be communicated to the City Manager, and, if necessary, provided to Department Heads for appropriate action as defined herein. These minimum standards will apply in the hiring process of all potential employees whose job descriptions will require them to drive for City business.

City minimum standards:

1. City employees required to drive in the performance of their jobs must possess and keep the appropriate valid South Carolina Driver's License.
2. An employee's privilege to drive a vehicle or equipment on City business may be revoked if any of the following is contained in the MVR:
 - a. Any conviction of a *major* violation in the last three years;



- b. conviction of more than three *ordinary* violations, three *chargeable* accidents (ordinary violations), or a combination of these in the last three years;
 - c. conviction of more than two *ordinary* violations or *chargeable* accidents, or a combination of these in the last twelve months;
 - d. suspension or revocation of the driver's license in the last three years.
 - 3. Suspensions for statutory violations will be reviewed on a case-by-case basis if the license has been reinstated.
- B. Additional requirements for CDL employees (as per Federal and State regulations)
 - 1. A CDL employee must possess and keep a valid South Carolina Commercial Driver's License (Class A or B) and meet and maintain the medical qualifications to drive CDL vehicles and equipment. A CDL employee's privilege to drive a CDL vehicle or equipment for City business will be revoked if any disqualification offense described in Section 391.15 of the Motor Carrier Safety Regulations dated January 1, 1971 is contained in his/her MVR. (Copies of the regulations are maintained by Department Heads of CDL drivers and Risk Management.)
 - 2. Minimum standard for violations evaluated prior to the effective date of this policy. If, before the effective date of this policy, an employee's violations exceed the minimum standards listed above (except for those mandated by Federal and State regulations), the employee will be allowed to continue to operate a vehicle for City business on an introductory basis until the three-year MVR history no longer includes the violation(s), ***provided that*** the employee's license has been reinstated and the employee successfully completes a driver improvement program.
 - 3. Requirement regarding substance testing

A violation that includes a DUI, which occurs after the implementation of this policy, will require that the employee undergo and provide proof of a chemical dependency assessment as mandated by South Carolina law through the Alcohol Drug and Safety Action Program (ADSAP).
- C. Employees that possess a CDL and who are involved in more than 2 accidents in one calendar year, may be placed on a suspension until additional CDL training is completed.

Reporting Procedures

- A. *Ordinary violations.* Any City employee assigned, authorized or required to drive a City or personal vehicle for City business shall report any conviction of an *ordinary* violation to his/her supervisor within seven days following the conviction.
- B. *Major violations/Suspensions.* Any City employee assigned, authorized or required to drive a City or personal vehicle for City business shall report the



charge of any *major* violation or *suspension* (including but not limited to DUIs, etc.) to his/her supervisor the next working day following the charge/suspension **and before** driving for City business. The employee's privilege to drive for City business may be administratively revoked pending the final disposition of the case.

- C. All reports of charges, violations and suspensions shall be in writing to the employee's supervisor and shall include the following:
 - 1. Driver's full name
 - 2. Driver's license number
 - 3. Date of conviction (if applicable)
 - 4. The specific offense for which the employee was charged/convicted/
license suspended
 - 5. Whether the violation was while driving a commercial vehicle
 - 6. Location of offense
 - 7. Driver's signature
- D. The supervisor shall report this information to the City Manager within three working days of notice of the charge, conviction, or suspension.

Disciplinary actions:

- A. An employee found in violation of this policy may be subject to immediate termination.
- B. The MVR review may be considered for employees whose job responsibilities include driving for City business and/or operating a CDL vehicle or equipment.
- C. Employees with more than two *ordinary* violations, two *chargeable* accidents, or a combination of these in the preceding three-year period will be considered medium risk factors. They will be verbally warned, *required* to review the City's Employee Policy, and required to attend a driver improvement program.
- D. CDL employees who do not meet the DOT mandated standards will be considered high risk factors, will be placed on probation, and may lose their privilege to drive CDL vehicles/equipment on City business until the standards are again met and the appropriate driver's license is reinstated.
- E. Any employee who does not meet the City's minimum standards will be considered high risk factors, will be formally warned, and placed on probation. Additionally:
 - 1. Conviction of a major violation/suspension may result in the revocation of the employee's privilege to drive for City business. Driving privileges may be reinstated when all of the following occur:
 - a. The three-year MVR is cleared of the violation,
 - b. The driver's license is reinstated/valid,



- c. The employee has satisfactorily completed a driver improvement and any other additionally required programs, and
 - d. The employee's Department Head, City Manager, and Safety Coordinator concur with reinstatement.
- 2. Convictions in excess of the City minimums for *ordinary* violations and *chargeable* accidents will result in revocation of the employee's privilege to drive upon consultation of the employee's Department Head, City Manager, Human Resource Manager and Safety Coordinator. Driving privileges may be reinstated when all of the following occur:
 - a. The three-year MVR is cleared of the violation,
 - b. The driver's license is reinstated/valid,
 - c. The employee has satisfactorily completed the driver improvement program, and
 - d. The employee's Department Head, City Manager, and Safety Coordinator concur with reinstatement.
- F. If an employee has a DUI conviction, the employee will be *required* to undergo a chemical assessment program and treatment, or, at the discretion of the City Manager, may be subject to termination.
- G. If an employee incurs further moving violations within the introductory period, disciplinary actions will proceed according to the Personnel Manual.
- H. Failure to comply with any provision herein shall be considered a willful violation of this policy and may result in the permanent revocation of the employee's privilege to drive for City business and/or operate CDL vehicles or equipment.

Vehicle use:

- A. Personal vehicles. Personal vehicle use may be allowed in the performance of City business when a City vehicle is not otherwise appropriate or available. Employees who use personal vehicles for City business are responsible for maintaining adequate insurance to meet the circumstances of employment. The mileage reimbursement per diem rate established by the State of South Carolina is intended to cover all costs related to vehicle operation. Accurate mileage records must be maintained and submitted to the Finance Department for reimbursement. Persons consistently traveling more than 500 miles per month should be considered for assignment of a City vehicle for business hour usage.
- B. Limited incidental use is allowed at the discretion of the Department Head.
- C. Authorized passengers include the following:
 - 1. City of York employees
 - 2. Persons having official business with the City of York at time of said trip



3. Other persons that may travel with the driver from any approved site to another approved site, as long as the particular trip is in line with the shortest practical distance between the two approved points.
4. Immediate family members, when authorized training and/or conference out of town require(s) use of a City vehicle.
5. Persons referenced in York Police Department *Policy and Procedures Manual* Policy.

Driver requirements:

- A. Only municipal employees are permitted to operate City-owned vehicles unless said vehicles are being repaired.
- B. All drivers who operate vehicles owned by the City of York are responsible for proper care, use and safety of City property.
- C. Drivers must adhere to the following minimum responsibilities:
 1. Possess and maintain a valid State of South Carolina Driver's License which is appropriate to the class of vehicle they will be operating.
 2. Notify their Supervisor and Human Resources of any change in driver's license status within 24 hours. If an employee is found to have a suspended license, the employee's driving privileges will be taken away, and the employee will be subject to disciplinary measures.
 3. Practice safe and defensive driving by observing all public safety traffic laws and driving courtesy.
 4. Ensure that all vehicles are used for authorized purposes only.
 5. Maintain vehicles within manufacturer's safe operation standards.
 6. Report immediately to Supervisor and Equipment Maintenance Supervisor any damage or breakdown of vehicular equipment.
 7. Accept legal responsibility for violations and fines resulting from actions of driver and report violations to immediate supervisor in writing.
 8. Pay for parking of City vehicles in situations where free parking is not provided. Parking charges will be reimbursed if conducting official City business. Violators are personally responsible for tickets or other fines resulting from illegal parking.
 9. Use off-street parking, if available, for those vehicles assigned on a 24-hour basis and driven to and from a place of residence.
 10. Refrain from smoking or vaping in City vehicles.
- D. Seat belt policy.

The City of York is strongly committed to maintaining and improving the health and well-being of all employees. In accordance with state law, shoulder harnesses and lap belts shall be worn by drivers and



passengers of all City vehicles and by all employees conducting City business. Occupants of the back seat of a motor vehicle are excluded from this requirement unless the vehicle is equipped with a back seat shoulder harness, in addition to the lap belt. Additional departmental regulations and policies shall apply. Exemptions to this policy may be granted by the Utilities and/or Public Works Director for sanitation workers and/or meter readers moving between houses.

Risk Management Requirements:

- A. Maintain and administer an aggressive program for City employees that seeks to reduce vehicular collisions and liability claims against the City.
- B. Maintain complete records on City collisions, property damage, and liability claims, and provide the City Manager with meaningful reports on program progress.
- C. Schedule regular Safety Committee meetings to review all vehicle accidents and safety hazards and make recommendations for improvements.

Maintenance:

- A. It shall be the responsibility of the person assigned a vehicle to see that the vehicle receives proper maintenance and care. Mechanical problems due to operator neglect may result in disciplinary action. It shall be the responsibility of the operator to keep his/her vehicle as clean as possible at all times. Personnel who are assigned a vehicle should monitor all fluid levels routinely.

If maintenance is needed when outside the City of York, the vehicle operator is to notify his immediate supervisor.

- B. Fueling. All fueling should be done at the designated York County Fueling Stations. The stations are located in Rock Hill at the County Complex on Heckle Boulevard and in York across from the Equipment Maintenance Shop. Receipts should be presented for reimbursement for all fueling done on business trips outside the City of York unless a City of York vehicle is used for travel.

Accident Reporting:

- A. Each Department Head is responsible for instituting and reporting accident investigations that involve City vehicles and his/her department personnel. Reports will be submitted in writing to the City Manager or designee no later than twelve (12) hours after the accident occurred. If an accident occurs on a weekend or holiday, the written accident report should be submitted to the City Manager or designee no later than 10:00 a.m. on the first business day following the accident.
- B. While operating a City vehicle, any employee involved in an automobile accident that results in personal injury and/or damage to property shall complete each of the following steps, unless prevented by injury:



1. Turn off engine.
2. If necessary, get medical attention for injuries. Guidelines for workers compensation injuries should be followed, depending on the severity of injuries of the City employee.
3. Immediately notify the appropriate law enforcement agency:
 - a. In a city or town, the local police department
 - b. Outside a municipality, the State Highway Patrol.

The City of York Police Department may be contacted; however YPD shall not conduct the on-scene investigation of accidents involving City-owned vehicles.

4. Do not move vehicle unless directed by law enforcement.
5. Do not discuss who is at fault with the other driver(s) or bystander(s). An investigating law enforcement officer will ask pertinent questions for determination of fault.
6. Notify your supervisor and/or Department Head.
7. Obtain the name and insurance company of other drivers and provide all required information to the officer investigating the incident.
8. Obtain names and addresses of witnesses.
9. Cards containing the name of the City's insurer are located in vehicle glove compartments. Obtain the green FR-10 proof of insurance form from the officer investigating the accident.
10. For employee injuries, supervisors shall complete a workers compensation "First Report of Injury".
11. Copies of all documents provided to the employee must be forwarded to the supervisor or Department Head as soon as possible.
12. When the employee is able, he/she needs to prepare a detailed statement of the accident and forward to the supervisor and/or Department Head.

Accident Review:

- A. The City of York has established an Accident Review Subcommittee. This committee reviews all accidents and losses involving City of York vehicles, employees, on-the-job injuries and property damage and presents its findings to the full Safety Committee for review.
- B. The Accident Review Subcommittee has the following authority:
 1. Convene meetings of the Accident Review Subcommittee when necessary;
 2. Review personnel, accident and injury reports;



3. Call before it employees, Department Heads, supervisors and other witnesses;
 4. Require specific records to be forwarded by the Department Head within three (3) days;
 5. Recommend attendance at a defensive driving course;
 6. Recommend appropriate disciplinary action in accordance with personnel policies.
- C. Upon review of the accident, the Subcommittee will gather and analyze the factor(s) contributing to the accident to determine preventability on the part of the City driver.
- D. Any driver who has an accident determined to be "Preventable" or "Definitely Preventable" is required to complete a Driver Training Course.
- E. There will be no right of appeal or grievance regarding the Subcommittee's determination of preventability.
- F. The subcommittee will present its findings and recommendations to the Safety Committee, which will determine what recommendations should be made to the City Manager, Department Head and the driver. Department Heads may take disciplinary action in accordance with the personnel policy.

2.11 DISCIPLINARY POLICY

EMPLOYEES MAY BE DISCIPLINED OR DISCHARGED FOR ANY REASON THAT, IN THE CITY'S SOLE DISCRETION, WARRANTS DISCIPLINE OR DISCHARGE. THE CITY MAKES NO PROMISE TO USE PROGRESSIVE DISCIPLINE.

