

# 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  
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## COMMITTEE MINUTES September 23, 2015 6:00 p.m.

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

**Administration in attendance:** Michael Doweary, Business Administrator; Shilvosky Buffaloe, Interim Director, Department of Economic & Community Development; Steve Buffington, Building Code Official; Nicole Gallup, City Planner; 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 October 6 & 20, 2015 legislative Agenda as follows:

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

In the absence of Council President Hill-Evans, Vice President Nixon served as committee chair.

#### **1. Bill amending Article 1713 "Floodplain Management" in its entirety.**

City Planner Nicole Gallup explained that FEMA has upgraded York's flood map which will become effective before the end of the year and as such, the city must update its ordinance in order to be in compliance. She explained that if we don't adopt a compliant ordinance, the city, its residents, and/or businesses won't be able to purchase flood insurance. She said the ordinance has been reviewed by internal staff, the National Flood Insurance State Coordinator, and the city's engineer.

Jeff Shue, City Engineer, explained that the language has been updated to include definitions, regulations, and requirements. He added that City Planner Nicole Gallup will also serve as Floodplain Administrator and will make sure we remain in compliance. Mr. Shue added that this language is being passed down directly from the Federal government and will affect those who live in a floodplain area, although there will be no significant affects.

Councilman Helfrich asked if Council could be provided with a map and/or outline of the affected areas.

Jeff Shue said this information could be gathered and provided to Council.

**DECISION:** A motion was made by Nixon, seconded by Nelson, to place this item on the **10/6/15** legislative agenda. The motion passed by the following vote: Yeas – Nixon, Nelson – 2; Nays – 0.

## **2. Bill establishing Article 1730 "Foreclosure Property Registration."**

Building Code Official Steve Buffington explained that over the years, we've noticed a vast increase in foreclosed properties which tend to become a nightmare to deal with from a property maintenance, quality of life and safety standpoint. This legislation provides us with a tool that places responsibility on the mortgage companies to register, secure and maintain foreclosed properties. He said the hope is that by enacting this ordinance, it will encourage mortgage companies to comply with the regulations or receive a citation.

Vice President Nixon asked how ownership on foreclosed properties can be identified.

Director Buffaloe responded that there are foreclosure filing requirements with the County of York, which then makes these properties traceable through their database.

Assistant Solicitor Hoyt added that enforcement of property maintenance issues are handled at the district justice level and many times we are questioned about who owns the property. Unfortunately, if it's a foreclosed property, we are sometimes unable to provide that information if the mortgage company hasn't taken title. He said this process will require registration thereby allowing us access to ownership/title information.

Councilman Helfrich asked that the Vacant Property Review Committee be provided with foreclosure information as it may relate to properties being considered by the committee.

**DECISION:** A motion was made by Nixon, seconded by Nelson, to place this item on the **10/6/15** legislative agenda. The motion passed by the following vote: Yeas – Nixon, Nelson – 2; Nays – 0.

## **3. Bill repealing Article 190 "Construction Board of Adjustment & Appeals," and replacing with a new Article 190 "Consolidated Board of Appeals," and repealing/amending inconsistent ordinances thereto.**

Building Code Official Steve Buffington stated that on April 7, 2015, City Council approved Bill No. 6, Ordinance No. 6 of 2015 authorizing an intergovernmental cooperation agreement with the County of York authorizing the city to opt-in to the York County Board of Appeals. As such, we no longer have a need for the York City Construction Board of Adjustment and Appeals. This legislation will update and/or repeal inconsistent language resulting from this agreement. He then explained that there are other portions of our ordinances that the County Board of Appeals will not hear, but we need a mechanism in place to hear appeals on the local level. Therefore, this legislation also amends Article 190 in its entirety to enact the "Consolidated Board of Appeals" to hear such cases.

Councilman Helfrich suggested including qualifications of board members as part of this legislation.

**DECISION:** A motion was made by Nixon, seconded by Nelson, to place this item on the **10/6/15** legislative agenda. The motion passed by the following vote: Yeas – Nixon, Nelson – 2; Nays – 0.

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

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### **1. Resolution approving the YPEA union agreement**

Business Administrator Michael Doweary explained that this agreement will extend YPEA's current bargaining agreement an additional three years. He said their main focus was Article 19 - Health Insurance, and Article 25 - Rates of Pay. Mr. Doweary stated that they introduced a reopener clause in Article 19 to allow the contract to be reopened to address the Affordable Care Act. Article 25 was amended to establish rate increases for the next three years at 2.25%, 2.3%, and 2.5%. All other language remains the same.

Vice President Nixon asked if we will be able to meet the salary increase requirements considering our financial struggles.

Administrator Doweary said that this is a small union and as such their salary increases won't have the same impact as a public safety position so he doesn't see a problem with meeting this obligation.

**DECISION:** A motion made by Helfrich, seconded by Nixon, to place this item on the **10/6/15** legislative agenda. The motion passed by the following vote: Yeas – Nixon, Helfrich – 2; Nays – 0.

- 2. Resolution consenting to RFP's for a 50-yr. concession lease of the sewer system.**
- 3. Resolution authorizing the filing of a proposal for grant funds with DCED for EIP funding.**

For presentation purposes, Administrator Doweary discussed items 2-3 concurrently.

Administrator Doweary explained the following:

“The City of York has struggled to maintain a balanced budget since 2009, and has implemented several measures to improve the fiscal situation such as: increasing several real estate property tax, instituting a higher refuse fee, increasing the parking tax, reducing departmental costs and making changes to the health insurance to save money. Despite those efforts, which resulted in an overall tax revenue growth of almost 30 percent by 2013, York experienced general fund deficits in almost every year of the historical review period. That includes 2013, when the City saw declines in several of its main non-tax revenues as compared to 2012. In the 2015 budget, 36 positions spanning several City departments were eliminated from the budget.

One of York's main challenges is the economic resources of its citizens, especially when compared to the surrounding county. The City's unemployment rate is 3.1 percentage points higher than the county as a whole, it has more than triple the number of people below the poverty line (37.1 percent versus 10.1 percent), and its median household income is much lower (\$30,282 versus \$58,745). These numbers demonstrate why City officials have expressed concern over placing additional tax burdens on City residents. Also, the City serves as the county seat and an important economic hub for the area, with many residents from wealthier communities commuting to jobs within its borders.

The City of York is expecting deficits to reoccur as early as 2018 due to the following:

- Escalating legacy costs of operations including pension costs
- High percentage of residential poverty
- Large amount of tax exempt properties
- Inflexible taxing options and limited revenue from nonresidents
- Need to provide high level public services to own population and as a county seat

Given the current and projected fiscal situation, it is incumbent of the City to take new approaches to leveraging its assets, gaining control of personnel costs, and have the appropriate expert support to make sound financial decisions. In order to achieve these goals, the City is requesting grant assistance in the amount of \$180,000, which represents 90% of projected costs of \$200,000 to evaluate alternatives for leveraging its current capital assets. Included in this evaluation will be serious assessment of asset monetization strategy, along with other strategies to provide future financial flexibility for the City of York, as strongly recommended by the most recent EIP report.

The initial phase of the current strategy is to obtain legal, technical, financial and public relations services to evaluate the City of York's current situation and present alternatives for the City to consider. A major component of this evaluation will be an overall capital needs assessment for the City of York. The grant funding requested with the application will assist the City of York in obtaining these evaluations and assessments and provide appropriate alternatives for consideration.

The City of York expects that the grant funds will be expended as follows:

- City Wide Capital Needs Assessment
- Act 73 Analysis
- Parking Demographics & Demand Studies

Given the financial challenges being experienced by the City of York, Pennsylvania as noted above, the City is requesting approval for 90% reimbursement of expenditures relating to the documented strategy. The City will follow standard procurement practices including issuing and evaluating RFPs for the services needed for the analysis and evaluation of the best mechanisms and approaches to leverage its capital asset investment and provide financial flexibility currently and in the future.”

Administrator Doweary said these two Resolutions should not negatively impact the general fund.

Councilman Helfrich asked where the \$20,000 match from the General Authority would go if it wasn't earmarked for the DCED grant match.

Administrator Doweary said the GA is set to pursue their strategic plan RFP with or without the state's support, so this would most likely be placed in the 2016 budget to continue this pursuit.

Councilman Helfrich asked about job security for our current WWTP employees and if this will be made part of the RFP.

Administrator Doweary responded that the concession agreement and operating standards as they exist now will go along with the RFP so bidders will know exactly what they are getting into.

Councilman Helfrich asked what information could be obtained during the bidding process on rate increases over the next 50 years.

Administrator Doweary said we aren't going to set the rate cap upfront as that will be part of the negotiation process.

Councilman Helfrich asked how bidders can bid if they don't know what the profit will be.

Administrator Doweary said after the initial submission - which is a general interest in bidding submission - there will be individual negotiation meetings with each bidder wherein those variables will be defined and the bidder will then have an opportunity to place its final bid.

Councilman Helfrich said his primary concerns are protecting our residents from huge rate increases, and understanding the bidding process when profit parameters aren't being established.

Administrator Doweary responded that there will be a draft concession agreement and operating standards included with the RFP. Mr. Doweary gave an analogy likened to putting your house on the market knowing the minimum that you're willing to accept but that you're not obligated to sell. He said we won't accept anything less than "x," and we're still working on "x" with our financial advisors.

Councilman Helfrich then discussed historical data he obtained with regard to sewer rate increases and how this may impact future generations.

Vice President Nixon asked if the Administration has any idea the financial structure generated from asset monetization and if it will help the citizenry.

Administrator Doweary stated that expenditures will be clearly defined and will require Council's approval.

Councilman Helfrich asked that Council be provided with a copy of the RFP when completed. Administrator Doweary said he can provide that information.

**DECISION:** A motion was made by Nixon, seconded by Helfrich, to place both items on the **10/6/15** legislation agenda. The motion passed by the following vote: Yeas – Nixon, Helfrich – 2; Nays – 0.

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## II. Council Comment

Vice President Nixon asked why Council received a letter stating its requirement to take furlough days, then received a retraction letter from that requirement.

Administrator Doweary said during the budget process we realized that we couldn't impose furlough days on elected officials. However, when we sent out reminders to those required to take furloughs, Council was mistakenly included in that mailing. He said that Council may volunteer to take furlough days, although not required.

## III. Administration Comment: None

IV. Next Committee Meeting October 28, 2015 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on October 21, 2015.

V. Adjournment: There being no further business, the September 23, 2015 committee meeting adjourned at 6:54 p.m.

