

Council of 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 Helfrich, Member of Council
David Satterlee, Member of Council

Dianna L. Thompson-Mitchell, City Clerk
Email: dthompso@yorkcity.org



Office of York City Council
101 S. George St.
York, Pennsylvania 17401

Telephone: (717) 849-2246
Fax: (717) 812-0557

Website: www.yorkcity.org

AGENDA

July 16, 2013

Public Comment 6:30 p.m.
Legislative Session 7:00 p.m.

I. Public Comment: 6:30 p.m. to 7:00 p.m.

Disclaimer: Pursuant to the Sunshine Act, the City of York will only record citizens' names and the subject of testimony provided during the public comment period. Should you request information or desire a response to your testimony, you must provide the City Clerk or Council President with your contact information. Information you provide will be used by City of York agents to process your request. Your name, address and request for information may be entered into the City of York complaint tracking system.

City Council welcomes public comment on agenda items and on City-related issues not on the agenda. Under Council's adopted Rules and Procedures, comment on agenda items occurs during Council's regular 7:00 p.m. meeting. Comment on non-agenda items begins at 6:30 p.m., with Council sitting as a General Committee. Persons wishing to speak on non-agenda items should sign up with the City Clerk before the 6:30 Public Comment committee meeting. Each speaker shall have up to five minutes to speak. To assure access to all participants, the presiding officer may reduce the time limit down to three minutes if the number of speakers who have signed up would extend the total comment period beyond 30 minutes and/or may resume public comment after Council's legislative session has adjourned. Council's Rules, available from the City Clerk, are also on display in Council Chambers and on Council's web page at www.yorkcity.org.

II. Call Legislative Meeting to Order: 7:00 p.m.

III. Roll Call

IV. Pledge of Allegiance

I pledge Allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, Indivisible, with Liberty and Justice for All.

V. Action on previous meeting Minutes of **June 4, 2013**.

VI. Correspondence and/or Announcements

Public Hearing Notice

York City Council will hold a public hearing on Tuesday, July 16, 2013 at 10:00 a.m. in City Council Chambers, 101 S. George St., York, PA, for the purpose of receiving testimony concerning the application filed with the PA Liquor Control Board by Vintage Companies, LLC/ta Vintage Wine Bar, for an economic development liquor license for the purpose of establishing a wine bar at 2 W. Market St., York, PA. City Council anticipates voting on said request during its regular meeting scheduled for July 16, 2013 at 7:00 p.m. in City Council Chambers. Persons with disabilities may call 849-2883 if accommodations are needed to participate in the proceedings. Persons with hearing impairments may call the Deaf Center at TDD 848-6765.

Summer Recess

Council will reconvene its summer recess after tonight's meeting. Therefore, Council's next legislative session is scheduled for August 20, 2013 at 7:00 p.m. in Council Chambers. (Public comment beings at 6:30 p.m.) The first committee meeting after Council's recess is scheduled for September 25, 2013 at 6:00 p.m. in Council Chambers.

VII. Presentations, Proclamations and Awards: None

VIII. Committee Meeting(s) Scheduled: None

IX. Status of Prior Committee Referrals: No reports.

X. Legislative Agenda: (Order of Business – Action on Subdivision/Land Development & HARB Resolutions; Final Passage of Bills/Resolutions; New Business.)

Special Agenda

1. Resolution No. 37 - A Resolution
Approving an economic development license submitted by Vintage Companies, LLC. (For a wine bar / restaurant at 2 W. Market St., York, PA)
Introduced by: Henry Hay Nixon
Originator: Council

Note: City Council held a public hearing today at 10:00 a.m. in Council Chambers for the purpose of receiving testimony concerning the application filed with the PA Liquor Control Board by Vintage Companies, LLC, trading as Vintage Wine Bar, for an economic development liquor license for the purpose of establishing a wine bar/restaurant at 2 W. Market St., York, PA.

An economic development liquor license is a restaurant or eating place retail dispenser license which may be issued, even if the number of existing restaurant and eating place retail dispenser licenses in said county exceeds the ratio of one (1) license per 3,000 inhabitants. The purpose of an economic development license is to promote economic development; however, the city is limited to issuing no more than two such licenses each calendar year.

Council will take into consideration all evidence and testimony received to help determine whether issuance of such a license would promote economic development in the City of York or will adversely affect the welfare, health, peace and morals of the city or its residents.

Council plans to vote on this legislation tonight, however, if Council is not satisfied with evidence presented, the vote on this request will be postponed and a special meeting (to occur on or before August 12th) will be convened for the purpose of approving or denying the request.