EMPLOYEES MAY BE PRESENTED WITH WRITTEN DOCUMENTS CONCERNING THEIR PERFORMANCE AND BEHAVIOR. UPON REQUEST EMPLOYEES **MUST** SIGN DISCIPLINARY NOTICES, COUNSELING MEMORANDA, PERFORMANCE APPRAISALS, AND OTHER DOCUMENTS PRESENTED TO THEM. THE EMPLOYEE'S SIGNATURE SIGNIFIES ONLY RECEIPT AND DOES NOT NECESSARILY INDICATE AGREEMENT WITH THE CONTENTS OF THE DOCUMENT, AND EMPLOYEES MAY ATTACH THEIR COMMENTS TO THE DOCUMENTS. FAILURE TO SIGN DISCIPLINARY DOCUMENTS RESULTS IN VOLUNTARY TERMINATION.

Types of Disciplinary Actions:

Types of disciplinary actions include, but are not limited to the following:

- C. Suspension without pay
- D. Written warning
- E. Verbal warning
- F. Demotion and/or reduction in pay
- G. Written reprimand



- H. Probation (Performance/Misconduct)
- I. Reduction of annual leave balances

Employees may be placed on administrative leave, with or without pay, pending investigation of disciplinary matters.

Reasons for Discipline:

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct which may result in discipline, up to and including discharge. **THE CITY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

- A. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude, or offense which affects the City's reputation, or which reasonably could create concern on the part of fellow employees or the public
- B. Incompetence
- C. Unauthorized absence
- D. Insubordination, including disrespect for authority, or other conduct which tends to undermine authority
- E. Failure or refusal to carry out instructions
- F. Unauthorized possession or removal, misappropriation, destruction, theft or conversion of City property or the property of others
- G. Violation of safety rules, neglect, or engaging in unsafe practices
- H. Interference with the work / business of other employees / departments
- I. Threatening, coercing, or intimidating fellow employees, including "joking" threats
- J. Dishonesty
- K. Tardiness or absenteeism
- L. Failure to provide information or falsification in information of City records
- M. Failure to report personal injury or property damage
- N. Neglect or carelessness
- O. Introduction, possession, or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; or the off-the-job illegal use or possession of drugs. For purposes of this policy, an employee shall be determined to be "under the influence" if he has any detectable amount of any such substance in his system.
- P. Unsatisfactory performance



- Q. Failure to keep required licenses and certifications current
- R. Lack of good judgment
- S. Violation of policies and procedures
- T. Any other reason which, in the City's sole discretion, warrants disciplinary action

Grievance Procedure:

- A. Grievances may include, but shall not necessarily be limited to, dismissal, suspensions, involuntary transfers, promotions and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure, except as it may apply to alleged inequities within a department of the City.
- B. The Grievance Policy may be found in its entirety in the City of York Code of Ordinances, Chapter 2, Article IV, Division 2.

SECTION 3. RECRUITMENT AND SELECTION

3.1 Recruitment

- A. In order to achieve full utilization of all available resources, it is the established policy of the City to select the best-suited person for the task to be performed with appropriate attention to, but not limited to, the following factors:
 - 1. All Internal & External (not in priority ranking):
 - a. previous work experience;
 - b. education and training background; certifications, etc.;
 - c. examination score(s), if applicable;
 - d. outcome of the applicant interview;
 - e. a post-offer of employment physical examination.
 - f. performance tests or mental examination when in the best interest of the City.
 - 2. Police Officer Applicant(s):
 - a. psychological examination;
 - b. polygraph examination, etc.
 - 3. Current Employee(s):
 - a. demonstrated skills and abilities;
 - b. demonstrated reliability, honesty and integrity;
 - c. past performance.
- B. All applicants for employment, internal and external applicants, are to complete a City of York employment application. When completing a City application form, applicants may submit a resume; however, the resume does not take the place of information requested on the application form.
- C. Generally applicants tentatively selected for employment must undergo a pre-employment drug test. The City does not hire applicants tentatively selected for employment who refuse to submit to a drug test or who test positive for use of illegal or unauthorized substances or the illegal use of authorized



substances. An applicant who is rejected under this policy may be considered for future vacancies if he can demonstrate that he is no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant's expense. (This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result on a more thorough drug test.)

3.2 Duties and Responsibilities

All employees of the City are hired to accomplish the goals and carry out the policies set by the City. While the City endeavors to assign each employee a regular set of duties, it should be fully understood as a condition of employment that employees are expected to fulfill all duties and responsibilities as directed by their supervisors.

3.3 Post-Offer Medical Examinations/Drug Testing

- A. Post-offer medical examinations may be required for all applicants who have been given a conditional offer of employment. "Post-offer" physical examinations are conducted for such classes of positions as determined necessary by the City Manager. An examination is conducted by a physician included in the City's benefits provider network or approved in advance by the City Manager.
- B. The City may conduct a post-offer drug test for those who have been given a conditional offer of employment. The City will not hire any applicant tentatively selected for employment who refuses to submit to a drug test, or who tests positive for use of illegal or unauthorized substances, or whose test is reported to have been tampered with or adulterated.

3.4 Safety and Accident Prevention

- A. The goal of the City's Safety and Accident Prevention Program is to reduce accidents and injuries involving City employees, equipment and property; to realize savings by initiating and monitoring loss control procedures; and to ensure that the City maintains appropriate safety and health standards. This includes implementing measures to ensure the City's compliance with the following:
 - 1. Blood Borne Microorganism Exposure Control Plan
 - 2. Hazard Communications Standard (Employee Right to Know Program);
- B. The City of York is committed to maintaining and improving the health and well-being of all employees. In accordance with state law, shoulder harnesses and lap belts are to be worn by drivers and passengers of all City vehicles and by all employees conducting City business. Occupants of the back seat of a motor vehicle are excluded from this requirement unless the vehicle is equipped with a back seat shoulder harness, in addition to the lap belt. Additional departmental regulations and policies apply. Exemptions



to this policy may be granted by the Utilities and/or Public Works Director for sanitation workers and/or meter readers moving between houses.

- C. It is the responsibility of the City Manager, or designee, to implement and monitor safety practices in accordance with basic safety standards.
- D. Accidents resulting in injury or property damage are to be reported to the employee's immediate supervisor as soon as possible. The supervisor is to receive an accident report from the involved employee for any accident resulting in personal injury or damage to City property. The written report is forwarded to the City Manager within three (3) working days following the date of the accident.
- E. Each employee is responsible for his own personal safety and for the safe completion of assigned tasks. Employees must respond to all planned safety efforts and perform their assigned jobs in the safest manner possible. The City of York is committed to making its safety and loss control program a success and expects all employees to assist in this effort by contributing expertise and by following all established rules and procedures. All employees are to:
 - 1. Exercise maximum care and good judgment at all times to prevent accidents and injuries; obey safety rules and exercise caution in all their work activities;
 - 2. Report to supervisor and seek first aid for all injuries, regardless of how minor;
 - 3. Immediately report to their supervisors any unsafe conditions, equipment, or practices;
 - 4. Use safety equipment provided by the City at all times;
 - 5. Observe conscientiously all safety rules and regulations at all times; Notify their supervisors, before the beginning of the work day, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to themselves and their coworkers;
 - 6. Report any unsafe conditions to their supervisors. It is important to note that ALL employees, including supervisors, are expected to correct unsafe conditions as promptly as possible;
 - 7. Use all issued safety equipment when performing tasks for which that equipment has been issued.

3.5 Employee Definitions

- A. Full-time Employee. An employee who has successfully completed his introductory period and is regularly scheduled to work 40 hours or more per workweek or work period.
- B. Introductory Employee. A full-time or part-time employee in an authorized City position who has not completed his prescribed introductory period or change of status prescribed introductory period.
- C. Introductory Period. A six-month period of time during which the department head evaluates a new employee's performance, knowledge, skills, capabilities, work habits and overall performance. The period during



which a new employee has the opportunity to demonstrate his ability to achieve a satisfactory level of performance and to determine whether the new position meets expectations. This period is not a guarantee of employment for six months. This period may be extended at the discretion of the department head.

- D. Part-time Employee. An employee who is regularly scheduled to work fewer than 40 hours per week

SECTION 4. CONDITIONS OF EMPLOYMENT

4.1 Nepotism - Hiring of Relatives

- A. The employment of relatives in the same department/division or on the same shift may cause conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. For purposes of this policy "immediate family includes spouse, children, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, parents, grandparents, siblings (brother or sister), half-brother, half-sister, any relative residing in the same household. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. (Note: This policy does not apply to seasonal workers.)
- B. Members of an immediate family may not be employed or continue to be employed by the City when such employment results in one member of an immediate family supervising (directly or indirectly), evaluating the performance of, or disciplining other immediate family members; where one employee occupies a position of influence over an immediate family member's employment duties, promotion or salary; or where an immediate family member is in any other way responsible for the employment status of the other immediate family member.
- C. Members of an immediate family may not be employed by the City in the same Division.
- D. Unrelated employees residing together or otherwise engaged in a close personal relationship are treated as being within the immediate family of each other for the purpose of this nepotism policy.

If employees become related and create a situation prohibited by this policy, one of the employees may be required to give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted compensation may be removed. The removed employee may be considered for other positions within the City of which he is qualified. Situations not specifically addressed in this policy that, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion.



4.2 Job-Related Investigation

Each employee of the City may be required to cooperate with respect to any job-related inquiry scheduled by the City Manager. If the possibility of a criminal action is involved and the employee refuses to answer questions relating to the hearing or inquiry, the matter may be forwarded to the appropriate law enforcement authority for action.

SECTION 5. CODE OF CONDUCT

5.1 Employee Conduct

- A. It is the duty of all employees to maintain high standards of conduct, cooperation, and courtesy to City customers and to the public, as well as to maintain high standards for effective and efficient work for the City.
- B. Use of City tools, equipment and facilities for personal use is prohibited. Personal work on City time is prohibited.
- C. City employees are to deal with customers or the public in a courteous manner.
- D. An employee's work at the City is one of a confidential nature. Employees are expected to treat financial, personal, and professional information with strictest confidentiality.
- E. Employees are to meet the established employment standards regarding character, performance, and ability to deal with customers and the public, as defined in the position descriptions.

5.2 Dealing with the Public

- A. Friendly and efficient service to the public earns respect for you and for the entire City government, which you represent. For this reason, always practice good public relations by showing genuine interest in citizens' concerns or requests and by providing prompt and courteous service.
- B. Your future in City employment depends upon your willingness to excel and succeed. City government is continuously expanding its services to the citizens; conscientious employees are assets to this expansion.
- C. Rude or otherwise unfriendly and unprofessional correspondence with the public will not be tolerated and will result in coaching and disciplinary action at the City's sole discretion.

5.3 Outside Employment

- A. City employment is considered the employee's primary employment, and no employee may engage in outside employment that would interfere with the interest of the City service, serve as a conflict of interest, give the appearance of a conflict of interest, or in any way interfere with the working schedule of the employee.
- B. Equipment, vehicles, property, facilities, materials, supplies or uniforms of the City may not be used by employees for outside employment or for



travel to or from such employment unless explicitly authorized by the City Manager. All employees engaged in outside employment must submit to their department heads, in writing, where they are employed, when they work, and any other pertinent information.

- C. In the event the City Manager determines that a conflict or appearance of a conflict of interest exists, the employee is given the option to continue employment with the City or resign.
- D. Approval for outside employment may be withdrawn at any time in the City's discretion.

5.4 Conflict of Interest

- A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest.
- B. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage.
- C. Employees of the City may not engage in the same or similar line of business or research as that which is conducted by the City without the previous written approval of the City Manager. An employee may not have a financial interest in a company which is a competitor of or a supplier to the City. Financial interests held by a relative in such companies are to be disclosed to the City Manager so that a determination can be made regarding whether a conflict exists.
- D. It is specifically prohibited for an employee to sell supplies used by the City.
- E. If an employee has any influence on transactions involving purchases, contracts or leases, it is imperative that he disclose to the City Manager, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
- F. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration because of any transaction or business dealings involving the City.
- G. The materials, products, designs, plans, ideas, and data of the City are the property of the City and must never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct.

A determination as to whether this policy has been violated is in the City's sole discretion.



5.5 Gifts and Gratuities

An employee may not accept gifts, gratuities, entertainment or loans from organizations, business concerns, or individuals with whom he has, or may have, an official relationship or with whom he conducts, or may conduct, business with the City. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, or to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from lending institutions. An employee receiving any gift or gratuity must file a report on any such occurrence.

