

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 September 24, 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, Henry Hay Nixon, Vice President, and Carol Hill-Evans, President.

Administration in attendance: : Fire Chief David Michaels; Public Works Director Jim Gross; Business Administration Consultant Michael Johnson; Assistant Business Administrator Michael Doweary; Director of Economic & Community Development Leonardo McClarty; and Assistant City Solicitor Don Hoyt.

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 7 & 21, 2014 legislative Agenda as follows:

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

1. Resolution to award contract for purchase of traffic signal equipment

Director Gross explained that the city went out for bid for this contract but only received one bid. This resolution will be to award a contract for traffic signal equipment to Signal Control Products, Inc.

Tom Austin, Transportation Resource Group, outlined the equipment to be installed.

DECISION: A motion was made by Hill-Evans, seconded by Helfrich, to place this item on the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Hill-Evans, Helfrich – 3; Nays – 0.

2. Resolution for PennDOT to authorize signing of traffic signal permits

Director Gross explained that PennDot has made a change in their rules to require municipalities to get approval from the governing body for traffic signal installation permits.

DECISION: A motion was made by Hill-Evans, seconded by Helfrich, to place this item of the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Hill-Evans, Helfrich – 3; Nays – 0.

3. Resolution authorizing installation of MET-ED streetlights

Director Gross stated that this is a resolution to install streetlights at 907 Parkway Blvd, 318 W. North St, and 1264 Wellington St (rear). He said these are non-ornamental, cobra head streetlights. The cost is about \$150 per year to operate and will come out of the General Fund budget. He said these lights are being installed because the areas are dark.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place this item of the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Hill-Evans, Helfrich – 3; Nays – 0.

4. Resolution for PennDOT for construction inspection services for the Market St. project

Director Gross explained that the city has received funding from the Transportation Improvement Plan for this project, which is progressing. A requirement of PennDot is that we must secure construction inspection services before we can move forward with the project.

DECISION: A motion was made by Helfrich, seconded by Hill-Evans, to place this item on the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Hill-Evans, Helfrich – 3; Nays – 0.

5. Resolution for PennDOT winter services agreement

Director Gross said this is a renewal of a five year recurring agreement. The City provides snow and ice control on state owned highways located within the city limits. This service does not use taxpayer dollars.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place this item of the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Satterlee, Hill-Evans, Helfrich – 3; Nays – 0.

FIRE ([View Issues Chart](#))

1. Resolution authorizing an agreement with White Rose Ambulance for ambulance services

Fire Chief Michaels explained that White Rose has provided EMS services to the City since 1985. Our contract ran out in 2013 so we just extended it through 2014. This resolution is to renew the five year contract. He explained the services to be provided by White Rose Ambulance, which is further detailed in the agreement. White Rose will also provide education to our firefighters.

Vice President Nixon asked several contract-related questions, which were answered by Chief Michaels. Specifically, he asked why our firefighters continue to go out on medical calls when we are paying all this money to an ambulance service that should be doing this for us. He said if our firefighters are providing emergency life support services, why do we need White Rose Ambulance.

Chief Michaels said our firefighters are only providing services on the spot as first responders but we do not transport patients to medical facilities. He said the contract cost includes the training, their standby services, emergency transport, etc.

Discussion and debate ensued about costs, first responder services, comparison between ambulance service and firefighter response, and emergency calls received and response times.

Vice President Nixon said he is not opposed to this contract but we are looking at a tight budget year. When we enter agreements such as this, we need to be very careful that we are receiving the benefits we expect without being subjected to doing their work or duplicate work especially when we are paying them \$100,000 per year.

Councilman Helfrich said he would like a cost analysis of this service prior to this agreement coming to a vote. He said he is also concerned about the liability to the city for being first responders. He then asked if we can get an extension on voting on this contract so we can examine our options or possibly having a one year vs. five year contract.

Councilman Satterlee said he feels the numbers we need to hear is the money the White Rose grosses and if we can lower that number. He said this should be the persuasive number.

Chief Michaels said he will talk to White Rose reps about possibly granting a one year extension.

Vice President Nixon said he'd like to discuss this again at the October 21 legislative meeting.

Council requests information on an option for a year extension, what the indirect cost is of our vehicles responding, the indirect cost of calls, and what the numbers will be to set up our own program, and how this contract is paid.

DECISION: A motion was made by Nelson, seconded by Satterlee, to place this item on the **10/21/14** legislative agenda. The motion passed by the following vote: Nixon, Nelson, Satterlee – 3; Nays – 0.

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

1. Bill amending Article 1761 “Licensing & Inspection of Tenant Occupied Residential and All Institutional Occupancies” to change reference from Fire Dept. to Dept. of Economic & Community Development

Director McClarty explained that these inspections were originally done by the Fire Department but has been reassigned to the Bureau of Permits, Planning & Zoning, as such, the language in the ordinance needs to be changed.

Director McClarty then answered questions from Council about staffing requirements.

Councilman Helfrich said this has the potential to cost the city a lot of money especially if we need to hire additional staff. He asked what happens if Council doesn't approve this language change.

Assistant Solicitor Hoyt said Council already approved the amendment to the Firefighter labor agreement which included this change so this is simply a house cleaning measure.

Councilman Helfrich said he apologizes that he missed the meeting that approved this agreement because this change has the potential of costing our residents thousands of dollars.

Councilman Satterlee said that's an unfair statement to make to the public because we have choices about where our general fund dollars will be spent so this isn't necessarily an additional cost to the public.

DECISION: A motion was made by Hill-Evans, seconded by Nelson, to place this item on the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Hill-Evans, Nelson, Satterlee – 3; Nays – 0.

2. Bill establishing Article 332 “Mobile Vendors” (Recommendations from the Mobile Vendors committee)

President Hill-Evans explained establishment and purpose of the Mobile Food Cart Ad-Hoc Committee.

Sonny Huntzinger, Downtown, Inc., and Mobile Food Cart Committee Chair, outlined the elements for consideration for cart vendors that the committee discussed. She provided Council with a proposed, red-lined ordinance in which she detailed the committee's recommendations.

Councilman Helfrich said he is concerned that vendors will be located in areas that could cause harm such as where the white rose drops in the square during the New Year's Eve festivities. Ms. Huntzinger said Council can add language to address those types of concerns.

President Hill-Evans asked how bidding became part of the language.

Ms. Huntzinger said to make it fair and equitable, the committee felt bidding would be appropriate when two or more vendors have applied for the same location.

Councilman Satterlee said the person that wants the spot the most and bids the highest will win the location for that year.

Councilwoman Nelson said she doesn't agree on the bidding process. She said this could preclude small vendors from obtaining a secure spot, especially if they are hoping to open up a brick and mortar establishment someday. She supports the lottery-type system that was done in previous years.

Councilman Satterlee said we do not require any other businesses to do a lottery-type system. As such, the committee couldn't make recommendations to require mobile vendors to do a lottery system for the same reasons they wouldn't require any other business to do that.

President Hill-Evans asked what happens if more than one vendor submits for the same location. Ms. Huntzinger said if they apply before the deadline, then the applications go to bid and the highest bidder would win the spot.

Ms. Huntzinger recommended Council establish a committee to review the applications, design standards, etc.

Councilman Satterlee said he has concerns about limits placed on businesses that seem to favor some and not others. He said he's concerned about subjectivity.

Councilman Helfrich pointed out that mobile vendors will be allowed to operate from 7:00 a.m. to 2:00 a.m.

Darren Borodin, member of the Mobile Vendor Committee, said this ordinance doesn't fix the problem of a vendor losing a spot. He said this ordinance is suppose to attract business owners but it doesn't. He said he wouldn't want to come into the City of York and start a mobile business where he could be out of work every other year.

President Hill-Evans said the intent of the legislation is not for you to lose your spot. She said this gives you the ability to have a mobile cart, maybe just not in the same location. She said the previous lottery system put vendors in a position to completely lose their spot with no real option for another spot.

Manuel Gomez, resident, stated that if a mobile vendor meets the health and safety requirements, that should be enough to qualify them to open up their operation wherever. He opined that this legislation is discriminatory and places unfair restrictions on mobile vendors. He said this is not a free market enterprise. He said this is a disincentive for small business entrepreneurs. Mr. Gomez said this process pits citizen against citizen and the person with the bigger bank account wins. He feels the committee meetings were not carried out according to law and were run in a disorderly fashion. He challenged why a mobile vendor has to enter into a contract with a brick and mortar establishment to operator their mobile vending business on a pubic sidewalk. He suggested removing the six license restriction in the CBD.

Mr. Borodin suggested vendors be allowed to retain their location after they win the spot so they won't have to do this process year in and year out.

Councilman Satterlee said the license and permit language needs to be clarified but he doesn't feel this legislation needs to stay in committee.

DECISION: A motion was made by Hill-Evans, seconded by Satterlee, to place this item on the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas - Hill-Evans, Nelson, Satterlee – 3; Nays – 0.

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

1. Bill amending Article 341 “Earned Income & Net Profit Tax” to impose a general purpose resident tax and special tax to defray pension plan costs

Michael Johnson, Consultant to Business Administration, and Michael Doweary, Assistant Business Administrator, did a PowerPoint presentation on the financial state of the city. Mr. Johnson said if Council is going to adopt this legislation, they should vote on it in October because of all of the notification requirements that need to be done by the York Area Tax Bureau.

Al Timko, Director of the York Area Tax Bureau, said DCED needs to get this information by December 1st or the tax cannot be collected until June of the following year. So it's really important that we get a decision as soon as possible.

Mr. Johnson said we will watch the revenue from this tax and if we collect more than what we are anticipating to cover our pension obligations, then of course we can revisit the deduction figures at a later date. He then discussed the earned income tax collected by various municipalities in PA.

Councilman Helfrich said the City of York is one of the last municipalities to request this modest deduction. He said he has discussed possibly placing a sunset provision to make this a one year tax.

Vice President Nixon said because we have the highest real estate tax in the county, and we pay excessive amounts of tax, he is generally opposed to any additional tax placed on our citizens. He said he understands the predicament we're in but he thinks its incumbent on the administration and council to work together to figure out where we can severely cut the budget because this fiscal problem is not going away. He said he would find it difficult to support this legislation without a one year sunset provision. He stated that we need to work over the next year on where the severe cuts need to be taken, otherwise we'll end up declaring Act 47 bankruptcy.

Councilman Helfrich said instead of a sunset provision, maybe we can consider any extra revenue as an opportunity to provide a property tax relief.

President Hill-Evans said if we make more money from this tax than projected, isn't that money earmarked for the MMO. Mr. Johnson said that is correct and we should fully fund the MMO first. The legislation, however, doesn't say we have to take the extra money and turn it back over to the state -- they just say we must pay our MMO.

Councilman Satterlee said if we implement a sunset provision and in a year we have not figured out a way to offset our MMO, can we re-implement this tax again in the future. Mr. Johnson said we cannot. Councilman Satterlee said for that reason, he is not in favor of a sunset provision.

Ben Moyler, resident, said this legislation shifts the burden away from city residents so he prefers this particular plan as opposed to other tax collecting alternatives.

Charlotte Bergdoll, resident, said she is in favor of this legislation. She feels it is much fairer to tax someone's income rather than tax the value of their property. She also believes those outside of the city taking advantage of the amenities provided by the city should contribute.

Joe Jeffcoat, resident, said he thinks the city is moving in the right direction.

Decision: A motion was made by Helfrich, seconded by Hill-Evans, to place this item on the **10/7/14** legislative agenda. The motion passed by the following vote: Yeas – Helfrich, Hill-Evans, Nixon – 3; Nays – 0.

II. **Council Comment:** None

III. **Administration Comment:** None

IV. **Next Committee Meeting:** October 29, 2014 at 6:00 p.m. in Council Chambers (Committee agenda items due by 12 noon on October 22nd)

V. **Adjournment:** There being no further business, the September 24, 2014 Committee meeting adjourned at 10:08 p.m.

/s/Carol Hill-Evans, President of Council

/s/Dianna L. Thompson-Mitchell, City Clerk