Subdivision / Land Development / HARB

2. Resolution No. 38 - A Resolution
Accepting the recommendations of HARB.
Introduced by: Carol Hill-Evans
Originator: Historic York
3. Resolution No. 39 - A Resolution
Approving the final land development plan submitted by York College. (To construct a dormitory at 401 W. Jackson St.)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Planning)
4. Resolution No. 40 - A Resolution
Approving the final land development plan submitted by York Academy Regional Charter School. (To construct a 2-story building at 32 W. North St.)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Planning)

5. Resolution No. 41 - A Resolution
Approving the final reverse subdivision plan submitted by the City of York. (To combine lots at Memorial Park)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Planning)

Final Passage of Bills / Resolutions

6. Final Passage of Bill No. 5 (Forthcoming) – A Bill
Approving an Intergovernmental Cooperation Agreement. (For law enforcement services by and between the City of York, Spring Garden Twp., and the York City School District)
Introduced by: Henry Hay Nixon
Originator: Police
7. Final Passage of Bill No. 6 (Forthcoming) – A Bill
Amending the 2013 budget. (To appropriate revenue/expenditures in the amount of \$252,288.00 for a PA DEP Recycling Grant)
Introduced by: David Satterlee
Originator: Public Works
8. Final Passage of Bill No. 7 (Forthcoming) – A Bill
Amending the 2013 budget. (To appropriate revenue/expenditures in the amount of \$179,200.00 for a PennDot Automated Red Light Enforcement Grant)
Introduced by: David Satterlee
Originator: Public Works

New Business

9. Introduction of Bill No. 8 (Will be on 8/20/13 agenda) - A Bill
Vacating a portion of Sampson Ave.
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Planning)
Note: Street vacations must be advertised for three consecutive weeks. Therefore, this Bill will appear on Council's August 20th agenda for consideration of passage.
10. Introduction of Bill No. 9 (Will be on 8/20/13 agenda) - A Bill
Amending the 2013 CDBG/HOME budgets to reflect changes resulting from actual funding received.
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (BHS)
Note: Bills must sit for at least one meeting; therefore, this Bill and the following Bills will appear on Council's August 20th agenda for consideration of passage.
11. Introduction of Bill No. 10 (Will be on 8/20/13 agenda) - A Bill
Amending the 2013 Budget. (For PHFA rental Rehab Permits/Clean & Seal Program to reflect a rollover in the amount of \$73,000.00)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (BHS)
12. Introduction of Bill No. 11 (Will be on 8/20/13 agenda) - A Bill
Amending the 2013 Budget. (To appropriate additional revenue/expenditures in the amount of \$50,750.00 for a health Bureau-Safe and Healthy Communities grant)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Health)

13. Resolution No. 42 - A Resolution
Appointing members to various boards. (C. Bones / R. Friend)
Introduced by: Henry Hay Nixon
Originator: Council / Mayor
14. Resolution No. 43 - A Resolution
Authorizing an agreement with PennDot. (For an Automated Red Light Enforcement Project Funding Grant - \$179,200.00)
Introduced by: David Satterlee
Originator: Public Works
15. Resolution No. 44 - A Resolution
Authorizing an agreement with T.M.Fitzgerald & Assoc. (For the purchase of 12,000, thirty-two gallon recycle bins through the PA CoStars program - \$150,000.00)
Introduced by: David Satterlee
Originator: Public Works
16. Resolution No. 45 - A Resolution
Authorizing an agreement with Busch Systems International, Inc. (For the purchase of 5,500, twenty-five gallon recycle bins through the PA CoStars program - \$53,735.00)
Introduced by: David Satterlee
Originator: Public Works
17. Resolution No. 46 - A Resolution
Authorizing a conditional letter of employment as a Probationary Firefighter. (A. Jones)
Introduced by: Henry Hay Nixon
Originator: Fire/Rescue
18. Resolution No. 47 - A Resolution
Authorizing a year 2012 CDBG budget transfer. (In the amount of \$5,000.00 for RDA acquisition to stabilization)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (RDA/BHS)
19. Resolution No. 48 - A Resolution
Authorizing a cooperation agreement. (Between the City of York and the RDA for the purpose of obtaining Keystone Communities Funding assistance through a DCED application for the Gus' Tavern Reuse Project)
Introduced by: Renee S. Nelson
Originator: RDA

XI. Requests for Future Meetings

XII. Council Comment

XIII. Administration Comment

XIV. Adjournment

XV. Resumption of Public Comment Period (at the discretion of the presiding officer)



This agenda is subject to change before and during the meeting for consideration of such other business Council may desire to act upon including items of business deferred from previous Council meetings.

If you are a person with a disability and plan to attend the public meeting, please call 849-2883 if any accommodations are needed to participate in the proceedings. Persons with hearing impairments may contact the Deaf Center at TDD 848-6765 for assistance.