5.6 Civic and Political Activities

- A. City employees are encouraged to be active and participate in local, state and federal affairs. Employees are encouraged to exercise their rights as citizens, which include holding membership in and supporting a political party, voting independently, and participating in civic activities, except where a conflict of interest may arise. As an employee of the City, employees may not:
 - 1. utilize City time, materials or equipment in support of a campaign;
 - 2. utilize City time, materials or equipment in support of voting activities;
 - 3. hold political office during employment which would create a conflict of interest, or participate in civic organizations which would create a conflict of interest;
 - 4. solicit any assessments, contributions or services for any political party or candidate from any employee in City service during working hours.
- B. In circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is elected, he is terminated if election position would cause him to violate the prohibition on dual-office holding. He may be terminated if his election might cause a conflict of interest.

5.7 Release of Information

At all times, employees are to be courteous, friendly and helpful to those members of the public who seek information and access to City records. No employee entrusted with, or having knowledge of, information of a confidential nature concerning either another employee or the City is to release such information without the specific approval of the City Manager. Employees are to decline, courteously, to reveal information unless release of information is a normal part of an employee's duties.

5.8 Freedom of Information Act

The City adheres to the stipulations contained in the Freedom of Information Act (FOI). All FOI requests are to be submitted/directed to the Municipal Clerk.



5.9 Tobacco / Smoking

In keeping with the City's intent to provide a safe and healthful work environment, use of tobacco in any form, including vaping, in the workplace is prohibited in all City-owned, leased or otherwise occupied buildings and vehicles.

5.10 Appearance

- A. City employees are expected to maintain high personal standards. Employees are to maintain a high level of personal hygiene, dress in a professional manner, and wear clothing that is appropriate and tasteful in the City's business environment.
- B. What is appropriate for employees in one department may not be appropriate for another. Where official work clothes and uniforms are provided by the City, it is the responsibility of the employee to wear and care for issued items. Determination of an employee's specific dress and appearance is a supervisory responsibility. Personal appearance standards may be established in departmental rules consistent with the work performed by that department.
- C. Every employee is a public representative of the City. Each of us must report to work properly groomed and wearing appropriate clothing according to their position/department. The City of York observes a business casual dress code in the absence of position/department requirements. Business casual clothing that is less formal than traditional business wear but is still intended to give a professional and businesslike impression.
- D. Consult your supervisor if you have questions concerning this policy. Any employee who does not meet the standards of this policy will be subject to corrective action, which may include leaving the premises. Employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy may result in disciplinary action, up to and including termination of employment.

5.11 Attendance and Punctuality

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

- A. To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work.
- B. Absenteeism and tardiness place a burden on other employees and on the work program of the City. Employees are responsible for notifying their supervisors as soon as possible in advance of anticipated absence or tardiness. Poor attendance and/or excessive tardiness, even for good reasons, is unacceptable.
- C. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail, text messages and e-mail messages are not acceptable



unless specifically approved by the supervisor and except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned employment.

- D. Department heads must notify the Human Resource Manager or City Manager of their absence whether scheduled or unscheduled prior to the start of their workday.

5.12 Telephone Policy

- A. Business

A large percentage of the City's business is transacted by telephone. Always answer the telephone promptly, pleasantly, and competently. Identify yourself as an employee of the City.

- B. Personal

The telephone equipment of the City is provided for providing service to our customers; therefore, it is necessary to limit personal calls to an absolute minimum. Personal calls on both City-provided and personal phones should be made only in case of absolute necessity or emergency. If non-emergency personal calls are made, please arrange to make them during breaks or meal periods.

5.13 Solicitation

- A. Solicitation of City employees by private individuals or by City employees is prohibited unless prior approval is granted by the City Manager. Approved solicitation must take place during non-work time. City-authorized solicitation for recognized charitable organizations is purely voluntary; no coercion of an employee to make contributions is permitted. Upon approval by the City Manager, designated City employees are permitted to solicit other employees of the City on behalf of recognized charitable organizations during working hours.

5.14 Purchase of City Property

Elected officials, officers, and employees of the City and members of their immediate families may not bid for or purchase City property, except at open auction or in accordance with advertised bid procedures.

5.15 General Prohibitions

- A. Employees may not make any false statement(s), certification(s); mark(s); rating(s) or report(s) about any test certification(s), or appointment(s) made under these policies; or in any manner commit or attempt to commit any fraud for the purpose of preventing the impartial execution of these policies.



- B. Employees may not deceive or obstruct any person(s) in their application, certification, eligibility, or appointment under these rules; or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the City.
- C. Employees or officials whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification purposes may not permit such badge, card or insignia to be used or worn by any person who is not authorized to use or wear same; nor may they permit same to be out of their possession without good cause, or approval of the Department Head or appropriate Management personnel. Such badge, card or insignia may be used only in the performance of the official duties of the position to which they relate.

5.16 Housekeeping

It is the responsibility of all employees to maintain common areas in which they work or utilize during meal or break periods. Each employee is to keep his own work area clean. The employee is to do his part in maintaining tools and equipment in a neat and orderly fashion.

5.17 Workplace Safety

- A. **Weapons:** Subject to applicable law, the City prohibits employees from possessing or carrying weapons of any kind on City property. In the event that an employee has a permit that enables them to carry weapons, they are still not authorized to have the weapon on City property.

This includes:

- Any form of weapon or explosive.
- All firearms; and
- All illegal knives or knives with blades that are more than six (6) inches in length or that are not intended for legitimate work-related purposes.

If an employee is unsure whether an item is covered under this policy, they should contact their Supervisor or Human Resources. Employees are responsible for making sure that any item they possess is not prohibited by this policy. If an employee becomes aware of anyone violating this policy, they should notify their Supervisor or Human Resources immediately. Failure to comply with this policy may subject an employee to disciplinary action, up to and including immediate termination.

- B. **Visitors:** To provide for the safety and security of Employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the security of Employees, protects confidential information, and avoids potential distractions and disturbances. All visitors should enter City facilities at the main entrance.



Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed in City facilities, Employees should direct the individual to the receptionist and immediately notify their Supervisor.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911 to activate the medical emergency services.

SECTION 6. EMPLOYEE RECORDS

6.1 Personnel Records

- A. The official personnel record files for all City employees, active and inactive, are maintained by the City Manager or his designee, notwithstanding that such records may be in the possession of the Human Resource Manager.
- B. **IMPORTANT:** Employees' medical and related records, i.e., workers' compensation reports, etc., are maintained in a file separate and apart from the employees' personnel file.
- C. Financial Records. The Human Resource Manager has both possession of and control over all employee's financial records. The Human Resource Manager performs all duties connected with the upkeep of the financial records.
- D. Access to Personnel Files
 - 1. An employee may review his own personnel file by making an appointment to do so.
 - When required, employees must inform their supervisor of this action.
 - 2. All records are confidential and are reviewed in the presence of the City Manager or his designee during normal working hours or other scheduled time. Records may not be removed from the designated City office, or photocopied for any reason.
- E. Personal Inquiry. The City Manager or his designee responds to public inquiry relative to employees and former employees during normal working hours. It is the policy of the City to respond to inquiries on employees or former employees as follows:
 - 1. Phone Inquiries - Confirmation of only the information provided; i.e., name, address, phone number, social security number, date of hire, position title and, in the case of a department head only, current salary.
 - 2. Written Requests - Only information that can be verified, i.e., name, address, phone number, social security number, date of hire, position title, salary, wages for a requested period of time are provided. Inquiries concerning attendance, performance, etc., should be responded to as follows: It is the policy of the City to release only the information provided. Written requests must be accompanied by a release bearing the employee's signature.



6.2 Personal Data Changes

It is the responsibility of each employee to provide prompt notification to the Personnel Office of any changes in personal data, such as:

- A. Personal mailing addresses;
- B. Telephone number;
- C. Number and names of dependents;
- D. Individuals to be contacted in the event of an emergency;
- E. Educational accomplishments;
- F. Marital status;
- G. Beneficiary changes;
- H. All other information should be kept accurate and current.

6.3 Personnel Transactions

- A. All appointments, authorized salary increases, promotions, employee evaluations, demotions, dismissals, suspensions and other personnel transactions are to be made in writing and in the manner designated by the City Manager.
- B. A written request or personnel action form is to be completed for any personnel action involving a promotion, demotion, transfer, termination, request to extend introductory period, etc.

6.4 Attendance Records

- A. The City maintains attendance records for each employee. Department heads are responsible for verifying employees' attendance on the bi-weekly time reports. This attendance record is concurrent with the work week, or work period, for the designated pay period.
- B. Time reports are due to the payroll office by 10:00 a.m. on Monday following the Friday pay period ending date.
- C. Attendance records are to reflect all time worked and absences including vacation, sick leave, holidays, any other leaves paid or unpaid, excused or unexcused.
- D. An employee's record is made available to him for inspection upon written request.

SECTION 7. EMPLOYEE CHANGE OF STATUS

7.1 Promotion

- A. An employee, irrespective of the position or area in which he is employed, may apply for promotional consideration. Where two or more employees are considered for a position, the following factors, including others the City deems important and in its best interest, apply:
 - 1. knowledge, training, ability, skill and efficiency



2. prior performance evaluations;
3. attendance record;
4. outcome of the interview;
5. length of continuous service from the last date of hire.

The above factors are not necessarily in order of importance.

- B. A promoted employee serves an introductory period of six (6) months in his new position. If the employee fails to meet standards of performance and expectation, he may be restored to the position from which he was promoted, if available, or to a comparable position, if available. If a comparable position is not available, the employee may be given priority for any City-wide vacancy for which he is suited. In the event no vacancy exists for which the employee is suited, the employee is terminated. The terminated employee is eligible to re-apply for employment.

7.2 Demotion

- A. Voluntary Demotion. For various reasons, an employee may request a demotion, either within his department or by transfer to another department. A voluntary demotion is to be requested in writing by the employee and approved by the City Manager. Demotion denotes a lower pay grade.
- B. Involuntary Demotion - Non-Disciplinary. An employee whose work in his present position is unsatisfactory may be demoted by the City Manager.

A demoted employee serves an introductory period of six (6) months in the demoted capacity. If, after the introductory period, the employee's service is unsatisfactory, the employee is terminated.

7.3 Lateral Transfer

- A. A lateral transfer occurs when an employee moves to another position having the same pay grade as his current position.
- B. Insofar as is practical, an employee may be transferred within the organization to a position where, in the City's opinion, his skills are best utilized. An employee may request, in writing, a lateral transfer, stating the reason(s) for the transfer.
- C. A transferred employee may be required to serve an introductory period of six (6) months in the new position.

SECTION 8. COMPENSATION / WAGES

8.1 Wages during Daylight Savings Time Transition

- A. This policy applies only for non-exempt employees who are paid on an hourly basis vs. a salary basis.
- B. Non-exempt employees who are scheduled to work a shift when daylight savings time goes into effect (2:00 A.M.) are paid as follows:



1. Spring: An employee may work one (1) hour less on that scheduled shift. Affected employees will have this hour deducted from their time and be paid accordingly for other hours worked on that shift.
2. Fall: An employee may work one (1) hour more on that scheduled shift. Affected employees have this hour considered as hours worked and are paid accordingly for that hour and other hours worked on that shift.

8.2 Salary Progression

- A. Merit Increase System (paid only if approved during budget deliberations)
 1. The Merit System is developed as part of this plan to allow the City latitude in monetarily rewarding deserving employees for exceptional motivation, adaptability, and productive performance.
 2. Merit increases are considered based on demonstrated performance, the financial policies of the City and other considerations. The department head recommends a merit increase for an employee based on criteria set forth in the appraisal form. Such recommendation is submitted to the City Manager for consideration and approval.
 3. No individual may receive more than one merit increase during any fiscal year.
 4. As a rule, merit increases appear on the first paycheck following approval of the merit increase by the City Manager, and may be paid retroactively to the anniversary date.
- B. General Pay Adjustment. From time to time, the City Council may approve a general pay adjustment for all employees.
- C. Cost of Living Adjustment (COLA). Upon appropriate notification of economic changes, the City Council may approve a cost of living adjustment to the Compensation (Pay) Plan's salary schedule, thereby adjusting each pay grade's salary range; i.e., the minimum salary, the mid-point salary, and the maximum salary. For a new hire, a COLA may be applied upon successful completion of the six (6) month introductory period.

8.3 Date of Hire/Anniversary Date

- A. New Hire: The date of hire and the anniversary date of the new employee is the date the employee begins work in a full-time or regular part-time position.
- B. Re-employment: The date of hire and the anniversary date of the re-employed employee is the date the employee is re-employed.

8.4 Employment Classifications

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the City of York classifies its employees as shown below. The City of York may review or change employee classifications at any time.



Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, Full-Time. Employees who are not in a temporary status and work a minimum of 40 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, Part-Time. Employees who are not in a temporary status and who are regularly scheduled to work fewer than 40 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the City and are subject to the terms, conditions, and limitations of each benefits program.

Temporary or Seasonal, Part-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Additional classifications may be authorized at the discretion of the City.

