

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 FEBRUARY 25, 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: Michael Ray Helfrich, Renee S. Nelson (entered meeting at 6:36 p.m.), David Satterlee, Henry Hay Nixon, Vice President, and Carol Hill-Evans, President.

Administration in attendance: Jim Gross, Director of Public Works; Steve Buffington, Building Code Official; 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 March 3 & 17, 2015 legislative Agenda as follows:

GENERAL ([View Issues Chart](#))

1. Resolution encouraging the PA Historic Museum Commission to explore options for digital retention

City Clerk Dianna Thompson-Mitchell explained that about two weeks ago she was contacted by the Reading City Clerk who said she was working with Senator Judy Schwank (Berks County) and the senator's attorney Bill Casey, on spearheading a meeting with the PA Historical and Museum Commission ("PHMC") on the need to change records retention regulations to allow counties and municipalities to replace microfilm with digital media for permanent records. The PHMC (in conjunction with the Secretary of Administration) is responsible for implementing the Commonwealth's records management program.

City Clerk Thompson-Mitchell said back in 2002, the PA State legislature passed [Senate Bill 1204](#) allowing digital retention of permanent records; however, Pennsylvania is one of the few states in the nation that has not upgraded its regulations to allow the use of digital means for permanent records retention.

Although PHMC is aware of this law, she said they have not completely recognized the use of digital technology for counties and municipalities but they have updated regulations that apply to state offices by allowing the use of digital retention. Municipalities, such as York, are allowed to use digital retention for temporary records but not permanent records.

This Resolution is a means of encouraging the PHMC to consider exploring regulations relating to retention of certain permanent records thereby permitting municipalities the option of using digital media to retain permanent records.

DECISION: A motion was made by Nixon, seconded by Helfrich to place this item on the **3/3/15** legislative agenda. The motion passed by the following vote: Yeas – Helfrich, Nixon, Satterlee, Hill-Evans - 4; Nays – 0.

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

1. Resolution awarding a contract for SuperPave Asphalt Materials

Public Works Director Jim Gross outlined that this resolution is for the purchase of asphalt mixes. Only one vendor submitted a bid, that being York Materials Group, York, PA, at a cost of \$95,177.50. He said this contract is about \$10,000 more than the previous contract.

DECISION: A motion was made by Satterlee, seconded by Nixon to place this item on the **3/3/15** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Nixon – 2; Nays – 0.

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

1. Resolution authorizing a budget transfer in Risk Management (\$44,384.48)

Councilman Helfrich said he did not receive any information on this transfer but based on the resolution, it appears that the Department of Business Administration is requesting a transfer in the 2014 budget in the amount of \$44,384.48 to cover self-insured loss expenses and \$6,178.99 to cover health administrative expenses.

2. Resolution authorizing a budget transfer for Human Resources (\$54,675.25)

Councilman Helfrich again stated that he did not receive any information on this transfer but based on the resolution, it appears that Department of Human Resources is requesting a transfer in the 2014 budget in the amount of \$54,675.25 to cover other professional services expenses.

FOLLOW-UP REQUEST: Council President Hill-Evans asked the City Clerk to request someone from the Administration either attend the 3/3/15 Council meeting to explain these transfers or submit a memo outlining these requests prior to Council's 3/3/15 meeting. The City Clerk said she would comply.

DECISION: A motion was made by Hill-Evans, seconded by Satterlee, to place both of these items on the **3/3/15** legislative agenda. The motion passed by the following vote: Yeas – Helfrich, Hill-Evans, Satterlee – 3; Nays – 0.

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

1. Bill authorizing the City of York's inclusion in the York County Board of Appeals

Assistant Solicitor Hoyt explained that the Uniform Construction Code requires every municipality in PA to have a Board of Construction Appeals, which the city has fulfilled since the requirement. He then outlined the purpose and function of the board (See [Article 190](#)). Assistant Solicitor Hoyt stated that it has been challenging to keep members on this board. He said the County of York has had a construction board for many years and the option to opt-in to the county board is available. He said there are no city tax dollars necessary to operate this board and the agreement is basically required as an official transfer mechanism.

Building Code Official Steve Buffington added that even though we are required to maintain this board, as long as he's been BCO, there have been no appeals submitted to our Construction Board of Appeals. He said the county has asked us to invite our current city board members to serve on the county board.