Council of the City of York, PA
Session 2013
Resolution No. 37

INTRODUCED BY:


Henry Hay Nixon

DATE: July 16, 2013

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, et. seq., hereinafter the "Code") requires that the issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

WHEREAS, the Code mandates that, prior to adoption of such a resolution, at least one hearing must be held for the purpose of receiving comments and recommendations from interested individuals residing within the municipality concerning the applicant's intent to acquire an economic development liquor license with the Pennsylvania Liquor Control Board; and

WHEREAS, Vintage Companies, LLC/ta Vintage Wine Bar (hereinafter "Applicant") intends to establish a place of business at 2 West Market St., York, PA (hereinafter "Premises") and plans to operate a wine bar/restaurant on said premises; and

WHEREAS, on June 28, 2013, the applicant filed a written request for a hearing in front of the York City Council regarding a proposed economic development liquor license for the property located at 2 West Market St., York, PA; and

WHEREAS, on July 16, 2013 at 10:00 a.m., York City Council held a public hearing on the proposed economic development liquor license request; and

WHEREAS, the purpose of this Resolution is to comply with the PA Liquor Code, Section 461, et. seq.;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania as follows:

1. The Applicant qualifies and seeks approval of an economic development liquor license for the property located at 2 West Market St., York, PA, pursuant to the Pennsylvania Liquor Code, Section 461; and
2. The Applicant proposes to, and will, operate a restaurant/wine bar at the aforementioned premises; and
3. York City Council finds the issuance of a liquor license to the Applicant at said premises will promote economic development; and
4. York City Council finds that there is no evidence that the proposed economic development liquor license will adversely affect the welfare, health, peace and morals of the City of York or its residents; and
5. York City Council hereby approves the Applicant's request for an economic development liquor license at said premises pursuant to the Pennsylvania Liquor Code, Section 461; and
6. The issuance of said Liquor License is hereby subject to final approval by the Pennsylvania Liquor Control Board.

PASSED FINALLY: July 16, 2013

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2013
Resolution No. 38

Carol Hill-Evans

Introduced by: **Carol Hill-Evans**

Date: **July 16, 2013**

BE IT RESOLVED, by the Council of the City of York, Pennsylvania, and it is hereby resolved by the authority of the same as follows:

Council hereby approves a Certificate of Appropriateness to be certified to and forwarded by the City Clerk to the York City Building Inspector who is hereby authorized to issue permits for work to be covered in the following application(s) as recommended and approved by the Historical Architectural Review Board:

1. **Frank Herring** for work to be done at **38 N. Duke St.**
2. **Anguedita Rodriguez** for work to be done at **41 Columbia Ave.** and
3. **Vincenzo Butera** for work to be done at **313 E. Market St.**

The foregoing work to be done in accordance with plans and specifications approved by the Historical Architectural Review Board.

Passed Finally: **July 16, 2013**

By the following vote:

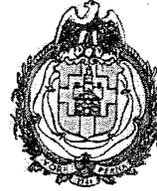
YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None

Carol Hill-Evans
Carol Hill-Evans, President of Council

ATTEST:

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



York Historical Architectural Review Board
Agenda

5:30 PM Wednesday, July 3, 2013
101 South George Street, York, PA 17401

- I Welcome (5:30pm): John Fox, HARB Chair
- II Agenda (5:31 – 5:32pm): Additions or changes to the agenda
- III Minutes (5:33 – 5:35pm): Approve minutes from June 5, 2013 HARB meeting
- IV Cases (5:36 – 7:00pm):
 - 1. 320 East Market Street – A request by Nicole Shaffer on behalf of YWCA York for a Certificate of Appropriateness to install four banners on the front of the building. TABLED
 - Ampl/2 cont* 38 North Duke Street – A request by Frank Herring for a Certificate of Appropriateness to replace roofing, siding, windows and louver with Pella windows, and repaint as needed.
 - Tabled!* 229 South George Street – A request by Jared Hollinghead on behalf of Golden Beauty Supply for a Certificate of Appropriateness to remove the garage to allow for customer parking.
 - Painted
at
T* 41 Columbia Avenue – A request by Anguedita Rodriguez for a Certificate of Appropriateness to replace the front door and windows.
 - C* 5. 313 East Market Street – A request by Vincenzo Butera for a Certificate of Appropriateness to replace windows.
- V Other Business
- VI Adjourn (7:00pm)



York Historical Architectural Review Board
Meeting Minutes
DRAFT

A meeting of the York Historical Architectural Review Board was held on Wednesday, July 3, 2013 at 5:30 PM at 101 South George Street, York, PA.

Members in attendance included John Fox, Chair; Dennis Kunkle, Vice Chair; Teresa Johnescu; Mark Shermeyer; Craig Zumbun; Genevieve Ray and HARB Consultant Alycia Reiten.

Absent: Justine Landis, Matt Argabright, Robyn Pottorff, Dave Redshaw

On a motion by Dennis Kunkle, second by Teresa Johnescu the board voted 6-0 to *Approve* the minutes of the June 5, 2013 HARB meeting.

The following cases are forwarded to York City Council with the recommended actions:

1. 320 East Market Street – A request by Nicole Shaffer on behalf of YWCA York for a Certificate of Appropriateness to install four banners on the front of the building. TABLED
2. 38 North Duke Street – A request by Frank Herring for a Certificate of Appropriateness to replace roofing, siding, windows and louver with Pella windows, and repoint as needed.