8.5 Introductory Period

Introductory Period - New Employees: All new employees are considered to working an introductory period for the first 6 [six] months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he is suited for his job. This period is not a guarantee of employment. If the Department Head concludes at any time that the employee is not suited for his position, the employee may be terminated, or the City may extend the introductory period if approved by the City Manager.

The introductory period ends successfully when the Department Head, not sooner than 6 months after the employee was hired, evaluates the new employee in writing and authorizes his classification as a "regular" employee.

Introductory Period - Promoted or Reclassified Employees: All newly promoted employees or reclassified employees are considered to be serving a training period in their new jobs for 6 [six] months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he is well suited for the promotion. It is not a guarantee of employment.

If the Department Head concludes at any time during the promotion training period that the newly promoted employee is not suited for his new position, the employee may be removed from that position. If there is a vacancy in his former position that is to be filled, he may be returned to it. If there is no such vacancy, he may be considered for the filling of other vacancies for which he is qualified. If no other position is found for him, the employee may be [placed on personal leave of absence/terminated]. This action does not prohibit an employee from applying for future vacancies with the City.



SECTION 9. WORK CONDITIONS AND HOURS

9.1 Timekeeping

- A. Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the City to keep an accurate record of time worked each day to calculate employee pay and benefits. Time worked is all the time actually spent performing assigned duties and is to be accurately recorded.
- B. Non-exempt employees must accurately record all hours worked in a work day. Additionally, all hours recorded must have been worked. Overtime work is to be approved before it is performed. For purposes of public accountability, exempt employees may be required to record their work hours.
- C. Tampering, altering, or falsifying time records or recording time on another employee's time record is prohibited. It is the employee's responsibility to sign his time record to certify the accuracy of all time recorded. The supervisor reviews and approves the time record before submitting it for payroll processing.
- D. The City Manager may vary schedules when deemed necessary to serve the best interests of the city.
- E. Specific work schedules identifying the specific beginning and ending times of the work week and work period and the beginning and ending times of the work day are to be established and displayed in areas easily accessible to employees.

9.2 Work Schedules/Hours of Work

- A. Work Week: As used in this and other policies within the personnel program, the term "workweek" means the number of hours an employee is scheduled to work during a designated seven (7) consecutive calendar day period of time. The established work week is Saturday at 12:00am through Friday at 11:59 pm.
- B. Hours
 - 1. Non-Exempt Employees
 - a. Administrative Staff (Non-Exempt): The normal work day is 8:30 am - 5:00 pm, Monday through Friday.
 - b. Police Department: The normal work day is twelve (12) hours, or as scheduled.
 - c. Public Works Department: The normal work day is eight (8) hours, or as scheduled.
 - d. Utilities Department: The normal work day is eight (8) or ten (10) hours, or as scheduled.
 - 2. Exempt Employees. The normal work day is eight (8) hours between 8:30 a.m. - 5:00 p.m., Monday through Friday, and any other hours required to perform the duties and responsibilities of the position.



3. Meals and break times, if provided, will be scheduled by the department head or supervisor, but must be more than 3 hours after arrival and 2 hours prior to departure.

9.3 Pay Day

- A. Payroll is bi-weekly, beginning on Saturday and ending two weeks later on Friday.
- B. The City has authorized the Friday following the end of the payroll period as payday. For paydays that fall on a holiday, the City attempts to pay the preceding work day.
- C. Employees receive payment at their respective workstations. Employees should review their paystubs immediately to ensure they have been properly paid for all hours worked. Any errors must be reported to payroll within fourteen days.
- D. The City deducts from employees' gross pay taxes and withholding required by the taxing authorities. The City may also deduct from employees' pay the employees' share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City may make other deductions as required by law or court order. The City does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.
- E. Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, City identification cards and other items belonging to the City that are advanced or issued to an employee but not repaid or returned by him at the time of his termination are considered advances of wages, the value of which may be deducted from the employee's pay.
- F. An employee terminating from employment with the City, for whatever reason, receives his final paycheck for hours worked and leave to which he is entitled on the next payday following the end of the pay period during which the termination became effective.

9.4 Overtime/Compensatory Time

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments are provided. All overtime work must have the department head's or City Manager's prior authorization. Employees may not work unauthorized overtime.

- A. Overtime
 1. All non-exempt employees, except police officers and firefighters, are compensated for overtime at time-and-one-half for all hours worked over forty (40) in a seven (7) calendar day work week.
 2. Eligible police officers are compensated for overtime at time-and-one-half for all hours worked over 86 in a fourteen (14) calendar day work period. Firefighters receive overtime after 106 every fourteen (14) calendar day work period.



3. Overtime requests must be submitted to a supervisor/department head and granted approval.
4. In keeping with the Fair Labor Standards Act (FLSA), Sick time, holiday pay and vacation time used to not count towards "hours worked" and therefore do not count towards overtime.
5. **NOTE:** The City reserves the right either to pay for overtime hours worked or to give compensatory time in lieu of overtime pay.

B. Compensatory Leave Time

1. Compensatory Leave time may be accrued by all non-exempt hourly or non-exempt salaried employees.
2. Non-exempt employees, except police officers and firefighters, may accrue Compensatory Leave time for overtime at time-and-one-half for all hours worked over forty (40) in a seven (7) calendar day work week, not to exceed 40 hours in any one fiscal year. All compensatory leave hours must be taken prior to December 31 of that year. If not taken, the City will pay out the compensatory time balance.
3. Eligible police officers and firefighters may accrue Compensatory Leave time at time-and-one-half for all hours worked over their designated work periods, not to exceed 40 hours in any one fiscal year. All compensatory leave hours must be taken prior to December 31 of that year. If not taken, the City will pay out the compensatory time balance.
4. Compensatory time must be used in whole hours. An employee may not use compensatory time to make up a short work day and also be paid for all overtime for that week (e.g., 44 hours reported, but one day 6 hours were actually worked and 2 hours comp taken = 2 hours overtime paid).
5. Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the work week. Such employees do not receive overtime pay. However, the City Manager may grant additional time off to exempt employees who have worked (approved) and unusual amounts of time in excess of the normal work schedule, but no exempt employee has a right to such additional paid time off. There is not payment for such additional time upon termination or resignation.
 - a. This time is to be used within the pay period in which the time was earned, unless otherwise specified.
 - b. The usage of this time must be submitted to the Human Resource Manager, and then approved by the City Manager at their sole discretion.
 - c. The City will allow employees to use accrued paid time off provided that the use of compensatory time does not unduly disrupt the operations of the City.



9.5 Light Duty.

Employees who are not able to perform their regular work assignments due to illness or injury may be assigned light duty, in the City's sole discretion. Generally, light duty is available only if there is meaningful work to be done. Light duty may be provided for a maximum of 60 days.

9.6 Performance Evaluations

The City may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he has been made aware of it. Employees will have the opportunity to conduct a self-evaluation in addition. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he receives a favorable evaluation.

SECTION 10. ATTENDANCE AND LEAVE PROCEDURES

10.1 Application

- A. The City provides extensive leave policies. The leaves that are granted should be used wisely and for their intended purposes.
- B. Other benefits that are required by law or City policy are available to new employees unless otherwise specified. New regular full-time employees are paid for approved holidays during the introductory period.

10.2 Holidays

- A. From date of hire, all regular full-time employees are eligible for holiday leave for the following holidays, in addition to any other day so designated by the City Council:
 - 1. New Year's Day (January 1)
 - 2. Martin Luther King, Jr.'s Birthday (third Monday in January)
 - 3. Easter Monday
 - 4. Memorial Day (Last Monday in May)
 - 5. Independence Day (July 4)
 - 6. Labor Day (first Monday in September)
 - 7. Veteran's Day (November 11)
 - 8. Thanksgiving Day (Fourth Thursday in November)
 - 9. Day After Thanksgiving (Fourth Friday in November)
 - 10. Christmas Eve (December 24) or Day after Christmas (December 26), as determined by the City Manager.
 - 11. Christmas Day (December 25)
 - 12. Floating Holiday – to be used for employee's birthday or holiday of your choosing.



- B. Temporary and part-time employees are not paid for holidays unless regularly scheduled to work that day.
- C. Holidays that fall on a Saturday are observed on the preceding Friday.
- D. Holidays that fall on a Sunday are observed on the following Monday.
- E. Employees wishing to observe any other holiday(s) may utilize annual leave or leave without pay with appropriate notice and department head or City Manager approval.
- F. Employees who are required to work their regularly scheduled shift on a holiday receive eight (8) hours holiday pay, regardless of shift length, in addition to their regular pay.
- G. When a paid holiday is observed by the City during the period an employee is on annual leave or sick leave, the employee receives only his regular holiday leave pay, and that day is not charged against the employee's annual leave accrual or sick leave accrual.
- H. In keeping with the Fair Labor Standards Act (FLSA), holiday time will not be counted as hours worked for overtime purposes for all regular non-exempt employees.
- I. All full-time employees are paid at 8 hours of holiday pay regardless of shift length.
- J. Leave Policy: Floating Holidays

All full-time, regular employees receive one floating holiday per year in addition to regular paid holidays. This floating holiday may be used only for religious or cultural holidays, employee birthdays, or other state or federal holidays during which the City of York remains open. Employees must specify the event for which they are requesting to use a floating holiday. The request must be scheduled and approved in advance by the employee's immediate supervisor. Floating holidays will not be carried over to the next calendar year, nor may they be cashed out if not taken or paid upon termination of employment.

10.3 Annual Leave

A. General Information

1. It is the policy of the City to provide paid annual leave (commonly referred to as vacation leave), offering the opportunity for healthful rest and relaxation to all eligible employees.
2. Whenever possible, employees are granted paid annual leave at times most convenient to them. However, to ensure a continued, smooth operation and maintain a high quality in the delivery of services to the citizens of the city, the department head or the City Manager reserves the right to limit the number of employees who may be absent from a given department or unit at any one time. When there is a conflict in the schedule of two or more employees who cannot be spared at the same time, the department head makes the determination. The City



Manager may request an employee to work in lieu of taking his scheduled annual leave. Employees who are required to work their scheduled annual leave may reschedule their annual leave.

3. Except in the case of an emergency, all annual leave is to be approved, in writing and in advance, by the employee's department head or City Manager.
4. An employee wishing to take annual leave should request approval as soon as possible but at least three (3) days in advance. In the event of an emergency which makes the three-day notice impossible, the employee is to get in touch with his supervisor or department head as soon as possible. **NOTE:** The employee may be required to verify the emergency.
5. Annual leave is to be taken in one-hour increments.
6. Annual leave may not be "sold" for a lump sum at any point during employment.

- B. The maximum number of annual leave days that may be granted in any one calendar year is twenty (25) working days. Additional time may be granted by the City Manager.

C. Eligibility

Annual leave accrual begins with the employee's date of hire. Part-time employees are not eligible for accrual of annual leave.

D. Accrual

All regular full-time employees receive annual leave with pay according to the following schedule:

Continuous Service (Yrs)	Hours per Year
0-3	80 hours
4-10	120 hours
11-15	160 hours
16+	200 hours

Maximum usable annual leave is 320 hours in one fiscal year.

E. Payment of Annual Leave Upon Separation From Employment

An employee who terminates for non-disciplinary reasons receives payment for **accrued**, unused annual leave, provided he gives and actually works a two-week notice. Employees terminated for disciplinary reasons or those who do not give and work a two-week notice do not



receive payment for accrued leave. The City Manager may waive the two-week notice.

1. Employee must have actually worked the introductory period to be eligible for this benefit.

2. Uncertified Police officers must have successfully completed the police academy to be eligible for this benefit.

3. Uncertified Firefighters must have successfully completed the fire academy to be eligible for this benefit.

F. An employee on leave longer than 30 days does not continue to accrue leave.

10.4 Sick Leave

The City provides paid sick leave benefits to full-time employees for periods of temporary absence due to illnesses or injuries. **Sick leave is a privilege and not a right that an employee may demand.** This benefit is granted to regular full-time employees.

Shift	Annual Sick Leave
8 hours	80 hours
12 hours	84 hours
24 hours	96 hours

A. General Information

1. In order to be eligible for sick leave with pay, an employee is to:
 - a. Report to his supervisor within thirty (30) minutes of the scheduled starting time, giving the reason for the absence. **An employee who fails to notify his supervisor may not be paid for the absence.** However, notification is not a guarantee that sick leave will be approved. Misuse and/or abuse of sick leave is prohibited.
 - b. Advise his supervisor daily of his condition and anticipated date of return for any absence that extends beyond one (1) day. In the case of extended illness or injury, the employee is responsible for keeping the supervisor informed of his progress.
2. The Department Head may require medical certification for any sick leave taken and certification that an employee is capable of returning to work. Failure to provide the required statement may result in the employee's not being paid for the absence.
3. If an employee cannot adequately perform his duties or may infect other employees due to an illness, the department head or the City Manager may place the employee on sick leave until he has obtained medical certification as to his ability to perform his duties in a safe and efficient manner.