President Hill-Evans asked if any additional Council action will be required to solidify this opt-in agreement.

Assistant Solicitor Hoyt responded that he will need to draft an ordinance to repeal Article 190, which established the Construction Board of Adjustment and Appeals, if Council chooses to opt-in to the county board.

Manuel Gomez, resident, asked if the Building Code official would serve on the county board. Councilman Helfrich responded that by law, the BCO's appoint is not allowed.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place this item on the **3/3/15** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Helfrich – 2; Nays – 0.

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

1. Bill amending Article 1763 "Property Maintenance Code"

Building Code Official Steve Buffington said in 2014 the [Carbon Monoxide Alarm Standards Act](#) was passed, which requires carbon monoxide alarms to be installed in most residential properties that burn fossil fuels as a heating source or have an attached garage. The law also requires a disclosure regarding the installation of carbon monoxide detectors in the statement about a property during the time of sale for residential properties. He then outlined the affects of carbon monoxide poisoning, including death. He said he found CO detectors online through Amazon for about \$10-\$15. He said they could seek funding assistance to purchase these detectors for distribution to our residents.

President Hill-Evans asked who will enforce this legislation. BCO Buffington said the city's authorized inspectors will enforce this legislation, which by law will become effective 20 days after approved by the Mayor.

NOTE: Councilwoman Nelson entered the meeting at 6:36 p.m.

Vice President Nixon asked how this differs from state law. BCO Buffington said our law would require installation of CO detectors in tenant occupied properties as well as owner occupied properties, albeit harder to enforce for owner occupied properties.

Councilman Satterlee said he is not comfortable adding more stipulations than required by state law because he would need more substantial evidence on the broader impact and cost implications.

President Hill-Evans asked if we don't add these additional regulations and just go by the state mandate, what happens if someone dies from CO poisoning. Who would be liable?

Assistant Solicitor Hoyt responded that government would not be liable. He said if Council wants this regulation applied to city properties, it needs to be a city ordinance otherwise the state police will be the ones to enforce this regulation.

Councilwoman Nelson said she is in favor of this legislation because she has a fireplace and after having her levels checked it was determined that she and her family were at risk of CO poisoning.

Councilman Helfrich said he's reluctant to implement this unfunded mandate on our residents especially with such short notice but would be more inclined to require this be implemented prior to selling a property.

Vice President Nixon said he has no use for passing legislation that we know we're not going to be able to enforce.

Manuel Gomez, resident, questioned how worthwhile it would be to have someone install a CO detector. He said people might not install them or can't afford to install them. Mr. Gomez stated that the issue is that the public is not being properly educated on these mandates. He said he has seen tenants have legal action taken against them because of these types of rules. He said there is more demand than supply and this could become a financial burden.

Jordon Faust, resident, said he has trained individuals on CO poisoning and that this is a fairly big issue because it goes undiagnosed in many instances. He explained how carbon monoxide is produced and that it's almost as dangerous as fires.

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

SUBMISSION REQUEST: President Hill-Evans asked that Council members forward any questions or concerns to the Solicitor’s office and BCO Buffington prior to the March 25th committee meeting. She reminded Council that no discussion should take place with more than two Council persons at one time so as not to violate the Sunshine Act.

2. Bill establishing Article 334 “Mobile Food Vehicles”

Sonny Huntzinger, Downtown Inc, and Chair of the Mobile Food Vendors Ad-Hoc Committee, explained various portions of the ordinance, including definitions, licenses, permit fees, design, location, operation, operating hours, sound, safety, trash, and special events. She said with adoption of this legislation, the committee suggests Council repeal [Article 1125 “Mobile Catering Trucks”](#) in so far as it conflicts with this legislation.

Vice President Nixon asked about parking during hours of operation. Ms. Huntzinger said food trucks could park in a metered parking space as long as they feed the meter or on private parking pods if authorized by the property owner.

Councilwoman Nelson said she would like to put a limit on the amount of trucks that can operate in the city at one time.

Councilman Satterlee responded that we don’t limit brick and mortar establishments, so why would we put that limitation on another business.