Points of Discussion:

- The application was presented by Frank Herring and Ami Miller. They described the roofing and window deteriorated conditions. The proposal is to replace the windows in the dormer and reface the siding similar to what is there now. They propose a Pella window.
- Dennis Kunkle asked if the existing windows are no good. The applicant replied that was correct.
- They propose to install the Pella window in place of the two existing divided lite windows as well as in place of the existing louvered space, which is slightly wider than the other window openings.
- Mark Shermeyer said he was not convinced that the center window would have been the same, likely more similar to the half round above. Discussion continued on this point and staff offered that it was probably a Palladian style with decorative moulding between the side and center windows.
- The applicant also proposes to replace the roofing at the rear with architectural shingles. A brief discussion was included regarding the rear roof which is limited in view from the public way so it was appropriate.

On a motion by Craig Zumbrun, second by Mark Shermeyer, the board voted 6-0 to recommend approval of the application as presented and discussed with the stipulation that further research be undertaken regarding the appropriate design of the center window which is then to be reviewed by staff for appropriateness.

3. 229 South George Street – A request by Jared Hollinghead on behalf of Golden Beauty Supply for a Certificate of Appropriateness to remove the garage to allow for customer parking.

Points of Discussion:

- The application was presented by Jared Hollinghead on behalf of the owners of the Golden Beauty Supply. He described the nature of the business and the owners concern about the impact on available parking for their customers as the new development is being completed. They would like to remove the garage at the rear of the property and use the slab as a parking lot for their customers.
- Dennis Kunkle said that the pictures provided of the inside of the garage show vehicles parked in it now so why doesn't it work for their parking needs?
The applicant explained he felt that the structure would not support the necessary additions of double entrance/exits to allow for two way traffic. He also explained the fumes from vehicles in the space filter into the salon.
- Discussion continued regarding the use of the structure with one way in/out options, existing garage doors on both alley sides, the additional considerations not previously thought of regarding the finishing of the newly exposed wall should the building be removed, the finishing of the roof end where it would terminate from the removed building as well as snow removal, edging of the slab and so on.
- Craig Zumbrun explained to the applicant that the building has no structural issues, no immediate danger or possibility of collapse, and could be reutilized into the needed parking or saved for future development. He asked the applicant if they had looked at the cost to rehabilitate the structure into a parking garage vs the demolition as proposed.
- John Fox says that the board would like to have him consider alternate design options for rehabilitation. The applicant agreed to take this back to the owners and consider other options.

On a motion by Mark Shermeyer, second by Dennis Kunkle, the board voted 6-0 to Table the application.

4. 41 Columbia Avenue – A request by Anguedita Rodriguez for a Certificate of Appropriateness to replace the front door and windows.

Points of Discussion:

- The application was presented by Gustavo Zabala. The applicant explained that the existing wood door and wood windows are severely deteriorated and need to be replaced. He proposed a six-panel metal door with half fan light at the top and vinyl windows. He said that many of the surrounding properties already have these types installed.
- He explained that the jam for the door is rotten beyond repair so a complete new unit must be installed. He cannot find a door that looks just like the one there now (which is likely a 1970's replacement).
- Theresa Johnescu stated that the proposed fanlight door is not appropriate to the building. A solid six panel would be more appropriate.

- Craig Zumbrun states that the building likely has a transom that should be maintained. The applicant said he didn't plan to change the transom. Discussion continued regarding the replacement door, metal options with definitive recessed panels, a plain glass transom and available options.
- The group then began the discussion regarding the proposed windows. Craig Zumbrun offered that the proposed windows were not appropriate and staff provided detailed reasons related to sash sizing, depth and profile in the proposed. The applicant said many other properties have vinyl and he would like to do the same. Craig Zumbrun offered examples of failed vinyl windows and added expense in a current property that he manages and that fiberglass or wood would serve the need more appropriately.
- Repair would be the first recommendation. When not possible, replacement should be done in kind. Wood would be the most appropriate solution but alternatives are possible. The board asks the applicant to consider alternative window replacements and return to the next meeting. The applicant asked if he could put vinyl on the side and rear alley, which has been done on other properties. John Fox indicated that the whole window discussion should be tabled to allow the applicant the opportunity to find a suitable replacement option. The applicant agreed.

On a motion by John Fox, second by Genevieve Ray, the board voted 6-0 to recommend approval of the six-panel wood or steel colonial door replacement with fixed transom and to table the window request.

5. 313 East Market Street – A request by Vincenzo Butera for a Certificate of Appropriateness to replace windows.

Points of Discussion:

- The application was presented by Vince and Carolyn Butera. They recently purchased the Arlene Hoffer Dress Shop and are relocating their business to the building but its windows are in severe disrepair, and some are missing. They originally submitted their request using vinyl but after seeing them in another property realized they were not appropriate and not what they wanted. Their contractor offered them an alternative using a sash-pack replacement.
- Mark Shermeyer said that would not be a suitable solution to their needs as they are difficult to fit into existing historic openings, and don't have the appropriated sash dimensions to replicate the original windows.
- Discussion was undertaken regarding the option of rebuilding sash for the deteriorated as well as finding an appropriate alternate replacement window. Discussion also covered the sill work that is needed.
- Joe Jefcoat, lives across the street, said that about a year ago the neighborhood association was working to identify needs in the neighborhood and this particular building was looked at by Matt Gallagher of Linden Painters. He said that at that time there was need for work but the condition was not so far gone as to not be able to be repaired.
- John Fox offered that they could replace the sills where repair would not work (using Spanish cedar) and find an appropriate window replacement for those openings that could not be repaired.