4. During periods of sickness, after exhaustion of accrued sick leave, accrued compensatory time and/or annual leave may be used, at the request of the employee and approval of the department head and/or City Manager. If such request is not made, the employee may be placed on leave without pay. The employee is responsible for payment of any authorized payroll deductions; failure to submit prompt payment results in termination of benefits.

B. Eligibility. Sick leave accrual begins on the employee's date of hire. Part-time employees are not eligible for sick leave with pay.

C. Accrual

1. The maximum sick leave balance is 1240 hours. [Note: An employee whose sick leave exceeded 1240 hours when this policy was adopted does not lose accrued hours but does not accrue additional time until he drops below the 1240-hour maximum.]

2. Sick leave is charged in one (1) hour increments

3. An employee is on leave in excess of 30 days employee does not continue to accrue leave.

D. Authorized Uses of Sick Leave:

1. Personal illness, work-related injury, medical/dental appointments, exposure to a quarantinable disease.

2. In instances that are not FMLA-related, illness or injury of a spouse or child, parents, or any relative residing in the same household, or the medical/dental appointments of the above.

3. Sick leave may not be "sold" for a lump sum at any point during employment.

E. Payment of Sick Leave upon Retirement. Employees who retire in accordance with the SC Retirement System may receive up to a maximum of one thousand forty (1040) hours of unused sick leave. Eligible employees must notify the City Manager by submitting a written request at least 12 months before the anticipated retirement date for budget planning purposes. Employees hired after October 1, 2018, are not eligible for this benefit. The provisions of this benefit are subject to change at any time.

F. Sick Leave Donation:

An employee may donate up to ten (10) days of accrued sick leave to another employee in one calendar year as long as the donating employee maintains an accrued sick leave balance of at least ten (10) days for his or her own needs. In order to donate sick leave, the employee must request in writing that leave be taken from their accrued total (all requests must be approved in advance by the City Manager).



The employee receiving sick leave must be incapacitated by a non-work related illness or injury for which the employee does not have disability insurance coverage and must have exhausted all of his or her sick and annual leave as well as any documented compensatory time. The employee may receive sick leave from more than one employee and such donations will count as paid leave for the receiving employee. The City of York will not coordinate requests for donation of leave but will process all requests that are received. An employee may donate leave to more than one employee in a calendar year so long as the total donation does not exceed twenty (20) calendar days. Employees may receive a maximum sick leave donation of an equivalent of twenty (20) days in a calendar year. Donations must be made in increments of one whole day.

G. Payment of Sick Leave Upon Separation From Employment

An employee who terminates for non-disciplinary reasons receives payment for accrued, unused sick leave in the amount of 15 days or 120 hours, provided he gives and actually works a two-week notice, and has worked for the city for a minimum of five continuous years. Employees hired prior to December 2023 do not have to have worked for five continuous years to be eligible for a sick leave payout. Employees terminated for disciplinary reasons or those who do not give and work a two-week notice do not receive payment for accrued leave. The City Manager may waive the two-week notice.

10.5 Bereavement Leave

- A. The City provides bereavement leave to full-time employees of up to 24 hours per calendar year. Bereavement leave is not accrued, and is not carried over. Bereavement leave may be used in the case of death in the employee's immediate family. For purposes of this policy, immediate family includes spouse, children, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-children, grandchildren, parents, step-parents, grandparents, siblings (brother or sister), half-brother, half-sister, any relative residing in the same household.

The employee must notify the department head or City Manager of the bereavement before the start of the work day.

- B. Bereavement leave must be taken within seven (7) calendar days of the funeral service. If additional leave is needed, the employee may utilize annual (vacation) leave or leave without pay.
- C. The City Manager may require that proof of death be submitted before payment is authorized. In this event, the employee's supervisor is to obtain the full name of the deceased, relationship to the employee, the funeral home in charge of arrangements, and the time of the funeral.



10.6 Civil Duty Leave

A. Voting:

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees should be able to find time to vote either before or after their regular work schedule. If an employee is unable to vote in an election during his non-working hours, the City Manager may grant up to one (1) hour of paid time off to vote. Employees must request time off to vote at least one (1) working day prior to the Election Day. Advance notice is necessary so that the time off can be scheduled at the beginning or end of the work day, whichever provides the least disruption to the normal work schedule.

B. Military Service:

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of such laws change from time to time and for that reason, no effort is made to set forth the law in this policy.

10.7 Jury Duty Leave

- A. The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Time off for jury duty, up to ten days per year, is excused with pay for the time actually spent on jury duty when the hours of jury duty conflict with hours of his work, provided that proof of duty is verified by the employee's department head. Any period of time for which an employee is excused from jury duty because of illness is charged with sick leave.
- B. The employee is expected to report for work if within reasonable commuting distance and when it does not conflict with court obligations. It is the employee's responsibility to keep his department head or City Manager periodically informed about the amount of time required for jury duty.

10.8 Witness Duty Leave

- A. An employee subpoenaed to appear in court as a witness on behalf of the City in local, state, or federal court is entitled to civil leave with pay for such period as his court attendance may be required when the hours of court duty conflict with hours of his work, provided that proof of appearance is verified by the employee's department head.
- B. An employee subpoenaed to make a statement regarding City business is to notify the City Manager. This excludes law enforcement personnel acting in their official capacity.
- C. The employee is expected to report for work if within reasonable commuting distance and when it does not conflict with court obligations. It is the employee's responsibility to keep his department head or City Manager periodically informed about the amount of time required for court



appearances. Official court attendance leave is not charged to any other leaves.

10.9 Private Litigation Leave

Absence of a City employee in order to appear in any capacity in private litigation is charged to annual leave or to leave without pay, upon request of the employee and approval by the City Manager.

10.10 Administrative Leave

Regular full-time employees may be granted administrative leave with pay for a reasonable length of time. With prior approval of the City Manager, such instances include, but are not limited to, the following:

- A. Registration or physical examination for U.S. Armed Forces;
- B. Attendance at meetings, conventions, workshops, training sessions, etc., where the good of the City is served;
- C. Severe weather conditions or emergency conditions; Employee is placed on paid leave pending termination from employment for cause action.
- D. Other reasons as the City deems appropriate.

10.11 Operational Shutdown Leave

At times, emergencies such as severe weather, fire, power failure, etc., can disrupt City operations. In extreme cases, these circumstances may require the closing of a work facility. In the event the City directs the shutdown of offices, operational units, etc., employees may use available annual leave unless otherwise directed by the City. Employees who are scheduled to report to work during emergency closing situations are notified by the City Manager, or designee(s), and are paid accordingly.

10.12 Family and Medical Leave Act. (Applies Only to Employees Employed 12 Months Or Longer **and** Who Have Worked 1250 Hours or More in the Preceding 12 Months, Both Prior to Commencement of Leave.)

- A. General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations, employees may be placed on leave status without application.
- B. Reason for Leave of Absence
 - 1. Medical and Family Leave. An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a



natural child is born or 12 months after an adopted or foster child is received into the employee's household.

2. **Military Caregiver Leave.** An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on active duty.
3. **Qualifying Military Exigency Leave.** An eligible employee whose spouse, parent or child is a member of the National Guard or Reserves of the U.S. Armed Forces and is on active duty or called to active duty in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are:
 - a. short-notice deployment (i.e., notice of 7 days or less)
 - b. military events and related activities
 - c. childcare and school activities (regular or routine childcare by the employee does not count)
 - d. financial and legal arrangements
 - e. counseling
 - f. rest and recuperation
 - g. post-deployment activities
 - h. additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

C. Length of Leave

1. **Medical and Family Leave.** An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave) for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.
2. **Military Caregiver Leave.** Leave to care for an injured service member may be taken for up to 26 workweeks in a single 12-month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.
3. **Qualifying Military Exigency Leave.** Leave taken because of a qualifying exigency is available for up to 12 workweeks in any 12 consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave). Leave taken because of a short notice deployment is limited to a 7-day period



beginning on the date of notice to the service member, and leave taken to be with the service member during periods of rest and recuperation is limited to 5 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

D. Coordination of Leave and Paid Time Off

An employee who must be absent for an FMLA-qualifying reason will be paid for time lost from work from accrued paid time off balances, if any. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

E. Effect of Leave on Accrual of Fringe Benefits

1. Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.
2. Accrual of paid leave. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

F. Employee Responsibility

Employees who request leave under this policy must give 30 days' advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence.

G. Termination of Leave of Absence

A leave of absence under this policy will end when the need for the leave of absence ends, or when the maximum leave described above has been taken, whichever occurs sooner.

H. Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

I. Extension of Leave Without Benefits

1. An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, in the discretion of the City Manager, upon written application, be granted up to an additional 12 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he may be returned to his previous



position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he may be terminated. The circumstances of each employee's situation may be reviewed by the city manager, prior to any termination.

J. Termination of Employment

An employee's employment may terminate if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence.

Special Situations

1. Spouses. When both a husband and a wife are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12 month period, or 26 weeks in a single 12 month period to care for an injured service member.
2. Key Employees (salaried employee in highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

K. Notice of Rights

Federal law requires that we provide you with the notice of your rights, per the following:

1. Basic Leave Entitlement. FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
 - a. For incapacity due to pregnancy, prenatal medical care or child birth;
 - b. To care for the employee's child after birth, or placement for adoption or foster care;
 - c. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or
 - d. For a serious health condition that makes the employee unable to perform the employee's job.
2. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special



leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

- a. During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- b. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

3. Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

4. Definition of Serious Health Condition

- a. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- b. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

5. Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

6. Substitution of Paid Leave for Unpaid Leave



Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

7. Employee Responsibilities

- a. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.
- b. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

8. Employer Responsibilities

- a. Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.
- b. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

9. Unlawful Acts by Employers. FMLA makes it unlawful for any employer to:

- a. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- b. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

10. Enforcement

- a. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
- b. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective



bargaining agreement which provides greater family or medical leave rights.

L. Physical Disability and Personal Leave

The following applies to:

- 1) Employees Employed Less than 12 Months,
- 2) Employees Who Have Worked Fewer than 1250 Hours in the Preceding 12 Months,
- 3) Employees Who's Reasons for Leave Are Not Covered by FMLA:

For situations not covered by the FMLA Leave Policy, the City offers the following policy related to leaves of absence:

1. An employee who has completed their initial probation period (and any extension thereof) may request a leave of absence for up to 3 months when unable to work because of sickness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Such leaves are granted only in the discretion of the City Manager or designee upon recommendation by the employee's department head. Employees still in their probation periods who are absent for more than five consecutive scheduled workdays because of any physical disability are generally terminated, but are eligible for rehire. Employees on leave pursuant to this policy should be aware that the City cannot guarantee that their job will be held for them while they are on leave. The circumstances of each employee's situation will be reviewed by the City Manager or designee before termination.

2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

3. Physical disability leaves begin on the first day of absence.

4. After the employee has exhausted his annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law.

5. Employees on leave of absence may not engage in other employment.

6. Employees desiring to return to work from an unpaid leave of absence should notify the City Manager or designee in writing at least ten (10) days prior to their desired date of return. If the City finds that the employee is fit to resume their prior duties, the employee may be recalled to his former job if a vacancy exists which is to be filled. If no such vacancy



exists, the employee may be offered any job in which there is a vacancy which is to be filled and for which they are qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued. Extended leave is not guaranteed, and indefinite leave will not be granted. Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence is generally terminated. This action does not affect the employee's eligibility to be considered for hire at some future time. The circumstances of each employee's situation will be reviewed by the City Manager or designee before termination.

SECTION 11. EMPLOYEE BENEFIT PROGRAMS

11.1 General Conditions.

Employee benefits as herein described are **subject to change at any time** as required by the City and will be updated in this manual available online at www.yorksc.gov.

11.2 Fringe Benefits

- A. Health Insurance. The City currently pays all regular full-time employees and elected city officials' portion of the health and dental insurance premium for individual coverage only. Employee health insurance coverage continues while the employee is on medical leave of absence due to an on-the-job injury or approved family or medical leave of absence. If the employee elects dependent coverage, the cost is borne by the employee and is paid by payroll deduction.
- B. Retiree Health Insurance.
 - 1. A regular full-time City employee who is a member of the SC Retirement System or the SC Police Officers Retirement System is eligible for retiree insurance
 - a. An employee with 15 years of service **as of July 1, 2010**, who retires under the State Retirement System at age 55, having completed 20 years of continuous service with the City is eligible for health insurance (including dental and life insurance) on the City's plan. The City pays 100% to age 65, at which time the City pays 100% of the Medicare Supplement (and continuation of dental and life insurance) until death.
 - b. An employee with 10 years of service **as of July 1, 2010**, who retires under the State Retirement System at age 55, having completed 15, but fewer than 20 years of continuous service with the City is eligible for health insurance (including dental and life insurance) on the City's plan. The City pays 50% to age 65, at which time the City pays 50% of the Medicare Supplement (and 50% toward dental and life insurance) until death.
 - c. An employee **hired July 1, 2000 or after** who retires under the State Retirement System at age 55, having completed 20 years



of continuous service with the City is eligible for health, dental, and life insurance on the City's plan. The City pays \$300/month towards these benefits to age 65, at which time the City pays \$300/month toward the Medicare Supplement, dental, and life insurance until death. The retiree must remain on the City's insurance plan.

