

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 23, 2014
 6:00 p.m.

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

***Bold text indicates Chairperson**

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

Council members in attendance: Michael Ray Helfrich, David Satterlee, Renee S. Nelson, and Carol Hill-Evans, President.

Administration in attendance: Mayor C. Kim Bracey; Jim Gross, Public Works Director; Chief David Michaels, Fire Dept.; Tom Ray, Director of Human Resources; James Crosby, Director of Bureau of Housing Services; Tammy Harvey-Bethea, Program Funding Analyst, Bureau of Housing Services; Chief Steve Butler, Police Dept.; and Assistant Solicitor Jason Sabol.

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 6 & 21, 2014** legislative Agenda as follows:

GENERAL ([View Issues Chart](#))

1. Resolution authorizing a salary increase for the Police Chief. (Mayor)

Mayor Bracey gave background on Chief Kahley's tenure with the Police Dept. and his accomplishments as Police Chief. She said she is a proponent of merit increases for Directors and as such presented letters of support and an employee performance review of Chief Kahley to Council members. She outlined how this increase will be incorporated into the budget. The new salary request is \$96,700.00 effective May 1, 2014. (Current salary is approximately \$94,000)

President Hill-Evans questioned whether this was the appropriate time to ask for another salary increase in light of recent raises and looming pension concerns.

Mayor Bracey said the pension issues are going to happen regardless. She said why not grant a merit increase now. She again outlined the many accomplishments and reduction in crime during Chief Kahley's tenure.

Councilman Helfrich said we dealt with salary increases during the budget process which seemed to be the ideal time to put forward pay/merit increases.

Debate ensued on surrounding municipalities' pay structure, real estate taxes, and budget status.

DECISION: There was no motion to take any action on this item at this time.

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

1. Resolution authorizing award of a contract for the Penn Park Project.

Director Gross explained that this project went out for bid with Doug Lamb Construction being the lowest bidder. The project includes construction of a new playground, splash pad and rain garden. The total contract is \$525,230.00. He stated that we also received a DCNR grant and will be using CDBG funding. He said no funds are coming from the General Fund and they hope to start the project this summer.

Jean Johnson, resident, asked if installation of bathroom facilities could be considered as part of the project.

Director Gross said a bathroom facility was part of the original master plan but it would be a funding stretch for them at this point.

DECISION: Motion made by Satterlee, seconded by Helfrich to place this item on the May 6 agenda. The motion passed by the following vote: Yeas – Hill-Evans, Helfrich, Satterlee – 3; Nays – 0.

POLICE ([View Issues Chart](#))

1. Bill amending the 2014 Budget to roll over 2013 JAG funds.

Chief Butler explained that this amendment will be to rollover 2013 unspent JAG funds into the 2014 budget. He outlined some of the projects to be purchased using these funds, including patrol car equipment, body armor, and entry tool kits to assist with forced entry.

DECISION: Motion made by Nelson, seconded by Satterlee to place this item on the May 6 agenda. The motion passed by the following vote: Yeas - Nelson, Satterlee - 2; Nays - 0.

2. Bill authorizing an intergovernmental agreement between the City of York, Spring Garden Twp. & York College for police services.

Chief Butler explained that there is a dormitory owned by York College located at 401 W. Jackson St. that is situated in both Spring Garden and York City. This agreement will authorize Spring Garden Twp. to respond to police calls on the property.

Discussion ensued on how police respond to multi-jurisdictional police calls.

Charlotte Bergdoll, resident, said this would be a good argument for regionalization.

DECISION: Motion made by Nelson, seconded by Satterlee to place this item on the May 6 agenda. The motion passed by the following vote: Yeas - Nelson, Satterlee - 2; Nays - 0.

3. Resolution endorsing Pennsylvania SB 1340 and HB 1272 enabling all municipal police to use the same motor vehicle speed-timing equipment as the PA State Police. (View [SB1340](#) / [HB1272](#))

President Hill-Evans said Vice President Nixon was asked to submit a Resolution to endorse speed-timing equipment for municipalities. She said although it was not included on the printed agenda, she is submitting it on Vice President Nixon's behalf.

Councilman Helfrich said we weren't given any information on when this will be voted on in the legislature so as a precaution, he would suggest it be placed on the May 6 agenda.

Chief Butler briefly outlined how speed-timing equipment is used.