Councilman Helfrich said food trucks get an advantage because according to this legislation, their rent is basically a flat \$325. Meanwhile our brick & mortar restaurants are paying in the \$1,000's for rent, overhead, etc. He said this legislation is giving away an unlimited amount of spaces to pull-up trucks, even those who aren't from the city, allowing them to undercut the investment and businesses who are here providing services above and beyond just getting food to people. He said he can't get the numbers to add up to support food trucks especially while pushing our brick and mortar establishments out of businesses. Councilman Helfrich stated that he can't believe a limit on the number of licenses isn't included in this legislation. He also questioned how these trucks will be inspected and monitored when they will be operating outside of normal business hours.

Vice President Nixon said these trucks will have the power of generating a gang of new customers to downtown who might come back to enjoy other businesses for entertainment. He said these trucks do not provide heat, air conditioning, tables, chairs or wait staff, they only provide food. So this is not a level playing field when you consider all the things brick and mortar restaurants provide, so restaurants should pay more. Vice President Nixon stated that he can't conceive of a problem occurring to our brick and mortar restaurants unless they are already marginal.

Councilman Satterlee said in his research, there was no evidence that introduction of food trucks in a community harmed or undermined brick and mortar restaurants. As a matter of fact, business thrived. He reiterated Vice President Nixon's point about the added conveniences of brick and mortar restaurants as opposed to food trucks. He said every time we have had food truck events, brick and mortar restaurants have been packed with customers. He said he doesn't agree with the operating hours because he feels lunchtime is a perfect opportunity for food trucks especially for those who are on the move.

Councilman Satterlee then asked about section 334.05(e)(3). He said he doesn't recall brick and mortar restaurants being required to provide a list of all food service workers. He then discussed sections 334.05(e)(9) & (10) regarding conviction of a crime. He said to place this disclosure requirement on food service workers makes no sense to him. He asked that we strike sections 334.05(e)(9) & (10) from this legislation. He also disagreed with the constricting hours of operation of 7pm – 2am.

Manuel Gomez, resident, said it's not Council's job to protect the turf or profits of existing businesses. He said it's your job to remove barriers and allow for prosperity. He said folks have a right to earn a living but there seems to be a lot of fear. He said businesses will fail and businesses will succeed but York is a ghost town at night and this would create a vibrancy. He said the gang war between food trucks and brick & mortar is despicable. He then discussed application deadlines and how it compares to brick and mortar establishments. He said the June 30th deadline should be pushed to later in the year. He also asked if an ice cream truck would fall under "roving vendor" and be limited to operating during the hours of 7pm to 2am. Lastly, he agreed with Councilman Satterlee and spoke against the conviction of a crime disclosure requirement for food service workers.

Philip Given, business owner, said food trucks are not the boogie man and we should encourage businesses in the city. He said the hours of operation are arbitrary because different business open and close at different times. He said purchasing and operating a food truck is not free or cheap and he spent more on his food truck than he did opening up his brick and mortar establishment. Mr. Given said good businesses stay in business so we should give people a chance to prove that patrons want to eat their food.

Jordan Faust, resident, said there aren't many food trucks interested in operating in the city because of the various restrictions such as the hours of operation. He said the fire and permitting requirements seem to be the most stringent in the state. Mr. Faust stated that his biggest concern is the application deadline because he has not seen a single permit application take potentially up to a year and a half to get approved.

Councilman Helfrich suggested amending Article 334.03 to read "There shall be within the City of York a **Park-and-Vend** Committee" instead of a "Mobile Food Vendor Committee" so as to fit the scheme of Article 334. Additionally, he suggested applying the disclosure of crimes and deceptive practices be restricted to the truck owner instead of the employees as outlined in sections 334.05(e)(9) & (10).

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

SUBMISSION REQUEST: President Hill-Evans requested each Council person submit their proposed amendments to the City Clerk and Solicitor's office prior to the 3/3/15 legislative session. She reminded Council that no discussion should take place with more than two Council persons at one time so as not to violate the Sunshine Act.

II. Council Comment: None

III. Administration Comment: None

IV. Next Committee Meeting March 25, 2015 at 6:00 p.m. in Council Chambers

V. Adjournment: There being no further business, the February 25, 2015 committee meeting adjourned at 8:31 p.m.

Dianna L. Thompson-Mitchell, City Clerk

Carol Hill-Evans, President of Council