- d. An employee **hired July 1, 2000 or after** who retires under the State Retirement System at age 55, having completed 15, but fewer than 20 years of continuous service with the City is eligible for health, dental, and life insurance on the City's plan. The City pays \$150/month to age 65, at which time the City pays \$150/month of the Medicare Supplement, dental and life insurance until death. The retiree must remain on the City's insurance plan.
 2. Spouses are not eligible for retiree coverage.
 3. If a retiree goes to work where health coverage is available, he forfeits his City coverage.
 4. Upon completion of two (2) consecutive four-year terms, councilmembers, at age 65, are eligible for the Medicare Supplement, with the City paying \$300/month of the cost toward that benefit (including dental and life insurance). To be eligible for this benefit, the council member must have been enrolled in the City's health plan at the time of retirement. Effective January 1, 2013, the City will no longer offer retiree insurance to new hires.
 5. The provisions of this benefit are subject to change.
- C. Retiree vision coverage. A retiring employee wishing to retain vision coverage under the City's policy will be required to pay six months in advance and, thereafter, in six-month increments.
- D. Life Insurance. The City pays all regular full-time employees' portion of the Life and AD&D insurance premium for individual coverage only. Employees are insured for \$10,000 life insurance under the City Group Term Life Insurance Program. (Life insurance benefits may be subject to reduction due to age. Refer to the city's group life insurance policy for details). Accidental Death and Dismemberment (AD&D) insurance is also provided by the City at no cost to the employee.
- E. COBRA. Employees eligible for the City's health insurance may be eligible for COBRA coverage upon a qualifying event such as, but not limited to, a reduction in work hours, or if there is a change in family status (birth/adoption, marriage/divorce, etc.) It is the employee's responsibility to notify the department head, the City Manager, or the Human Resource Manager.
- F. Social Security. All employees are automatically enrolled in the Federal Social Security System. The amount paid by the employee into the Federal Social Security System is matched by the City.



- G. Credit Union. All full-time and part-time employees are eligible for membership and services of the Family Trust Federal Credit Union. Membership and credit union policies are set by the Credit Union Board of Directors. Employees may participate in this program through payroll deduction.
- H. Retirement. The City participates in the South Carolina Retirement System Program for all regular full-time and part-time employees and the South Carolina Police Officers Retirement System for employees of the police and fire departments. Participation in the retirement plan is also available for part-time employees under certain conditions in accordance with the appropriate SC Retirement System Program.

11.3 Workers' Compensation Program

- A. The City provides workers' compensation insurance program to provide for payment of employees' medical expenses and for partial salary continuation in the event of a work-related injury or illness. The amount of benefits payable and the duration of payment depend on the nature of the injury or illness.
- B. An employee who sustains a work-related injury or illness, no matter how minor, should inform the Department head immediately and no later than twenty-four (24) hours. If he is unable to report for work within twenty-four (24) hours, the supervisor is to contact the City Manager and assist with completing the First Report of Injury (State Form 12-a).
- C. The City continues to pay health insurance for the employee during the period of time the employee is incapacitated due to a workers' compensation injury or illness. Payment of dependent health coverage is to be paid by the employee.
- D. Upon returning to work, an employee who has been absent from work due to a workers' compensation injury or illness is to present a doctor's release specifically stating that the employee is capable of performing his normal duties; if not, what restrictions, if any, may apply, and the duration of same.
- E. It is the policy of the City to provide restricted duty for employees who have a temporary disability due to a work-related illness or injury, provided the City has, in its opinion, meaningful work for the employee. Such restricted duty is based on the attending physician's identified restrictions and the work requirements of the City.
- F. An employee out on a workers' comp injury is considered out under FMLA or leave of absence policy. Those policy steps are followed for return to work.
- G. Upon the first working day an injured employee returns to work, his supervisor is to report to the department head or City Manager that the employee has returned.
- H. Questions regarding workers' compensation should be directed to the Human Resource Manager.



11.4 Equipment and Supplies

- A. The City provides tools, equipment, vehicles, machines, facilities, materials and supplies to carry on official City business only. Employees who lose or abuse City-provided equipment and/or supplies may be responsible for payment of same through payroll deduction.
- B. Defective equipment, vehicles, or machines should be promptly reported to supervision in order that appropriate corrective action may be taken.
- C. Use of City equipment, tools, machines, vehicles, facilities, materials, and supplies for personal work at any time is prohibited.

11.5 Uniforms

- A. The City furnishes uniforms and the appropriate safety equipment, i.e., goggles, hard hats, rain gear, etc., to designated employees.
- B. Any employee who reports for work out of uniform is sent home and not paid for the time he is away from work. Shirts, pants, and shoes are to be worn at all times. Uniforms are not to be worn during off-duty hours.
- C. An employee terminated from employment is responsible for turning in all City-supplied uniforms and safety equipment. A terminated employee is responsible for payment of any missing or damaged uniforms or equipment. Deductions may be made from an employee's final paycheck as an advance of wages for damaged or missing items.

11.6 Auto Allowance

An employee designated to use his personal vehicle in the performance of work duties is reimbursed for actual business mileage at the per diem rate currently established by the State of South Carolina. The City Manager is responsible for monitoring the requirements set by the City for an employee to be authorized to use his privately owned vehicle in the performance of his duties.

11.7 Travel and Subsistence Allowance

When City employees are required to travel on official City business outside of the City limits, allowances for transportation are regulated in the following manner:

- A. Transportation. Transportation may be accomplished by either common carrier, private carrier, or the City carrier, and in no instance is allowance for such travel to exceed the cost of Common Air Carrier, Coach Fare. Upon proper authorization, employees utilizing their personally owned vehicles are paid, per mile, at the per diem rate as established by the State of South Carolina. Such allowance is not to exceed the cost of Common Air Carrier, Coach Fare. Employees are properly reimbursed upon proper receipt for all bridge, road, ferry and parking tolls. Receipts for taxis are not required; however, taxi expenses must be itemized.
- B. Lodging /Registration
 - 1. The City pays lodging and registration costs prior to the meeting/event. Employees are expected to utilize standard, medium-priced hotels and motels whenever possible. If an employee is to attend a formal,



organized meeting or convention, he may stay at the hotel/motel where the meeting is being held.

2. Receipts for all expenses for which reimbursement is expected are to be presented within thirty (30) days of return from the trip.
3. Employees are reimbursed for all registration fees if not prepaid by the City.

C. Meals.

1. Meals are reimbursed at the current federal per diem rates for South Carolina.

D. Advance Travel Expenses. When approved by the City Manager, prepayment for anticipated official travel expenses may be disbursed to authorized personnel. To receive payment, the employee is to submit to the City Manager a written request, outlining the requested expenses to be pre-paid.

11.8 Training

Employees in good standing may be considered for training opportunities. In-service training is provided to aid employees to gain efficiency in their work. It is the responsibility of the City Manager to foster and promote programs of employee development and training for the City workforce. The intent of this policy is to improve the quality of services provided by the City.

The City encourages training and education of all employees within the restrictions established by the budget. The cost of **job-related** training may be paid by the City **with prior approval of the City Manager upon recommendation of the Department Head.**

11.9 Dues and Certifications

The City may pay all or any part of association dues, fees, etc., or operator certification or professional certification for employees when it is a requirement for his position or when it benefits the City, as determined by the department head or City Manager. If an employee does not pass the certification examination after two (2) attempts, he is responsible for all expenses of taking the examination until the certification is obtained.

SECTION 12. SEPARATION FROM EMPLOYMENT

12.1 Disclaimer

In accordance with the City's Employment-At-Will policy the employee is free to terminate his employment at will at any time, with or without notice or cause; and, the City may terminate the employment relationship with the employee at any time, with or without notice or cause.

12.2 Resignation

- A. An employee who voluntarily leaves the City's employ, for whatever reason, is considered to have resigned.



- B. To resign in good standing, an employee must give his supervisor at least two (2) weeks' notice in writing and must work during the notice period. Department heads and the City Manager must give and work a six (6)-week notice. The notice period may be waived at the City's discretion.

12.3 Compulsory (Involuntary) Resignation

An employee who, without valid reason, fails to report to work for three (3) consecutive workdays without authorized leave will be separated from employment and presumed to have resigned. Generally, an employee separating from employment as a compulsory (involuntary) resignation is not eligible for re-employment.

12.4 Retirement

- A. Retirement benefits are available for City employees who are members of the SC State Retirement Plan or the SC Police Officers Retirement Plan and have met eligibility requirements for benefit payment. Retirement applications must be in compliance with the rules of the South Carolina Retirement Systems Program.
- B. An employee planning to retire must so inform the City Manager before the budget that will be affected is submitted to City Council. If sufficient notice is not given, payout for annual leave, etc. may be deferred to the next fiscal year.

12.5 Loss of License/Certification/Job Requirement

An employee who is unable to perform his duties adequately due to the loss of a necessary license or other similar requirement may be terminated from employment. Such an employee may be transferred to another position for which he is suited, if a vacancy exists.

12.6 Reduction in Force (Layoff)

- A. Any involuntary, non-disciplinary separation of an employee from City service not involving delinquency, misconduct, or inefficiency is considered a Layoff.
- B. When it becomes necessary to reduce the workforce in a department because of lack of funds, elimination of position(s), lack of work, or other causes, employees may be laid off. The following factors are considered; however, the City reserves the right to take whatever steps it deems necessary for the best interest of the City:
 - 1. average performance for the last three (3) years of service or for the entire period of less than three (3) years;
 - 2. length of service in the employee's current job classification;
 - 3. length of service with the City;
 - 4. importance of the position to the City



- C. If a regular employee is scheduled to be laid off, he may be offered a demotion to a lower class, if a vacancy exists and the employee is suitable for the position.
- D. Prior to a reduction in force, the names and class titles of all regular employees scheduled for layoff are submitted to the City Manager for approval.

12.7 Discharge

Discharge is an involuntary separation of an employee from employment with the City for disciplinary reasons, violation of policies, misconduct, or unacceptable performance. No employee may be discharged without the prior approval of the City Manager.

12.8 Death

Upon the death of a City employee, any accrued compensation or benefits due to the employee are paid to that employee's designated beneficiary or otherwise specified individual designated as a result of probate proceedings.

12.9 Separation Provisions

A separating employee receives his final pay in accordance with applicable state law. Employee benefits are affected by separation from employment. Some benefits may be continued at the employee's expense if the employee so chooses.

12.10 Separation Pay

An eligible regular full-time employee who separates from employment in good standing may be eligible for re-employment or reinstatement, and for the following accrued benefits:

- A. **Annual (Vacation) Pay.** An employee who leaves City employment for any reason except misconduct is paid for any **accrued**, unused annual leave hours at the employee's current rate of pay, provided he has given and worked the appropriate notice period.
- B. **Sick Leave**
An employee who leaves City employment in good standing and with 5 years of continuous service is paid for his accumulated sick leave up to a maximum of fifteen (15) days (120 hours) at the employee's current rate of pay. Employees hired prior to December 2023 do not have to have worked 5 continuous years to be eligible for the sick leave payout.
- C. **Compensatory Time.** In accordance with FLSA, all available, unused compensatory leave hours accumulated up through a non-exempt employee's effective date of termination, are paid at time and one-half the employee's regular rate of pay in the employee's current position, regardless of the reason for termination.



12.11 Exit Interview

Employees taking retirement or voluntary severance will be asked to participate in an exit interview once a departure date has been received. Information discussed will remain confidential unless otherwise noted.

12.12 Return of Property

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all City property, uniforms, materials, etc., immediately upon request or prior to the effective date of separation from employment. An employee who does not adhere to this policy is considered terminated, not in good standing and, as such, may not be eligible for re-employment. The City will take all action deemed appropriate to recover or protect its property, including deducting the value of any items, as an advance of wages, from the employee's final pay check.

12.13 Reimbursement to the City

Any employee who leaves the employ of the City within one (1) year of having taken, at the City's expense, any required certification training, may have the pro-rata cost of such training/examination(s) deducted from his final pay as an advance of wages.

12.14 COBRA

Employees who participated in the City's health insurance plan and separated from employment for any reason, voluntary or involuntary, are eligible to continue health and dental coverage. Employees and their eligible dependents may elect to continue in the health and dental plan upon payment of the applicable premium, plus any additional administrative charge.