DECISION: Motion made by Nelson, seconded by Satterlee to place this item on the May 6 agenda. The motion passed by the following vote: Yeas - Nelson, Satterlee - 2; Nays - 0.

FIRE ([View Issues Chart](#))

1. Resolution authorizing conditional offers of employment as probationary firefighter.

Chief Michaels said there are currently two openings in the department and they would like to offer two candidates from the eligibility list conditional offers of employment. He then outlined the Civil Service appointment and application process.

DECISION: Motion made by Nelson, seconded by Satterlee to place this item on the May 6 agenda. Yeas - Nelson, Satterlee - 2; Nays - 0.

2. Resolution authorizing purchase of a Chevy Tahoe.

Chief Michaels said this would be used as their duty vehicle, which responds to every call even if it's not an emergency. He explained that this expenditure was allocated for in the budget. The vehicle will be purchased through CoStars State Contract at a cost of \$32,875.00 through a lease purchase agreement financed through Fulton Bank at a rate of 3.2% over five years.

Marie Rohleder, resident, discussed the life expectancy of these types of vehicles, which Chief Michaels responded that they hope to get about 16 years.

DECISION: Motion made by Nelson, seconded by Satterlee to place this item on the May 6 agenda. The motion passed by the following vote: Yeas - Nelson, Satterlee - 2; Nays - 0.

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

1. Bill amending the 2014 CDBG/HOME budgets to reflect actual allocations. (BHS)

2. Resolution amending the 2014 Annual Action Plan. (BHS)

Director Crosby explained that this amendment will reflect the actual allocations received for the CDBG/HOME programs. He said they were pretty close in their estimates. He then outlined how some of the funds were allocated. He said the amendment to the Action Plan is the companion piece to the budget amendment, which should appear on the agenda after the budget amendment is approved.

Vickie Russell, resident, spoke about speeding in her neighborhood and hoped that speed bumps could be considered a qualified CDBG expenditure.

Chief Butler said this issue could be brought before the Traffic Safety committee for consideration.

DECISION: Motion made by Helfrich, seconded by Nelson to place the budget amendment on the May 6 agenda, and the Action Plan amendment on the May 21st agenda. The motion passed by the following vote: Yeas – Helfrich, Nelson – 2; Nays – 0.

BUSINESS ADMINISTRATION ([View Issues Chart](#))

1. Resolution approving the 2013-2015 Teamsters bargaining agreement. (HR)

Director Ray outlined the Teamsters agreement. He said the process began in July 2012 and was settled in February 2014. He provided Council with the revised agreement and discussed several changes made to the contract. He said a financial analysis should be made available to Council no later than Friday.

Discussion ensued about pay increments and comparisons to other unions, as well as arbitration awards and part-time/seasonal employment.

DECISION: Motion made by Hill-Evans, seconded by Helfrich to place this item on the May 6 agenda. The motion passed by the following vote: Yeas – Hill-Evans, Helfrich – 2; Nays – 0.

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

1. Bill amending Article 308 “LERTA” in include exceptions to investment opportunity eligible areas. (Business Admin)

Assistant Solicitor Sabol said if the city is ever awarded a CRIZ designation, this amendment would mean a developer couldn't double dip and get a tax incentive through both the CRIZ and LERTA programs.

Councilman Helfrich discussed how this could be looked at by developers as a penalty and could become a disincentive. He said he will have to cross reference the CRIZ and LERTA tax incentives because he has questions on the advantages and disadvantages of this proposed amendment.

DECISION: Motion made by Hill-Evans, seconded by Nelson to keep this legislation in committee. The motion passed by the following vote: Yeas – Nelson, Satterlee, Hill-Evans – 3; Nays – 0.

2. Bill amending Article 705 “Keeping of Animals” to define and establish regulations for keeping of wild animals. (Solicitor)

Councilman Helfrich outlined some proposed amendments including TNR (trap, neuter & return), regulating that unless you are part of an association you can't feed feral cats, developing a Feral Cat Coalition, and penalties for abandonment.

President Hill-Evans suggested creating an ad-hoc committee to review this ordinance and make recommendations.

Councilman Satterlee said there seems to be polar opposites on the issue of TNR. He said he's not compelled by the few people that have spoken at the microphone supporting TNR when you take into account the 43,000 residents of this city. He said he's in favor of some sort of cat containment.

Discussion ensued on what Council's next steps will be in dealing with this legislation. Council debated TNR, TENVAC, other confinement and tracking mechanisms, and the negative effects feral cats have in our community.

Councilwoman Nelson said she is on the fence with the TNR process but she doesn't want to completely remove all feral cats because of some benefits they offer such as keeping the rodent population to a minimum.

Marie Rohleder, city resident, recommended pet owners maintain accurate records of their vet records.

Alicia Bligen, city resident, shared her negative experiences in dealing with feral cats.

Vickie Russell, York, PA, discussed legislation and programs enacted in other communities throughout the country. She said we shouldn't allow feeding of feral cats on our public sidewalks and that we need to enforce the laws we currently have on the books.

Roger Twitchell, resident, shared his experience with feral cats and that his experience has not been a problem.

Beth Arven, city resident, supports TNR and outlined the numerous feral cats that she has trapped, neutered and returned.

Charlotte Bergdoll, city resident, discussed how feral cats infest abandoned homes with fleas.

Sarah Speed, Humane Society of the United States, said this is a national problem and she offered her help in drafting an effective ordinance. She spoke in favor of TNR. She suggested the law implemented in Wilmington, DE serve as a model piece of legislation.

President Hill-Evans said she would take on the task of spearheading this legislation.

Councilman Satterlee said we need to either create a comprehensive, enforceable piece of legislation or do nothing at all. He said he's not convinced that we can make a significant impact on this issue so his preference is to not do anything until we know what we adopt will actually work.

Franklin Williams, city resident, said we need to hear from our animal enforcement officer.

Kim Feldman, Springettsbury Twp., explained that if a cat is trapped and found to be diseased, they are not neutered and returned to the community -- they are euthanized.

DECISION: Motion made by Satterlee, seconded by Nelson, to keep this legislation in committee. The motion passed by the following vote: Nelson, Satterlee, Hill-Evans – 3; Nays – 0.

3. Bill amending Article 1113.10 "Sidewalk Cafes" to update language. (Council – Helfrich)

Councilman Helfrich suggested the following amendments:

Amendment #1:

1113.10(b)(13) - The 65% revenue language is not a state mandated requirement so that language should be removed as follows:

"SIDEWALK CAFE - an outdoor dining area operated by a restaurant, ~~generating sixty-five percent (65%) of its annual revenue from food sales,~~ serves alcohol, has tables that seat two or more patrons"

Amendment #2:

1113.10(f)(1) – Include description of passable walkway as follows:

“(f) **Design Standards and Regulations.** All sidewalk cafes shall comply with the following standards:

(1) A sidewalk cafe shall have a pedestrian walkway with an unobstructed width of 5 feet between the sidewalk café and the interior curbline and 4 feet between the sidewalk cafe and any obstacle (tree, pole, post, sign, planting area, bus shelter, etc.) when such an obstacle exists. The pedestrian walkway shall **have a minimum of 3 feet of smooth, even surface with traditionally accepted irregularities**, be provided with an unobstructed height of 7 feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.).

Councilman Satterlee suggested the following amendments:

Amendment #3:

1113.10(e)(5) – Remove this section as follows:

~~“(e)(5) – All food must be prepared within the existing restaurant or retail food store upon which the cafe permit has been granted.”~~

Amendment #4:

1113.10(e)(8) – Remove this section as follows.

~~“(8) — The applicant shall maintain a sufficient number of receptacles for the disposal of waste, properly covered to prevent infestation by insects. Such receptacles shall be emptied as often as is necessary, but in no event less than once per day.”~~

Amendment #5:

1113.10(g)(8) – Amend this section as follows:

“(g)(8) – Police for trash and debris, **including cigarette butts**, an area extending 15 feet in each direction from the outermost portion or boundary of the sidewalk cafe at least twice daily.”

Motion made by Helfrich, seconded by Satterlee, to approve the proposed amendments. The motion passed by the following vote: Helfrich, Satterlee, Nelson, Hill-Evans – 4; Nays - 0.

DECISION: Motion made by Satterlee, seconded by Hill-Evans, to place this item on the May 6 agenda. The motion passed by the following vote: Yeas – Nelson, Satterlee, Hill-Evans – 3; Nays – 0.

II. Council Comment: None

III. Administration Comment: None

IV. Next Committee Meeting **May 28, 2014** at 6:00 p.m. in Council Chambers (Committee agenda items due by 12 noon on May 21st)

V. Adjournment: Meeting adjourned at 8:33 p.m.

Dianna L. Thompson-Mitchell, City Clerk

Carol Hill-Evans, President of Council