On a motion by Craig Zumbrun, second by Teresa Johnescu, the board voted 6-0 to recommend approval of the application as presented with staff to review for appropriateness.

Being no further business, the meeting was adjourned at 7:35.

CERTIFICATE of APPROPRIATENESS
RECOMMENDATION to YORK CITY COUNCIL

APPLICATION FOR PROPERTY ADDRESS: 38 North Duke Street, York, PA

APPLICANT: Frank Herring

At the public meeting held on Wednesday, July 3rd, 2013 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above-identified property located with the Historic District.

Proposed Work:

- To replace roofing, siding, windows and louver with Pella windows, and repoint as needed.

Photos/Plans Attached:

Effect of the proposed change upon the general historic and architectural nature of the district [1731.09(a) of the Codified Ordinances of York, Pennsylvania]:

Appropriateness of exterior architectural features which can be seen from a public street or way only [1731.09(b)]:

General design, arrangement, texture, material and color of building or structure and relation of such factors to similar features of other buildings or structures in the district [1731.09(c)]:

Other relevant findings of fact:

WHEREUPON THE BOARD VOTED TO RECOMMEND APPROVAL OF THE APPLICATION:

AS PRESENTED IN THE ATTACHED PRELIMINARY REVIEW SHEET.

AS AMENDED FROM THE PRELIMINARY REVIEW SHEET AS FOLLOWS:

RESEARCH DESIGN OF VELTER WINDOW TO BE REVIEWED BY STAFF

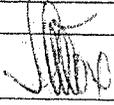
ACCEPT REST OF APPLICATION AS PRESENTED

DISSENTING VOTES AND RATIONALE: _____

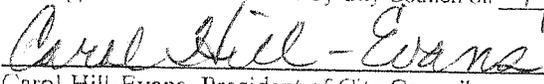
(over)

WHEREUPON THE BOARD VOTED TO RECOMMEND DENIAL OF THE APPLICATION BECAUSE:

DISSENTING VOTES AND RATIONALE:


John Fox, HARB Chair

This application was reviewed by City Council on 7/14/13 and has been APPROVED DENIED


Carol Hill-Evans, President of City Council

=====

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR Part 67) pertain to historic buildings of all materials, construction types, sizes and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent or related new construction. HARB applies these Standards to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

CERTIFICATE of APPROPRIATENESS
RECOMMENDATION to YORK CITY COUNCIL

APPLICATION FOR PROPERTY ADDRESS: 41 Columbia Avenue, York, PA

APPLICANT: Anguedita Rodriguez

At the public meeting held on Wednesday, July 3rd, 2013 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above-identified property located with the Historic District.

Proposed Work:

- To replace the front door and windows.

Photos/Plans Attached:

Effect of the proposed change upon the general historic and architectural nature of the district [1731.09(a) of the Codified Ordinances of York, Pennsylvania]:

Appropriateness of exterior architectural features which can be seen from a public street or way only [1731.09(b)]:

General design, arrangement, texture, material and color of building or structure and relation of such factors to similar features of other buildings or structures in the district [1731.09(c)]:

Other relevant findings of fact:

WHEREUPON THE BOARD VOTED TO RECOMMEND APPROVAL OF THE APPLICATION:

AS PRESENTED IN THE ATTACHED PRELIMINARY REVIEW SHEET.

AS AMENDED FROM THE PRELIMINARY REVIEW SHEET AS FOLLOWS:

SIX PANEL COLONIAL DOOR W/ FIXED TRANOMS TO BE USED, DOOR
WILL BE STEEL OR WOOD.

(TRANOMS WILL BE FIXED)

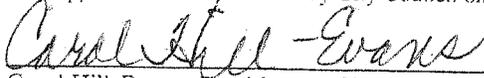
DISSENTING VOTES AND RATIONALE:

WHEREUPON THE BOARD VOTED TO RECOMMEND DENIAL OF THE APPLICATION BECAUSE: (over)

DISSENTING VOTES AND RATIONALE:


John Fox, HARB Chair

This application was reviewed by City Council on 7/14/13 and has been APPROVED DENIED


Carol Hill-Evans, President of City Council

=====

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR Part 67) pertain to historic buildings of all materials, construction types, sizes and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent or related new construction. HARB applies these Standards to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

CERTIFICATE of APPROPRIATENESS
RECOMMENDATION to YORK CITY COUNCIL

APPLICATION FOR PROPERTY ADDRESS: 313 East Market Street, York, PA

APPLICANT: Vincenzo Butera

At the public meeting held on Wednesday, July 3rd, 2013 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above-identified property located with the Historic District.