Contact Information

Human Resources: Sarah Ramirez

P.O. Box 500 10 North Roosevelt Street, York, SC 29745

P (803) 684-2341

Direct (803) 818-0089

Email: sramirez@yorksc.gov

City Website: www.yorksc.gov

City of York



Memo

TO: Mayor & City Council

FROM: Chris White, Parks & Rec Director

MEETING DATE: December 5, 2023

SUBJECT: New Business – Bids & Solicitations

11.1 GENERAL INFORMATION

Bids & Solicitations – Batting Cage RFP

Staff released and held a public bid opening for qualified contractors to purchase and install a pre-engineered metal building to be used as a batting cage.

The following responses were received:

Justin L. Spears	\$96,000
Contract Building Systems	\$79,629
Faulkner Dev. & Eng., LLC	\$99,000
Davis Builders	\$82,500
Grace Construction Group	\$85,792
Salem Builders	\$71,400

STAFF RECOMMENDATIONS

Staff is currently reviewing the Bids & Solicitations and will have a recommendation for the Council Meeting on December 5, 2023.

ATTACHMENTS

- A. Bid Tabulation for Batting Cage RFP

REQUESTED ACTION

Council's Approval



BID TABULATION

PROJECT: Batting Cage RFP DATE/TIME: 01 Dec 2023

STAFF PRESENT: Chris White, Amy Craig, Ben Wright

PUBLIC PRESENT: _____

BIDDER	BID AMOUNT
Justin Spears General Contractor	\$96,000.00/
Contract Building Systems	\$119,1029.00/
Faulkner Dev & Eng, LLC	\$ 99,000.00/
Davis Builders	\$ 82,500.00/
Grace Construction Group	\$ 85,792.00/
Salem Builders	\$ 71,400.00/

COMPLETED BY: Amy M. Craig, Municipal Clerk

Signature, Title

[Signature]

[Signature] - Park director

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

(803) 684-2341
WWW.YORKSC.GOV

City of York

Memo

TO: Mayor & City Council

FROM: Chloe Jones, Community Events Coordinator

MEETING DATE: December 5, 2023

SUBJECT: Special Events



11.2a GENERAL INFORMATION

The Western York County NAACP is requesting to hold the annual Martin Luther King Jr. Parade in downtown York on Saturday, January 13, 2024. The parade is scheduled to begin at 1:00 pm and will require road closures in the downtown area for parade set-up and procession. The event will end at Jefferson Field where additional festivities will occur.

STAFF RECOMMENDATIONS

Staff recommends that Council approve the attached special event application.

ATTACHMENT(S):

A. 2024 Dr. Martin Luther King Jr. Parade Application

REQUESTED ACTION

Council Approval

CITY OF YORK
SPECIAL EVENT PERMIT APPLICATION

Date of Application Submission: November 13, 2023

Name of Festival or Special Event: ANNUAL MLK, JR. PARADE

Location and/or Route of the Event: _____

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

Proposed Date(s) of Event: 1/13/23

Alternate Date(s) for Event: _____

Event Setup time: 9:00 A.M. to 12:59

Actual Event: 1:00 P.M. to 6:00 P.M.

Road Closure time: 12:00 N to 2:00 P.M.

Breakdown time: 2:00 P.M. to _____

Estimated number of attendees (including event staff): 15

Requesting Organization: Western York County NAACP

Address: PO Box 281, York SC 29745

Purpose of the Event: Annual Community Event recognizing Martin L. King, Jr.

Is your organization a charity or non-profit organization? Non Profit

Will the proceeds benefit your organization? If no, please specify which organization it will benefit Yes - to help fund next scheduled event

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

Permit Holder/Event Point of Contact: Freddy Campbell

Mobile Number: 704-813-6617 Email: nflproductions@hotmail.com

Street Address: PO Box 281, York SC 29745

Additional Authorized Contact: Steve Love

Mobile Number: 803-389-9907 Email: stevelove1057@gmail.com

Planned Activities: Participating Sponsors & bands will march/drive in parade

Note: A proposed schedule of events must be attached to the application

Will inflatables or amusement rides be used at the event? ☐ Yes ☒ No

If yes, explain: _____

Company name: _____ City of York Business License #: _____

Will motorized vehicles, equipment or animals be used for the event? ☒ Yes ☐ No

If yes, explain: Golf carts (none for amusement)

Company name: Hardy Harris City of York Business License #: _____

***Note: All events that include the use of live animals, motorized vehicles or equipment, inflatables (jump castles etc.) or other amusement rides are required to obtain a copy of the contracting companies certificate of liability insurance naming the City of York as an also insured on general liability.*

Do you plan to have food trucks/vendors of any kind with items for sale? ☒ Yes ☐ No

If yes, explain (include the items being sold and if cooking with grease): Vendors on Jefferson field (In the past, they have sold fish, hotdogs, funnel cakes turkey wings, etc. Unable to provide specifics until folk have actually registered.

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

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

If yes, explain: both will be needed on Jefferson field for vendors

Will alcohol be served at the event? ☐ Yes ☒ No

If yes, explain (and include, how do you plan to ensure/enforce that only those that are of legal drinking age are consuming/purchasing alcohol) : _____

Will amplified sound be used at the event? ☒ Yes ☐ No

If yes, explain: Stage, Microphone

Will tents be used at the event? ☒ Yes ☐ No

If yes, explain (include size and type of tents): Outdoors 1 Push 10x10 Straight Leg Canopy

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

If yes, explain (include size and locations): Directional signs & the Banner that hangs on Liberty Street

Will city staff be responsible for street /public clean-up at the event? ☒ Yes ☐ No

If yes, explain (include extent of clean-up and if waste containers are needed):
No street clean up; WYCNAACP does cleaning on Jefferson Field relative to taking down equipment, etc.

Have arrangements been made for restroom facilities? ☒ Yes ☐ No

If yes, explain (include locations of restrooms and service provider):
Restrooms will be on Jefferson Field; Other restrooms will include available facilities at the Fire Department and Folkways on Congress Street

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

Patrons use the parking facility at Trinity AMEZ, Available Parking lots & street parking on Congress Street, parking lots at Academy 1 and Street parking on Pinckney Street (MLK Blvd).

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

Congress Street from 12:00 Noon until 2:00 p.m.

Are you requesting barricades for road closures (fees may apply)? ☐ Yes ☐ No *Note: If yes, include a list of location(s) and a map designating the location of each barricade, the number needed, and person responsible for barricades.*

We will ask Chief Trail to ensure you receive this information. They have our maps/sketches, etc.

Please provide any additional information that may be helpful:

RELEASE and INDEMNIFICATION

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

Application Submitted By: *Name & Title* Freddy Campbell

Signature: _____ Date: _____

City of York

Memo

TO: Mayor & City Council

FROM: Chloe Jones, Community Events Coordinator

MEETING DATE: December 5, 2023

SUBJECT: Holiday Carriage Rides



11.2b GENERAL INFORMATION

Dream Carriage and Special Events will be in town on December 22 and 23, from 5 pm to 9 pm, offering carriage rides from City Market. This does not require a special event permit application, but the Community Engagement Department will work with York Police Department to ensure that ample space is blocked off in City Market to allow for the horse and carriage to load and unload passengers. City Market will remain open. The City has already obtained a COI from the company.

STAFF RECOMMENDATIONS

No staff recommendations

ATTACHMENT(S):

No attachments

REQUESTED ACTION

No action requested

City of York

Memo

TO: Mayor & City Council

FROM: Dalton Pierce, MPA, City Manager

MEETING DATE: December 5th, 2023

SUBJECT: Item 11.3: Ordinances 23-707, 708, 709, 710, & 711



GENERAL INFORMATION

Ordinance 23-707 Business License State Mandated Revisions:

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

Ordinance 23-708 EDIP Ordinance Raines Co.

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

Ordinance 23-709 Sale of Property

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

Ordinance 23-710 Purchase of Property

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

Ordinance 23-711 Surety Specification Requirements

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

REQUESTED ACTION

1st Reading for all Ordinances.

ATTACHMENT(S):

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

STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-707

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Second Reading:

ORDINANCE 23-708

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(SEAL)

CITY OF YORK, SC

Michael D. Fuesser, Mayor

Attest:

By: _____
Amy Craig, City Clerk

Approved as to form:

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

First Reading: _____

Second Reading: _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-709

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Michael D. Fuesser

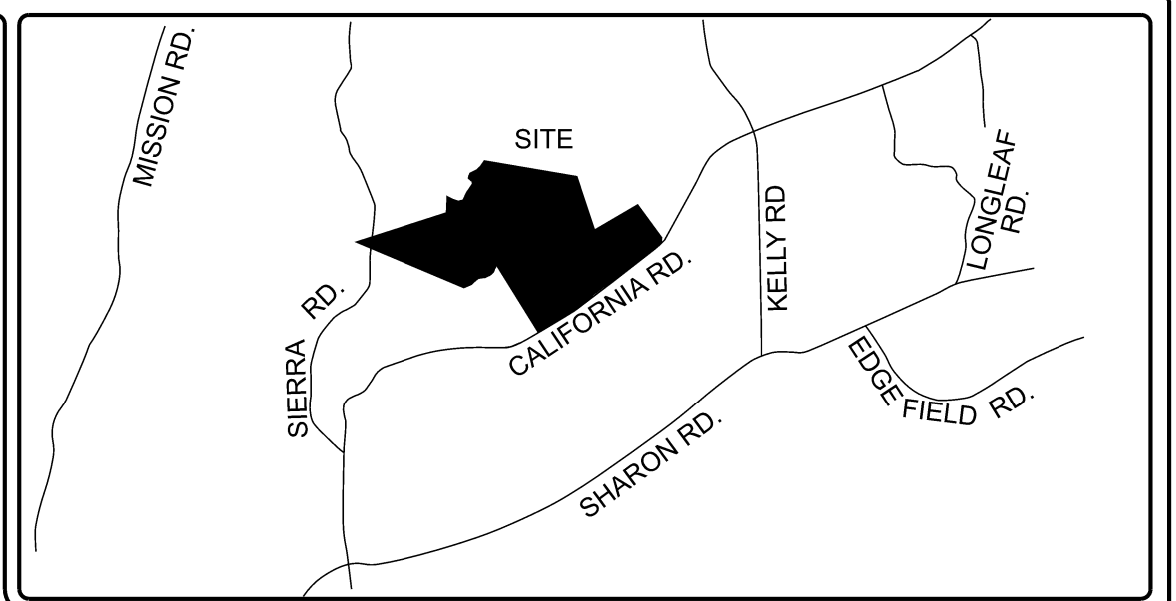
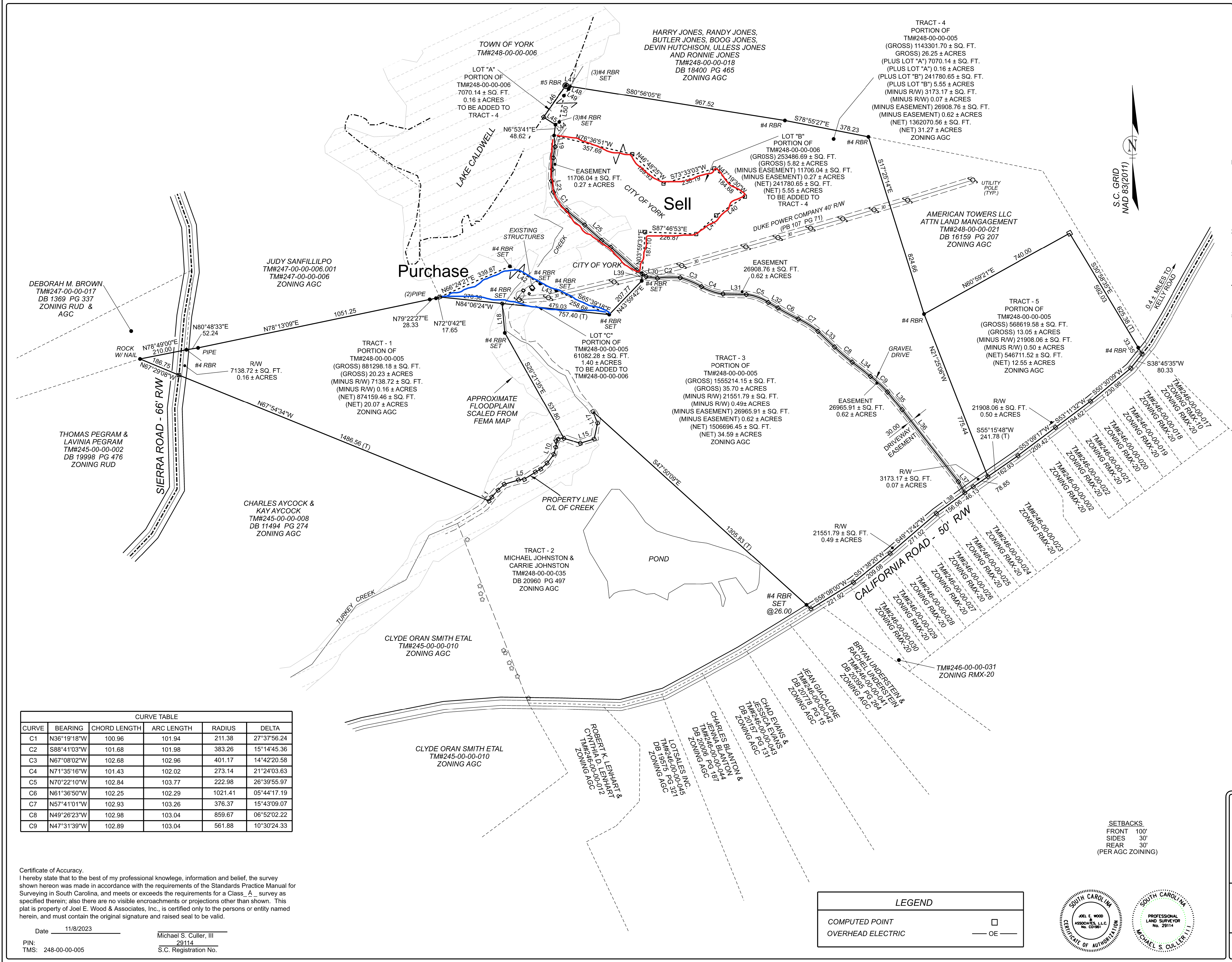
ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____



