

# 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 October 29, 2014 6:00 p.m.

Police	Fire	Public Works	E&C Development	Business Admin	Rules & Admin
<b>Nixon</b> Nelson Satterlee	<b>Nixon</b> Nelson Satterlee	<b>Satterlee</b> Hill-Evans Helfrich	<b>Nelson</b> Nixon Helfrich	<b>Helfrich</b> Hill-Evans Nixon	<b>Hill-Evans</b> 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, Henry Hay Nixon, Vice President, and Carol Hill-Evans, President.

**Administration in attendance:** Fire Chief David Michaels; Police Captain Steven Butler, and Assistant City Solicitor Don Hoyt.

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

- I. Called committee meeting to order at 6:00 p.m.
- II. Committee Issues for the November 5 & 19, 2014 legislative agendas as follows:

### **POLICE** ([View Issues Chart](#))

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#### **1. Bill amending the 2014 Budget to reflect a JAG award in the amount of \$69,042.00**

Captain Steve Butler explained that this grant will be used to purchase police equipment and implement other initiatives that generally impact the city and county. He said this is a Justice Assistance Grant award in the amount of \$69,042. He broke down the list of equipment planned for purchase including items such as in-car cameras, body cameras, and building security, as well as funding for the summer bowling program, installation of telephone recording software, and consulting fees.

Councilman Helfrich asked if there is a general fund match requirement. Captain Butler said there is no general fund match required.

Manuel Gomez, resident, discussed body cameras and reminded Council how the York County Libertarian Party struggled with the use of the police license plate scanning system because of public privacy concerns. He asked Council to approach the body camera issue judiciously and fashion a policy to protect both the police and the public before approving purchase of this equipment.

Councilman Helfrich said the body cameras were discussed at a regional meeting and is believed to be beneficial to protecting both the public and police. He did say a footage retention schedule should be made available to Council and the public.

Hill-Evans asked if there is any information available about the body cameras that can be shared with the public at this point.

Captain Butler said he would request information from the company on the body camera specifications. He then briefly explained how the cameras operate and that the intent at this point is to use them in school district facilities.

Councilman Helfrich asked if Council could get a presentation on the use and operation of these cameras because he would like to understand this technology.

Manuel Gomez, resident, asked if there will be another resolution to authorize purchase of this equipment. Captain Butler said "no." Mr. Gomez said since this will be the only legislation requiring Council's approval, it is imperative that the public be properly informed and educated on the use of this technology. He asked that Council keep this in committee until more notice and information is provided.

President Hill-Evans asked if this is a time sensitive item. Captain Butler said it is not.

Assistant Solicitor Hoyt stated that Council could move the legislation forward but follow up with an accompanying resolution that these funds cannot be spent unless approved by Council.

Captain Butler said he could provide Council with information on the type of cameras they plan to purchase prior to consideration of passage, as well as retention times of captured video.

**DECISION:** A motion made by Satterlee, seconded by Nelson, to place this item on the **11/5/14** legislative agenda and if the information is not provided by that time, Council could table the legislation until such time information is provided. The motion passed by the following vote: Yeas – Nixon, Satterlee, Nelson – 3; Nays – 0.

## **FIRE** ([View Issues Chart](#))

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### **1. Resolution authorizing an agreement with White Rose Ambulance**

Fire Chief David Michaels said in following up with Council's requests made during the [9/24/14](#) committee meeting and [10/21/14](#) legislative session, they have been trying to work on a bid/RFP for ambulance services, however, they are still trying to finalize the process. He said there has been interest generated from other companies but there are also a lot of questions such as the term of the contract. He said he is trying to expedite this process as best he can.

Vice President Nixon said he would like to keep this in committee until bids are received.

Councilman Satterlee said he is concerned about the timeframe because keeping this in committee could result in the contract expiring before we have a chance to vote, which would leave us with no ambulance services.

Councilman Helfrich stated that he still supports a one year contract option although he appreciates White Rose's efforts to lower their costs.

Councilman Satterlee said he agrees that we should offer a bidding process but by the end of the year, if we don't accept a contract, we'll be in violation of the law and would be endangering our citizens.

Councilman Helfrich suggested placing this contract on the **11/18/14** legislative agenda to give time for bids to be received.

Jim Arvin, White Rose Ambulance, said he was born and raised in the City of York and he shared fond memories. He said after all these years living, working and playing in the city, it's sad that he might lose his contract because he can't afford to compete with non-profits. He said a modest increase in costs after 25 years is not too much to ask and that he is very disappointed by this turn of events.

**DECISION:** A motion was made by Nelson, seconded by Satterlee, to place this item on the **11/18/14** legislative agenda with the option to table or let die if another bid is awarded. The motion passed by the following vote: Yeas – Nixon, Satterlee, Nelson – 3; Nays – 0.

**1. Resolution requesting the PA DEP develop a plan to reduce carbon pollution for power plants**

President Hill-Evans said she received a request from PennEnvironment to adopt a resolution supporting a request to the U.S Environmental Protection Agency to develop a plan to reduce carbon pollution from PA power plants. She said the solicitor's office has reviewed the language and approved its content.

**DECISION:** A motion was made by Nixon, seconded by Nelson, to place this item on the **11/5/14** legislative agenda. The motion passed by the following vote: Yeas – Helfrich, Nixon, Satterlee, Nelson, Hill-Evans – 5; Nays – 0.

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

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**1. Bill amending Article 1731 “Historic York” to replace with a comprehensive ordinance (PULLED FROM AGENDA – Will not be discussed at this time)**

President Hill-Evans said this was pulled from the agenda at the request of Shilvosky Buffaloe, Deputy Director of the Department Economic & Community Development, and a legal opinion provided by Assistant Solicitor Jason Sabol.

Councilman Helfrich asked how this was able to be pulled from the agenda when Council voted at the [August 19](#) legislative session to refer this item to the Rules & Administrative Code committee. (Note: At the [8/19/14](#) meeting, the Bill was referred to the Rules & Administrative Code committee but no particular committee meeting date was established or requested at that time.)

Vice President Nixon reiterated President Hill-Evans’ comment that this item was pulled on the advice of the solicitor's office because of possible legal ramifications.

**2. Bill amending Article 1751 “Nuisance Abatement” to provide protections for emergency assistance calls**

President Hill-Evans explained that this amendment is based on HB1796 of 2013 as brought to Council’s attention by the York Libertarian Party. She said the intention of HB1796 is “to shield residents, tenants and landlords from penalties that may be levied pursuant to enforcement of an ordinance or regulation if police or emergency services respond to a resident or tenancy to assist a victim of abuse or crime or individuals in an emergency.”

Vice President Nixon said representatives of the police department have stated that no points have ever been assessed against victims of domestic violence.

Councilman Helfrich questioned if the owner of a property would be notified of an emergency call even if there are no points assessed. He said he would like information included that this ordinance would not be enforced and landlords would not be notified if a violation was discovered as a result of a legitimate request for emergency assistance.

President Hill-Evans said she doesn't understand the need for that language.

Councilman Helfrich said this language would stop a letter from being sent to the landlord to help prevent possible punitive actions by the landlord against the tenant.

Assistant Solicitor Hoyt said this would be a landlord/tenant issue but it’s up to Council to do what they want.

Councilman Helfrich said he would like to hear from a landlord whether notice of emergency calls are communicated to the landlord as they occur.

Charlotte Bergdoll, landlord, said under the former police administration, landlords were notified but she hasn't received any notices in quite some time. She said she was told some notices have gone out but they have been sent out selectively.

Council and Assistant Solicitor Hoyt briefly discussed Article 1751 and how it’s enforced.

Councilman Satterlee said he is comfortable with the intent of this ordinance which is to protect victims of domestic violence but he doesn’t feel comfortable regulating tenant/landlord issues.

President Hill-Evans explained why Article 1751 was adopted in the first place and said she feels that the current amendment addresses concerns to ensure protection for domestic violence victims with regard to enforcement of this ordinance.

Councilman Helfrich suggested adding specific language such as... "No points shall be assessed against a property, owner or tenant, and no communication shall be made with the landlord or property owner regarding the incident." He said he's just trying to be clear that a letter won't be sent to a landlord when a domestic situation has taken place on the premises to help protect the tenant from possible punitive action by the landlord.

Assistant Solicitor Hoyt clarified that points are only assessed against the property owner, never the tenant, so tenant shouldn't be mentioned in this amendment anyway.

Manuel Gomez, resident, said he would like to see our ordinance mirror that of state law because the state law is more specific on types of emergency calls as it does not use ambiguous language such as "legitimate" emergency calls as proposed in Council's amendment. He urged Council to adopt language that allows sufficient protections to be in place. With respect to enforcement of the ordinance, outside of domestic violence protections, he said there are no provisions established as to when notification is to be given by the city to the landlord with regard to violations to Article 1751. He said this lack of notification requirement affects due process and needs to be addressed.

Charlotte Bergdoll, landlord, agree with Mr. Gomez in that one of the big arguments she has heard was that there was no timeframe on when the city was to notify the landlord when points were assessed; however, landlords will still given a timeframe to respond once notification was finally received. She said what if a violation was assessed a year ago and I'm just getting the notice now. How do we deal with that? Ms. Bergdoll suggested a 30 day notification from the city to the landlord after points are assessed.

Councilman Helfrich asked Mr. Gomez if it would be his recommendation to wait until the state passes its legislation before we do.

Mr. Gomez said we have no idea when the bill will be finally approved by the Governor but he hopes that the language Council adopts will remain within the confines of state law.

Councilpersons Helfrich and Satterlee said they would prefer to wait for the Governor to finally approve the Bill before Council considers this amendment.

President Hill-Evans said her recommendation is to move this legislation out of committee to allow immediate protections to be put in place for victims of domestic violence and then later amend the language if necessary.

Councilman Helfrich said he will continue to receive feedback from the public and landlords for possible recommendations to Council.

President Hill-Evans said she requests the solicitor's office to thoroughly review HB1796 and incorporate any and all applicable language into this amendment so it can be placed on our 11/5/14 agenda.

**DECISION:** A motion made by Hill-Evans, seconded by Nixon, to place this item on the **11/5/14** legislative agenda for introduction with incorporation of any additional language from HB1796 to ensure adequate protections, as well as consideration of recommendations made by the York County Libertarian Party in its letter dated [Oct. 29 letter](#) received by Council.

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II. Council Comment: None

III. Administration Comment: None

IV. Next Committee Meeting Monday, November 24, 2014 at 6:00 p.m. in Council Chambers

V. Adjournment: There being no further business, the October 29, 2014 committee meeting adjourned at 7:35 p.m.

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Dianna L. Thompson-Mitchell, City Clerk

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Carol Hill-Evans, President of Council