Proposed Work:

- To replace windows.

Photos/Plans Attached:

Effect of the proposed change upon the general historic and architectural nature of the district [1731.09(a) of the Codified Ordinances of York, Pennsylvania]:

Appropriateness of exterior architectural features which can be seen from a public street or way only [1731.09(b)]:

General design, arrangement, texture, material and color of building or structure and relation of such factors to similar features of other buildings or structures in the district [1731.09(c)]:

Other relevant findings of fact:

WHEREUPON THE BOARD VOTED TO RECOMMEND APPROVAL OF THE APPLICATION:

AS PRESENTED IN THE ATTACHED PRELIMINARY REVIEW SHEET.

AS AMENDED FROM THE PRELIMINARY REVIEW SHEET AS FOLLOWS:

ACCEPT PROPOSAL TO REPAIR OR REPLACE (D) KIND &
ANY QUESTIONS WILL BE REVIEWED BY STAFF.

DISSENTING VOTES AND RATIONALE: _____

WHEREUPON THE BOARD VOTED TO RECOMMEND DENIAL OF THE APPLICATION BECAUSE: _____

(over)

DISSENTING VOTES AND RATIONALE:


John Fox, HARB Chair

This application was reviewed by City Council on 7/14/13 and has been APPROVED DENIED


Carol Hill-Evans, President of City Council

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR Part 67) pertain to historic buildings of all materials, construction types, sizes and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent or related new construction. HARB applies these Standards to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Council of City of York, PA
Session 2013
Resolution No. 39

Renee S. Nelson

INTRODUCED BY: **Renee S. Nelson**

DATE: **July 16, 2013**

WHEREAS, York College has submitted a Final Land Development Plan for 401 W. Jackson Street, proposing to construct a sixty-five (65) foot high, five-story dormitory building with 66,000 square feet and stormwater structures; and

WHEREAS, the City Zoning Officer, City Planner, and City Engineer have reviewed and recommended approval of the plan; and

WHEREAS, the Final Land Development Plan submitted by the applicant is in general accordance with the City's Zoning and Subdivision and Land Development Ordinances; and

WHEREAS, the York City Planning Commission recommended approval of the Final Land Development Plan at its regularly scheduled meeting held on June 10, 2013 with the following waivers and contingency items:

- 1.) Waiver from requiring a preliminary plan.
- 2.) Conditioned on resolution of Planning Staff comments.
- 3.) Conditioned on resolution of the City Engineer's comments
- 4.) Conditioned on any additional departmental comments.
- 5.) Address relevant YCPC comments.

WHEREAS, the applicant has sufficiently addressed a majority of the items outlined in the Planning Commission recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the action of the York City Planning Commission in recommending approval of the Final Land Development Plan submitted by, York College with the above waiver is hereby affirmed, and the President of Council and City Clerk are authorized to certify this approval by affixing their signatures to the Final Land Development Plan.

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None

Carol Hill-Evans

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell

Dianna L. Thompson-Mitchell, City Clerk

*Amended

Council of City of York, PA
Session 2013
Resolution No. **40**

Renee S. Nelson

INTRODUCED BY: Renee S. Nelson

DATE: July 16, 2013

WHEREAS, York Academy Regional Charter School has submitted a Final Land Development Plan for 32 West North Street, proposing to construct a two story approximately 12,000 square foot addition to the existing school campus and stormwater structures; and

WHEREAS, the City Zoning Officer, City Planner, and City Engineer have reviewed and recommended approval of the plan; and

WHEREAS, the Final Land Development Plan submitted by the applicant is in general accordance with the City's Zoning and Subdivision and Land Development Ordinances; and

WHEREAS, the York City Planning Commission recommended approval of the Final Land Development Plan at its regularly scheduled meeting held on June 10, 2013 with the following waivers and contingency items:

- 1.) Waiver from requiring a preliminary plan.
- 2.) Conditioned on resolution of Planning Staff comments.
- 3.) Conditioned on resolution of the City Engineer's comments
- 4.) Conditioned on any additional departmental comments *and approval of a traffic safety plan by the city Traffic Safety Committee.
- 5.) Address relevant YCPC comments.

WHEREAS, the applicant has sufficiently addressed a majority of the items outlined in the Planning Commission recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the action of the York City Planning Commission in recommending approval of the Final Land Development Plan submitted by, York Academy Regional Charter School with the above waiver is hereby affirmed, and the President of Council and City Clerk are authorized to certify this approval by affixing their signatures to the Final Land Development Plan.