- NOTES:
1. THIS PROPERTY IS LOCATED IN FLOOD ZONE X AND IN FLOOD ZONE AE. ACCORDING TO F.I.R.M. No. 45091C0260, DATED SEPTEMBER 26, 2008.
 2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 3. JOEL E. WOODS & ASSOCIATES, INC. IS NOT LIABLE FOR ANY AND ALL SETBACKS SHOWN OR NOT SHOWN HEREON. SETBACKS TO BE VERIFIED BY THE OWNER WITH THE COUNTY, CITY, TOWN AND/OR HOA.
 4. REFERENCE PLATS (PB 12 PG 126), (PB 58 PG 104), (PB 60 PG 93), (PB 168 PG 285), (PB 166 PG 385), (PB "A"297 PG 5), (PB 107 PG 71), (PB 103 PG 149), (PB 101 PG 111), (PB 88 PG 677).
 5. NEW LOTS CREATED.

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

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

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

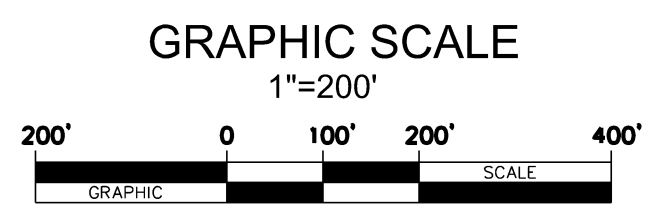
Date 11/8/2023
Michael S. Culler, III
PIN: 29114
TMS: 248-00-00-005
S.C. Registration No.

LEGEND	
COMPUTED POINT	□
OVERHEAD ELECTRIC	— OE —

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

SOUTH CAROLINA
JOEL E. WOOD & ASSOCIATES, L.L.C.
No. 29114
EXPIRATION DATE: 11/01/2024

SOUTH CAROLINA
MICHAEL S. CULLER, III
No. 29114
EXPIRATION DATE: 11/01/2024



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

JOEL E. WOOD & ASSOCIATES
PLANNING • ENGINEERING • MANAGEMENT

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

DATE: 11/8/2023	CADCOMP111 PROJ: 221106A	FB# MC/1 FILE: SURVEY FINAL SUBDIVISION
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STATE OF SOUTH CAROLINA
COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-710

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Michael D. Fuesser

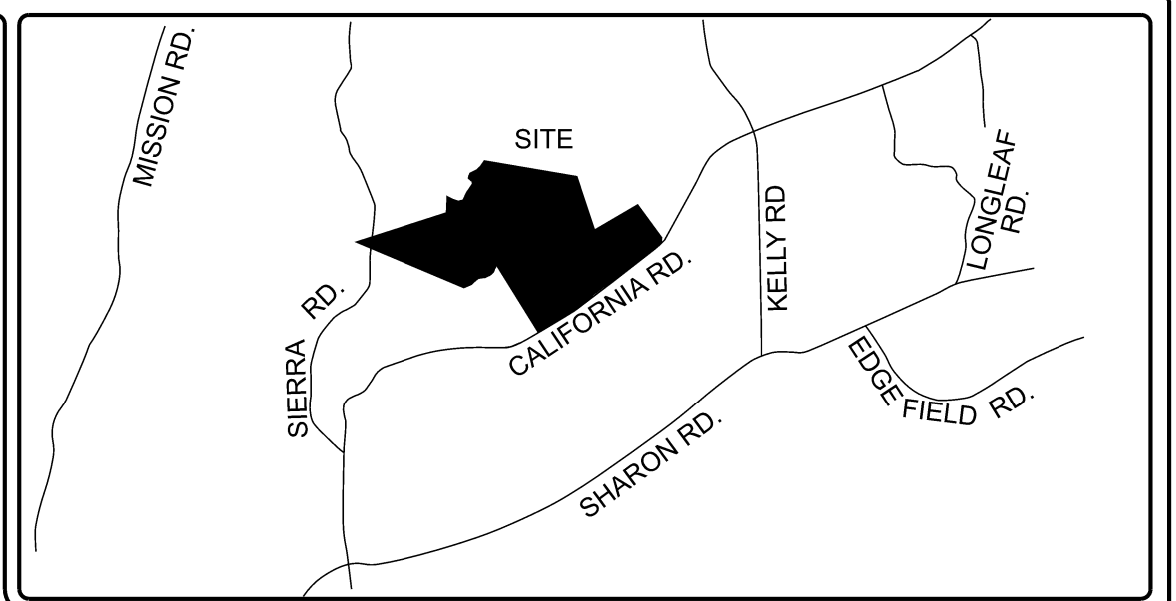
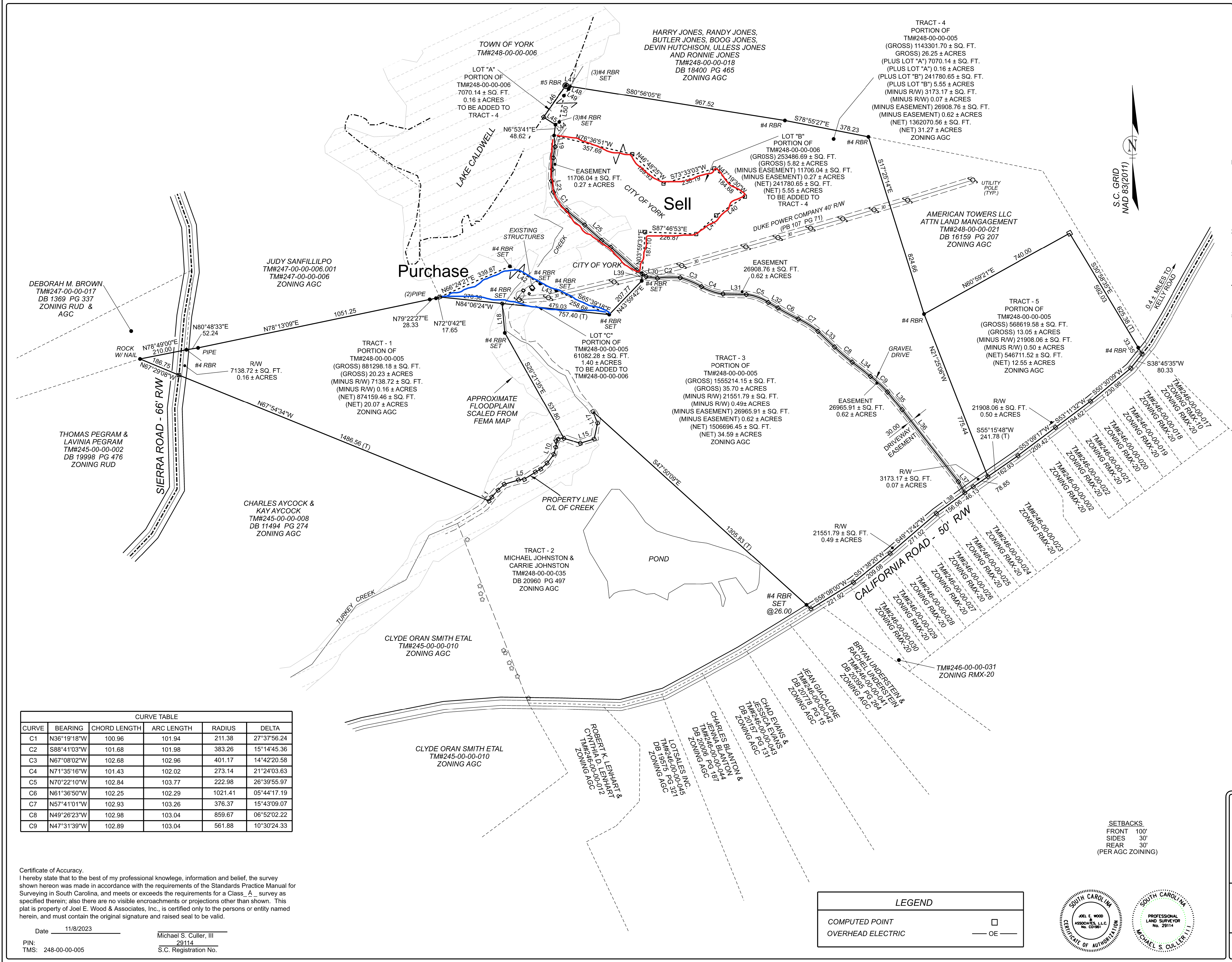
ATTEST:

Municipal Clerk Amy H. Craig

First Reading: _____

Public Hearing: _____

Second Reading: _____



- NOTES:
1. THIS PROPERTY IS LOCATED IN FLOOD ZONE X AND IN FLOOD ZONE AE. ACCORDING TO F.I.R.M. No. 45091C0260, DATED SEPTEMBER 26, 2008.
 2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 3. JOEL E. WOODS & ASSOCIATES, INC. IS NOT LIABLE FOR ANY AND ALL SETBACKS SHOWN OR NOT SHOWN HEREON. SETBACKS TO BE VERIFIED BY THE OWNER WITH THE COUNTY, CITY, TOWN AND/OR HOA.
 4. REFERENCE PLATS (PB 12 PG 126), (PB 58 PG 104), (PB 60 PG 93), (PB 168 PG 285), (PB 166 PG 385), (PB "A"297 PG 5), (PB 107 PG 71), (PB 103 PG 149), (PB 101 PG 111), (PB 88 PG 677).
 5. NEW LOTS CREATED.

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

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

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

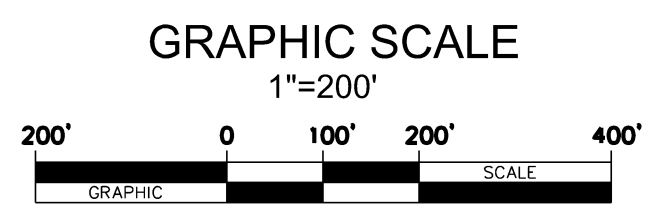
Date 11/8/2023
Michael S. Culler, III
PIN: 29114
TMS: 248-00-00-005
S.C. Registration No.

LEGEND	
COMPUTED POINT	□
OVERHEAD ELECTRIC	— OE —

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

SOUTH CAROLINA
JOEL E. WOOD & ASSOCIATES, L.L.C.
No. 29114
EXPIRATION DATE: 11/01/2024

SOUTH CAROLINA
MICHAEL S. CULLER, III
No. 29114
EXPIRATION DATE: 11/01/2024



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

JOEL E. WOOD & ASSOCIATES
PLANNING • ENGINEERING • MANAGEMENT

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

DATE: 11/8/2023	CADCOMP111 PROJ: 221106A	FB# MC/1 FILE: SURVEY FINAL SUBDIVISION
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STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-711

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

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

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

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

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

V-1. - Streets

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

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

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

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

VI-3. Performance bond

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

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

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

VI-7. Water System

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

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

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

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

VI-9. Sanitary Sewer System

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

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

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

VI-10. Stormwater Drainage System

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

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

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

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

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

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

VII. - Administration and Amendments

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

MICHAEL D. FUESSER, MAYOR

ATTEST:

Municipal Clerk

First Reading:

Public Hearing:

Second Reading:
