

The City of York, Pennsylvania

Carol Hill-Evans, President of Council
Henry Hay Nixon, Vice President of Council
Renee S. Nelson, Member of Council
Michael Ray Helfrich, Member of Council
David Satterlee, Member of Council

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COMMITTEE MINUTES

April 29, 2015
6:00 p.m.

Police	Fire	Public Works	E&C Development	Business Admin	Rules & Admin
Nixon Hill-Evans Helfrich	Nixon Hill-Evans Helfrich	Satterlee Nelson Nixon	Nelson Satterlee Helfrich	Helfrich Hill-Evans Satterlee	Hill-Evans Nelson Nixon

*Bold text indicates Chairperson

Note: General Committee is chaired by Council President or designee and includes all Council members.

Council Members in attendance: David Satterlee, Michael Ray Helfrich, Henry Hay Nixon, Vice President and Carol Hill-Evans, President.

Administration in attendance: Steve Buffington, Building Code Official; Jim Gross, Public Works Director; Fire Chiefs David Michaels and Chad Deardorff; and Don Hoyt, Assistant City Solicitor.

City Council staff in attendance: Dianna L. Thompson-Mitchell, City Clerk.

- I. Called committee meeting to order at 6:00 p.m.
- II. Committee Issues for the May 5 & 20, 2015 legislative Agenda as follows:

PUBLIC WORKS ([View Issues Chart](#))

1. Resolution for installation of a cellular tower at Noonan Park

Director Gross explained that this resolution is to approve an agreement with Shenandoah Mobile, LLC for installation of a cellular tower with protective fencing at Noonan Park located at the intersection of PA Ave. and Parkway Blvd. He said Shenandoah will pay the city \$1,350.00 per month to rent this location and they have offered to install a new storage shed at the field for the Boys' Club organization's use.

DECISION: A motion was made by Satterlee, seconded by Nixon, to place this item on the **5/5/15** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Nixon – 2; Nays – 0.

2. Resolution to add a streetlight

Director Gross stated that this resolution will be to approve installation of a 150-watt high pressure sodium vapor cobra head streetlight on Philips Place at the rear of 526 E. King St.

Councilman Helfrich said he was informed by a former fire chief that there is some duplication of lighting and that we could save money by removing some of the extra lights. Director Gross said he would look into this.

DECISION: A motion was made by Satterlee, seconded by Nixon, to place this item on the **5/5/15** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Nixon – 2; Nays – 0.

ECONOMIC & COMMUNITY DEVELOPMENT ([View Issues Chart](#))

1. Bill amending the 2015 budget for Maternal Child Health, HIV, TB and Dental Sealant grants

President Hill-Evans read a statement from Health Director Barb Kovacs that this bill will basically amend various state grant budgets to add monies to line items that will be used mainly to purchase program supplies and materials to give to residents who receive grant funded services.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place this item on the **5/5/15** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Helfrich – 2; Nays – 0.

FIRE ([View Issues Chart](#))

1. Bill amending the 2015 budget to reflect a state Fire Commission grant (\$14,284.70)

Chief Michaels said we applied for and was awarded a grant from the state Fire Commission in the amount of \$14,284.70. He said they are looking to use this funding to purchase training props, replace CPR manikins, and replace hoses and fire hydrant attachments. Chief Michaels said no matching funds are required and once we send our report, we'll be eligible for grant funding next year.

DECISION: A motion was made by Helfrich, seconded by Hill-Evans, to place this item on the **5/5/15** legislative agenda. The motion passed by the following vote: Yeas – Hill-Evans, Helfrich, Nixon – 3; Nays – 0.

Vice President Nixon asked for an update on the IAFF union concessions. Chief Michaels said a grant through FEMA is in the works and will hopefully allow them to pay the salary and benefits to bring back four (4) laid off firefighters.

RULES & ADMINISTRATIVE CODE ([View Issues Chart](#))

1. Bill amending Article 1763 “Property Maintenance Code” to require CO detectors in tenant occupied dwellings

Vice President Nixon said he would like to offer three amendments to this legislation, which were discussed at length as follows:

Amendment #1: Amend Section 706.2.1.1 Detector locations:

“Carbon monoxide detectors shall be installed in the following locations:

1. In the immediate vicinity of all fossil fuel burning appliances-heater or fireplaces.
2. In the vicinity of all sleep rooms or areas.
- ~~3. In attached garages and within the immediate vicinity of the interior door to the attached garage on the residence-side of door.~~
- ~~4. In the immediate vicinity of any other appliance or device that may produce carbon monoxide.”~~

Rationale: *By amending #1 and eliminating #3 and #4 it brings the language in the ordinance to match up with the language in the Carbon Monoxide Standards Alarm Act.*

BCO Buffington added that he is not opposed to the amendment as presented.

Paul Kicklighter, resident, said he has a rental property and buys the combination smoke/carbon monoxide detectors for added protection. He said because of how sensitive they are, you have to be mindful of where to install them.

Amendment #2: Amend Section 706.2.5.1 Owner's Responsibilities - **(WITHDRAWN)**

Owner's responsibilities. The owner of a tenant occupied residential dwelling shall:

1. Install approved and operating carbon monoxide detectors in accordance with this section.
2. Ensure that carbon monoxide detectors are installed and operating in accordance with this section prior to the commencement of new occupancy of the dwelling.
3. Instruct each new tenant on the operation, testing and battery replacement of the carbon monoxide detectors within the dwelling.
4. ~~Replace any required carbon monoxide detector that is defective and or malfunctioning except in such cases where the defect or malfunction is caused by the tenant.~~
4. Not be responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm or the care and replacement of batteries while the building is occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.

Rationale: *By amending #4 it brings the language in the ordinance to match the language in the Carbon Monoxide Standards Alarm Act which clearly states maintenance, repair and replacement is the responsibility of tenant when the property is occupied.*

Councilman Helfrich said he is not familiar with maintenance and repair of a piece of equipment in a property being the responsibility of the tenant.

BCO Buffington responded that he does not support this amendment. He said you don't repair these devices - because if they are defective, they should be thrown out. He stated that if the tenant is negligent, then the tenant is responsible to replace it; however, initial installation is the responsibility of the landlord.

Paul Kicklighter, resident, asked how will it be determined who is negligent. He questioned possible lawsuits. BCO Buffington responded that there is technology available to determine whether a detector activated during a fire, which the same technology would also apply to CO detectors.

After discussion on this issue, Vice President Nixon **WITHDREW** amendment #2. (Note: This means the original language in 706.2.5.1 will remain the same as originally submitted.)

Amendment #3: Amend section 706.2.5.2 Tenant's responsibilities

Tenant's responsibilities. The tenant of every dwelling unit shall:

1. Keep and maintain carbon monoxide detectors in good repair.
2. Test each carbon monoxide detector in accordance with the manufacturer's recommendations and the requirements of this section.
3. Immediately replace any carbon monoxide detector that is stolen, removed or rendered inoperable or ineffective due to willful or negligent damage.
4. Immediately notify the owner in writing of any missing, defective or malfunctioning carbon monoxide detector(s).
5. Replace batteries as needed.
6. Pay for any re-inspection fee or fines issued by the City of York as a result of tenant's failure to uphold their responsibilities in this section.

Rationale: *By adding #5 it makes it crystal clear that the tenant is responsible for replacing the batteries as it states in the Carbon Monoxide Alarm Standards Act.*

By adding #6 it clears up any confusion as to who is responsible for payment of fines and re-inspection fees that resulted because of the tenant's failure to uphold their responsibilities in ensuring their own safety.

BCO Buffington said in general practice if a property is inspected and they find that the battery is missing, the tenant is immediately given a citation or order, not the landlord. He then asked Assistant Solicitor Hoyt if the language should read "fees" or "fines." Assistant Solicitor Hoyt responded that the current language is sufficient.

Councilman Helfrich stated that it might be a good idea for landlords to include the tenant's responsibility as part of the security deposit.

President Hill-Evans said when she was a landlord, she had the tenants sign a form when batteries were changed and by whom.

BCO Buffington said it would be smart - and we encourage landlords - to include in their leases that detectors were installed and working properly.

DECISION: A motion was made by Hill-Evans, seconded by Nixon, to place this item on the **5/5/15** legislative agenda. The motion passed by the following vote: Yeas – Hill-Evans, Nixon – 2; Nays - 0.

2. Bill amending Article 730 “Neighborhood Improvement Ordinance” to remove the warning system (REMAINS IN COMMITTEE)

President Hill-Evans said she brought this back to Council as a result of comments communicated to Council that this legislation was not working. In talking with the Administration, she said it was determined that the warning system was cumbersome and hard to maintain which resulted in no tickets being issued. She said she understands the reason for the warning, which is to educate the public on our rules and regulations. However, it's common knowledge that trash is trash and needs to be picked up.

BCO Buffington added that the warning system was not working because it completely reduced the intent of the ordinance. The reason we wanted to adopt this ordinance was because what we currently have on the books isn't working. He said we looked at ordinances across the Commonwealth and took a combination of those laws, scaled it down, reduced the ticket amounts, and submitted a workable piece of legislation to Council. He then gave a brief background on how the penalties were established and why. He said sending out a copy of the ordinance with every first offense was problematic and the costs attached to this system was not practical. BCO Buffington did say that our software vendor said they can develop a tracking system but tickets will still have to be handwritten.

Vice President Nixon said since the software vendor can create a tracking mechanism, why not keep the warning system in place.

BCO Buffington said the warning system softens the ordinance. He said in essence, we already issue a notice of violation and then they get penalized for non-compliance. We took quality of life and safety issues and felt a small fine will get their attention and encourage residents to comply with our ordinance.

Vice President Nixon said he's not disputing the purpose of the ordinance, he just doesn't understand why the warning system is such an issue.

BCO Buffington responded that the biggest part of the warning system is sending out copies of the ordinance.

Councilman Helfrich said he created a summation ([read](#)) of the ordinance which has reduced it to three pages.

BCO Buffington said we have no additional money in the budget for mailing warnings. He said his interpretation of the ordinance is that there is one warning for each violation.

Councilman Helfrich said the intent was to give one warning in their lifetime -- not a warning for each offense. He said he would like to fix the problems with the warning system instead of removing it all together because this is the best means to educate the public.

Councilman Helfrich questioned BCO Buffington on specific costs associated with the warning system. BCO Buffington said posting on the property would suffice.

Councilman Helfrich said he would like to offer language to 730.99(a)(1) that "Upon delivery of notice of warning, an abbreviated version of the NIO shall be attached to said warning."

Vice President Nixon asked about 24 hour notice to remove trash/recycling bins from the curb after collection.

BCO Buffington said it would be hard to pinpoint exactly what time the trash was actually picked up so to give 24 hours notice would be hard to determine.

Councilman Satterlee said he feels there is still more work to be done before this goes on the legislative agenda.

Chet Landis, resident, said he doesn't support the warning system because our city is dirty and this ordinance needs to be enforced.

Paul Kicklighter, resident, opined that the renters are trashing the neighborhoods, not property owners. He said he's going to have the ordinance built into the leases his tenants sign to make sure they are aware of the law.

Teresa Johnescu, resident, said we are talking about household garbage on the curb. She discussed main thoroughfares where drivers see nothing but trash. She said it would be hard to determine which trash belongs to which property. She suggested sending pictures of the violation along with the citation.

Dolores Minaya, resident, said many people are not getting the word on these laws so she encouraged the city to educate residents and provide translation of the city's ordinances for the Spanish speaking community.

Tanisha Wilkes, resident, asked how will you regulate giving warnings when you don't know who actually dropped that trash. She said she is constantly picking up the neighbors trash.

Joan Burgasser, resident, Olde Town East Neighborhood Association, said we have a newsletter that we deliver to 600 properties in our neighborhood and that they could easily include this warning letter to test the system. She said don't kick this ordinance down the street, pass something because we need this legislation.

Vice President Nixon said we are not kicking anything down the street and that Council has passed an ordinance but it is not being enforced by the Administration.

Rebecca Cook, resident, suggested implementing liens against properties for violations.

Councilman Helfrich said it is a shame that this ordinance hasn't been enforced. He suggested voting it out of committee so that we can get something on the books that the Administration will enforce.

Keith Skotnicki, resident, suggested sending a card along with the tax bill to inform residents.

President Hill-Evans asked BCO Buffington what it will take to get this ordinance enforced. BCO Buffington said that's a discussion he'll have to have with the Mayor.

Vice President Nixon said it sounds to him like the only stumbling block is the entire ordinance being attached to the warning. So if we can agree on a synopsis of the code, then we can move this legislation forward.

President Hill-Evans said she doesn't want to move this forward if we still can't come to an agreement on language that will encourage the Administration enforce this law. She suggested keeping this in committee.

BCO Buffington clarified that we are addressing violations through the original ordinances that were adopted over the years, just not through the Neighborhood Improvement Ordinance.

Councilman Satterlee suggested moving this legislation forward and wait to see what happens.

DECISION: A motion made by Nixon to place this item on the 5/5/15 agenda. The motion did not receive a second, therefore the legislation **REMAINS IN COMMITTEE**.