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None

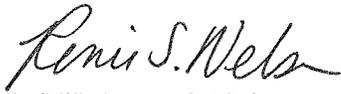
Carol Hill-Evans

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell

Dianna L. Thompson-Mitchell, City Clerk



INTRODUCED BY: Renee S. Nelson

DATE: July 16, 2013

WHEREAS, the City of York has submitted a Final Reverse Subdivision Plan for Memorial Park, corner of Boundary and Edgar Streets, proposing to combine three lots into one; and

WHEREAS, the City Zoning Officer, City Planner, and City Engineer have reviewed and recommended approval of the plan; and

WHEREAS, the Final Reverse Subdivision Plan submitted by the applicant is in general accordance with the City's Zoning and Subdivision and Land Development Ordinances; and

WHEREAS, the York City Planning Commission recommended approval of the Final Reverse Subdivision Plan at its regularly scheduled meeting held on June 10, 2013 with the following waivers and contingency items:

- 1.) Waiver from requiring preliminary plans.
- 2.) Waiver from placement of iron pins & monuments
- 3.) Waiver from list of names and address of all adjacent property owners within 200 ft of the site
- 4.) Conditioned on resolution of Planning Staff comments.
- 5.) Conditioned on resolution of the City Engineer's comments
- 6.) Conditioned on any additional departmental comments.
- 7.) Address relevant YCPC comments.

WHEREAS, the applicant has sufficiently addressed a majority of the items outlined in the Planning Commission recommendation.

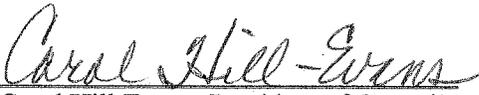
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the action of the York City Planning Commission in recommending approval of the Final Reverse Subdivision Development Plan submitted by the City of York with the above waivers is hereby affirmed, and the President of Council and City Clerk are authorized to certify this approval by affixing their signatures to the Final Reverse Subdivision Plan.

PASSED FINALLY: **July 16, 2013**

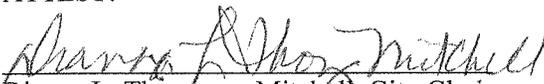
BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2013
Resolution No. 42

INTRODUCED BY:


Henry Hay Nixon

DATE: July 16, 2013

BE IT RESOLVED, by the Council of the City of York, Pennsylvania that Council hereby consents to the following:

1. Reappointment of **Carmen Bones** as a member of the **York City Police Civil Service Board** to serve in said capacity until June 17, 2017.
2. Appointment made by the Mayor of **Ronald Friend** as a member of the York Business Improvement District Authority (a.k.a. **Downtown Inc**) to fill the unexpired term of Rami Kennedy, which term shall expire December 31, 2015.

PASSED FINALLY: July 16, 2013

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2013
Resolution No. 43

Introduced by:  David Satterlee

Date: July 16, 2013

WHEREAS, the City of York, York County, desires to enter into an Agreement with the Commonwealth of Pennsylvania, Department of Transportation, for an Automated Red Light Enforcement Program Project Funding grant; and

WHEREAS, the amount of the grant will be \$179,200.00.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the Mayor is authorized and the Controller is authorized and directed to sign the attached Agreement on its behalf.

PASSED FINALLY: July 16, 2013

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans
President of Council

Attest:


Dianna L. Thompson-Mitchell
City Clerk

Council of the City of York, PA
Session 2013
Resolution No. **44**



Introduced by: **David Satterlee**

Date: **July 16, 2013**

WHEREAS, the City of York, York County, desires to purchase 12,000, 32-gallon Recycle bins; and

WHEREAS, the City desires to purchase said bins through the PA State CoStars Contract #17-001 at a per unit cost of \$12.50 and a total cost of \$150,000.00; and

WHEREAS, the vendor for this purchase is T.M. Fitzgerald & Associates, 850 West Chester Pike, Suite 303, Havertown, PA, 19083-4439; and

WHEREAS, the City shall make said purchase with a DEP, Act 101, Section 902, Municipal Recycling Program Grant; and

WHEREAS, the payment shall be paid from account 50-424-45300-10182.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the Mayor is authorized and the Controller is authorized and directed to enter into an agreement with T.M. Fitzgerald to provide the recycling bins on behalf of the City of York, Pennsylvania.

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: **Helfrich**, **Nixon**, **Satterlee**, **Nelson**, **Hill-Evans** - 5

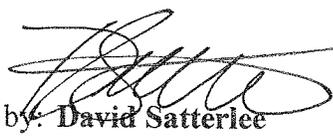
NAYS: **None**


Carol Hill-Evans
PRESIDENT OF COUNCIL

Attest:


Dianna L. Thompson-Mitchell
CITY CLERK

Council of the City of York, PA
Session 2013
Resolution No. 45



Introduced by: **David Satterlee**

Date: **July 16, 2013**

WHEREAS, the City of York, York County, desires to purchase 5,500, 25-gallon Recycle bins; and

WHEREAS, the City desires to purchase said bins through the PA State CoStars Contract #17-001 at a per unit cost of \$9.77 and a total cost of \$53,735.00; and

WHEREAS, the vendor for this purchase is Busch Systems International, Inc., 81 Rawson Avenue, Barrie, Ontario, L4N 6E5; and

WHEREAS, the City shall make said purchase with a DEP, Act 101, Section 902, Municipal Recycling Program Grant; and

WHEREAS, the payment shall be paid from account 50-424-45300-10182.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the Mayor is authorized and the Controller is authorized and directed to enter into an agreement with Busch Systems International to provide the recycling bins on behalf of the City of York, Pennsylvania.

