

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 January 28, 2015 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, Renee S. Nelson, David Satterlee, Henry Hay Nixon, Vice President and Carol Hill-Evans, President.

Administration in attendance: Jim Gross, Director of Public Works; Shilvosky Buffaloe, Interim Director of Economic & Community Development; Cheryl Rascoe, Parking Bureau Director; Tammy Harvey-Bethea, Program Funding Analyst; 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 February 3 & 17, 2015 legislative Agendas as follows:

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

1. Bill amending Article 931.08

Director Gross explained that this ordinance seemed rather vague therefore language clarification was necessary to make clear that grease traps shall be installed in "all food preparation establishments."

Councilman Helfrich requested information on what groups will be affected by this amendment, and what, if any, additional burdens will be placed on businesses. The City Clerk said she would relay the request to Building Code Official Steve Buffington for a response.

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

2. Resolution authorizing an agreement with Verizon Wireless

Director Gross explained that this agreement will authorize Verizon Wireless to install a cell tower on a 50' x 50' grass lot located near the intersection of Penn St. and Kings Mill Rd. He said this item is related to Bill No. 1, passed by Council on 1/20/15 amending Zoning Code Article 1303, Table 1303.08, to permit communication transmitting and receiving facilities by right in the (OS) Open Space District.

Councilman Helfrich asked if all 50' x 50' square feet of space is needed to erect this cell tower. Director Gross said he would ask Verizon reps.

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

3. Resolution conveying land in Continental Square to the County of York

Director Gross explained that the plot is located at 1 Marketway West, a building that is currently owned by the County of York. After a deed search was conducted, it was found that a portion of the land extending out into the sidewalk area from the building line is owned by the city. A developer is interested in acquiring this space from the city for private use.

Mike Flannelly, County of York Solicitor, clarified that the title does not make clear who the owner of the property in question is. However, the county has offered the city \$20,000 to purchase this plot of land. If the development doesn't occur, he said the county would return the property back to the city in exchange for a \$20,000 reimbursement.

Councilman Helfrich asked what happens if the developer doesn't build and then sells the land, will the city lose ownership altogether. Solicitor Flannelly responded yes.

Solicitor Flannelly said the developer plans is to turn the lower level of the building into parking, the ground level into commercial space, and the plot of land will be used as a sidewalk café area. The upper levels are to be converted into apartments

Director Gross explained several scenarios related to commercial use of public rights-of-way. Once the land is sold to a private entity, the land could be used for private use without the need for certain permits, such as a sidewalk café permit.

Councilman Satterlee questioned how private acquisition of land could impact beautification efforts.

Steve Chronister, York County Commissioner, said this developers' plans appear to fit into the theme of Continental Square. He said the proposed use will hopefully add to the vitality of the downtown instead of the "bank on every corner" theme.

Vice President Nixon said if the building was sold, it's conceivable that the new owner could extend the building an additional 10' into the sidewalk area. Solicitor Flannelly said theoretically that is correct.

President Hill-Evans added that any land development would need Council approval so there is some control still there.

Councilman Helfrich asked about temporary structures and how that would be handled. His question went unanswered.

Vice President Nixon said he's concerned about the repercussions if this deal goes south.

Commissioner Chronister responded that this is being overanalyzed and to instead look at how this development will improve the square, especially when you look at the track record of this developer. Additionally, he said there are protections in place to defend the city's interests.

Vice President Nixon asked if this property will become taxable. Solicitor Flannelly said if this property is purchased by a private developer, it becomes taxable.

Councilwoman Nelson said she is hesitant to convey this land as she would first like to give this a try-out of sorts before outright selling it.

Discussion followed on first right of refusal options. Assistant Solicitor Hoyt said he could have an opinion to Council before the 2/3/15 meeting on this option.

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

1. Bill amending the Budget to rollover 2014 CDBG funds into the 2015 Budget (BHS) ([View Issues Chart](#))

Tammy Harvey-Bethea, Program Funding Analyst, explained that this is basically a house cleaning measure that is done every year. She said since we project our 2015 budget, if there are sub-recipients that don't use all of their prior year's funding, we have to roll that money over into the current year's budget. There are no changes in funding, she explained, as this is just rolling money over from one year to the next.

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

2. Resolution authorizing an agreement with Q-Dot Engineering to provide inspection services related to Article 1761 ([View Issues Chart](#))

Rick Merck, Q-Dot Engineering, did a power point presentation outlining who Q-Dot is, their philosophy, experience, financials and fees. ([View](#))

Shilvosky Buffaloe, Deputy Director of Economic & Community Development, followed up with a presentation on tenant occupied housing inspections and when and how Permits, Planning & Zoning acquired this responsibility. ([View](#))

Director Buffaloe said Q-Dot will be providing about 25 inspections per day with approximately 5,500 units inspected each year. Mr. Merck added that it takes about an hour to do each inspection.

Councilman Helfrich said after doing the math, he equates this duty to take the work of about 3 full-time employees.

Number of inspections per year, licensing fees, re-inspections, overhead and administrative costs were discussed.

Councilman Helfrich said it would be helpful to have a cost breakdown in case the question is asked "what are we getting for the money."

Director Buffaloe reminded Council that the fire department is no longer doing these inspections so to not approve this contract could place us in a difficult position. He said if the city isn't happy with the services provided, the agreement can be terminated.

Harry Nail, real estate broker, said he feels the \$75 licensing fee is outrageous and that we already pay the highest taxes in the county – with the lowest property values. He said this just seems like a way to get more money out of property owners who already can't afford it. Mr. Nail said Q-Dot duplicated an inspection service and when he complained, it was found that Q-Dot made a mistake.

Joel Jackson, landlord, stated that he has already paid for his inspection but the inspection hasn't happened yet because his properties are caught up in the inspection backlog.

Phil DaRosa, landlord, shared his experience with Q-Dot inspection, which included him receiving a few citations that he didn't agree with. Mr. DaRosa asked Council to not make things tough on property owners.

Gary Kling, Real Estate Investors of York, said they have seen inspection fees skyrocket from \$25 to \$75. He said to pay \$75 to have someone inspect one room in a rooming house is ridiculous.

Mike Mulkayhe, landlord, said he takes issue with the \$75 inspection fee. He explained that state law regulates that fees can't be charged at a cost higher than the actual cost.

Brandon Hershey, landlord, stated that if a 3rd party is doing the inspections, the vested interest is lost. He said the fees don't line up equally with the services provided.

Vice President Nixon reminded everyone that Council is not discussing fees at this time, the legislation on the table is to consider the contract portion only.

Charlotte Bergdoll, Cherry Lane Realty, said the fire department was doing a fabulous job and there was never a backlog. She disagreed with a four year contract with Q-Dot and supports the fire department continuing to provide this service instead of a 3rd party inspection agency. She said Q-Dot is not as thorough as the firefighters in doing inspections. Additionally, she said profit is not allowed to be made off of this service so if landlords find out that profit is being made, there is going to be a complaint filed.

Councilman Helfrich asked if a COLA is built into this contract. Director Buffaloe said no.

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

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

1. Resolution consenting to the General Authority's proposal to increase parking meter rates

Pam Zerba, Chair of the York City General Authority, explained that the GA is trying to erase the perception that it's difficult to park downtown. They want to make the garages more attractive, as recommended by the Brooks Study, and this is a means to make that happen. The current rate to park in the garages is \$3.50 for the first hour. They want to reduce this cost to \$2.50 an hour to entice more people to utilize the garages. The trade-off would be to increase the cost of metered parking. Ms. Zerba explained that the impact amounts to .25 cents per 10 minutes of park time. The current cost is .25 cents per 15 minutes of park time.

Councilman Helfrich said this sort of reduces his desire to want to make a quick stop downtown to buy a pizza and a coke. He asked if Lancaster's parking system was studied.

Ms. Zerba said we cannot afford to operate a parking system similar to Lancaster's. She said we have been beleaguered with maintenance and upkeep costs, as well as re-payment of loan obligations.

Vice President Nixon said he doesn't think paying an extra quarter is going to make a huge difference. He said it's certainly discouraging to park in the garages because of the cost. He asked what the revenue will be with increasing the parking meters.

Ms. Zerba responded that with the decrease in garage rates and increase in meter rates, we should break even.

Discussion ensued on debt, costs, price comparisons, and meter rates.

Councilman Satterlee asked if a formula was followed to establish this increase because he needs justification in order to properly vote on this request. Ms. Zerba said she has tons of information that she will provide to him.

Councilman Helfrich said he is not excited about increasing meter rates but applauds the GA's effort to entice visitors.

Ben McGlaughlin, General Authority Member, stated that the occupancy rates of on-street parking has to be considered. Recent survey data shows that on street parking in center city is more than 85% occupied. When you are asking people to come to the city, park and shop, it is more onerous for that person to find a parking space on the street. Therefore, we want to direct those visitors to our garages. He said we want to make sure there is adequate parking, so this is more than just a revenue generating tool. He said we want to encourage and attract visitors to come downtown and shop but we would like to move that parking to our garages. If we don't change this, he said it's going to remain out of balance.

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

II. Council Comment: None

III. Administration Comment: None

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

V. Adjournment: There being no further business, the January 28, 2015 committee meeting adjourned at 8:51 p.m.

Dianna L. Thompson-Mitchell, City Clerk

Carol Hill-Evans, President of Council