3. Bill amending Article 334 “Mobile Food Vehicles” to amend hours of operation and location during certain hours (REMAINS IN COMMITTEE)

President Hill-Evans discussed the following amendments submitted by Councilwoman Nelson:

Amendment #1: Section 334.06(c)(2) “Location”

2) Mobile Food Vehicles may occupy the City of York public right of way in the Central Business District between the hours of ~~7:00am~~ **2:00pm** and 2:00am, Monday through Sunday. **Mobile Food Vehicles may occupy the City of York public right of way outside of the Central Business District between 7:00am and 2:00am.**

Councilman Satterlee said the goal of this amendment is to not have food trucks conflict with the operation of lunchtime service at Central Market. He said we don't require these types of rules for any other business so to have a new model of business being held to a different standard is not good business and is not what York is about. He said he thinks this is a travesty. He said food trucks aren't going to swarm the city and create chaos in the streets.

Councilman Helfrich said Council passed, and the Mayor approved, this legislation so it doesn't make any sense that it is now coming back to us but feels the 2pm and 2am timeframe is a good compromise.

Councilman Satterlee suggested removing Sunday from this ordinance because Central Market isn't open on Sunday.

Councilman Helfrich said he would support making Sunday food truck day in the city and would like to talk more about Saturday as well.

Amendment #2: Section 334.06(c)(8) “Location”

8) No mobile food truck shall operate within 100 feet of a restaurant during said restaurant's hours of operation unless authorized by restaurant management.

Councilman Satterlee said if a pizza place moved in next to DiCarlo's, there would be no law that said they couldn't move there, however, we are restricting food trucks. He said the one caveat that is keeping him afloat is that a food truck can operate if authorized by restaurant management.

Amendment #3: Section 334.06(d)(6)(ii) “Operation”

6) Hours of Operation: All Mobile Food Vehicles operating under this article shall adhere to the designated time and day requirements:

i. On private property as owner permits and regulates in writing.

ii. In the public right of way not before ~~7:00am~~ **2:00pm** or after 2:00am Monday through **Sunday in the Central Business District, or not before 7:00am or after 2:00am Monday through Sunday outside of the Central Business District and in accordance with all of the provisions of this ordinance.**

Scott Eden, Holy Hound, asked why are we determining who can compete against certain vendors/restaurants. He said he's upgrading his business and doesn't care if food trucks are on the street. He said he feels this will bring more people to downtown.

Rita Whitney, Prime Art Supply, said to impose something like this would be short cited because if we look long term we would probably change this again because we'll see how food trucks contributed to a thriving community.

Joan Burgasser, resident, doesn't feel it is right to limit a food trucks from operating in the downtown area especially when the zoning ordinance allows for restaurants. She said don't limit them during lunchtime because this is when they will probably receive more business. She did take issue with food trucks operating in all districts, especially the RS1 district.

Matt Ensinger, resident, said the CBD is a huge space so why limit food truck operation

Cindy Steele, Central Market, stated that brick and mortar restaurants pay high taxes to operate our businesses but food trucks don't have to pay taxes.

Phillip Given, business owner, explained that most food trucks serve from the passenger side, which would make it impossible to serve food on Market & Beaver Streets bordering the market because there is no parking on the passenger side of the street.

Bob Sweitzer, resident, said food trucks should be required to pass the same certifications that brick and mortar restaurants have to pass.

Annette Fisher, Bair's Chicken, said right now we don't have the critical mass to support the need for food trucks during the lunchtime hour in downtown York.

Joel Snyder, President, Central Market, stated that brick and mortar restaurants have made a huge investment and commitment to the City of York whereas mobile vehicles can pack up and move from town to town. He compared various food truck ordinances and the differences between food trucks and brick & mortar.

DECISION: A motion was made by Hill-Evans to place this item on the 5/5/15 legislative agenda. The motion did not receive a second therefore the legislation **REMAINS IN COMMITTEE.**

GENERAL ([View Issues Chart](#))

1. Letters opposing increase in truck size/weight limits for travel on local roads & highways.

President Hill-Evans said she requests to submit letters on behalf of Council to our legislators opposing increases in truck size/weight limits for travel on local roads and highways. She then read one of the letters in brief. ([Read](#))

A motion was made by Hill-Evans, seconded by Helfrich, to approve submission of said letters. The motion passed by the following vote: Yeas – Helfrich, Nixon, Satterlee, Hill-Evans – 4; Nay – 0.

II. Council Comment: None

III. Administration Comment: None

IV. Next Committee Meeting May 27, 2015 at 6:00 p.m. in Council Chambers

V. Adjournment: There being no further business, the April 29, 2015 committee meeting of Council adjourned at 8:28pm.

Dianna L. Thompson-Mitchell, City Clerk

Carol Hill-Evans, President of Council