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None



Carol Hill-Evans
PRESIDENT OF COUNCIL

Attest:



Dianna L. Thompson-Mitchell
CITY CLERK

Council of the City of York, PA
Session 2013
Resolution No. 46

INTRODUCED BY:


Henry Hay Nixon

DATE: July 16, 2013

WHEREAS, On November 14, 2012, the City of York Fire Civil Service Board certified an eligibility list of thirteen (13) individuals that are eligible for consideration to be appointed as a Probationary Firefighter; and

WHEREAS, the Fire Civil Service Board has certified the top three names on the eligibility list; and

WHEREAS, A vacancy exists in the Department of Fire/Rescue Services; and

WHEREAS, the Department of Fire/Rescue Services would like the ability to use the eligibility list to make a conditional offer of employment for the position of Probationary Firefighter to Anthony Jones subject to Mr. Jones' ability to meet several conditions set forth below; and

WHEREAS, the following conditions must be met prior to an appointment to the position of Probationary Firefighter, to-wit:

1. The applicant must successfully pass a psychological examination as required by the City of York Fire Civil Service Board.
2. The applicant must successfully pass a medical examination as required by the City of York Fire Civil Service Board.
3. The applicant must successfully pass a background investigation as required by the City of York Fire Civil Service Board.

WHEREAS, If Anthony Jones does not meet the above conditions, a conditional offer of employment would be offered to the next suitable individual in compliance with the Fire Civil Service provisions, and subject to the same conditions for hiring as set forth above, and if no candidate is ultimately deemed qualified, the Department of Fire/Rescue Services will request a new list of eligible individuals from the City of York Fire Civil Service Board.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of York, Pennsylvania, that Council hereby approves and accepts the City of York Fire Civil Service Board's eligibility list, certifying that the top three candidates on the list of thirteen (13) individuals are eligible for consideration for appointment to the position of Probationary Firefighter after meeting the aforementioned conditions contained in this Resolution, and approves the appointment of a Probationary Firefighter effective August 26, 2013, subject to the conditions set forth above.

PASSED FINALLY: July 16, 2013

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None.


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2013
Resolution No. 47



Introduced by: **Renee Nelson**

Date: **July 16, 2013**

WHEREAS, The Economic and Community Development Department, Bureau of Housing Services, is requesting a transfer of 2012 CDBG budget funds for RDA **Disposition** to RDA Stabilization; and

WHEREAS, said transfer exceeds five percent (5%) of the appropriated item within said funds; and

WHEREAS, in accordance with Article 137.02 (b) of the Codified Ordinance of the City of York, such a transfer shall require an affirmative vote of at least four members of Council;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that Council hereby approves the transfers in accordance with the following schedule:

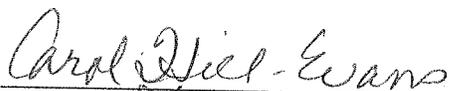
| Account Number | Description | Increase | | Decrease | |
|--------------------|-------------|----------|----------|----------|---------|
| | | Revenue | Expense | Revenue | Expense |
| 30-414-48206-20512 | Disposition | | | | |
| 30-414-48204-20512 | Demolition | | 5,000.00 | 5,000.00 | |

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: **Helfrich**, **Nixon**, **Satterlee**, **Nelson**, **Hill-Evans** - 5

NAYS: **None**



Carol Hill-Evans, President of Council

Attest:



Dianna L. Thompson-Mitchell
CITY CLERK

Council of the City of York, PA
Session 2013
Resolution No. 48



INTRODUCED BY: Renee S. Nelson

DATE: July 16, 2013

WHEREAS, the York City Redevelopment Authority (RDA), by Resolution No. 4865, approved the filing of an Application for Keystone Communities Funding assistance ("Application") with the PA Department of Community and Economic Development ("DCED") for the Gus' Tavern Reuse Project to redevelop this former nuisance bar into a mixed-use building residential and commercial facility; and

WHEREAS, the City of York and the RDA desire to enter into a Cooperation Agreement ("Agreement") to effectuate the terms and conditions as set forth in the Application; and

WHEREAS, the Application requires a local matching share and certain other items; and

WHEREAS, filing of the Application is contingent upon Council's approval of matching funds;

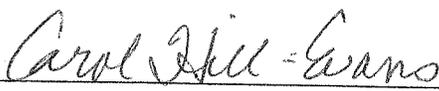
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that on behalf of the City of York, Council hereby authorizes a Cooperation Agreement, a copy of which is attached hereto and made a part hereof, with the York City Redevelopment Authority, for the purpose of obtaining Keystone Communities Funding assistance through the PA Department of Community and Economic Development for the Gus' Tavern Reuse Project.

PASSED FINALLY: **July 16, 2013**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Safterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk