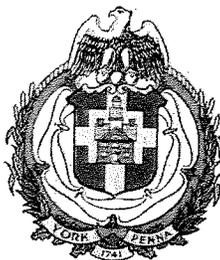


# Council of the City of York, Pennsylvania

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: [dthomps@yorkcity.org](mailto:dthomps@yorkcity.org)



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## AGENDA

April 15, 2014

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 period. 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](http://www.yorkcity.org).

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

III. Roll Call

IV. Pledge of Allegiance

V. Moment of Silence

VI. Action on previous meeting Minutes of **April 1, 2014**.

VII. Presentations, Proclamations and Awards

- **Sewer/Refuse Collection Program Update:** Business Administrator Michael O'Rourke to give a brief update on the sewer/refuse collection program.

VII. Committee Meeting(s) Scheduled

- **Committee Work Sessions** – Scheduled for Wednesday, April 23, 2014 at 6:00 p.m. in Council Chambers. Committee items due by 12 noon on April 16<sup>th</sup>.

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.)

**Subdivision / Land Development / HARB**

1. Resolution No. 40 - A Resolution  
Accepting the recommendations of HARB.  
Introduced by: Carol Hill-Evans  
Originator: Historic York

**New Business**

2. Introduction of Bill No. 10 (Will be on 5/6/14 agenda) - A Bill  
Amending the 2014 Budget. (For a JAG award - \$51,748.00)  
Introduced by: Henry Hay Nixon  
Originator: Police  
Note: Bills sit for at least one meeting prior to voting. Therefore, this Bill will be considered for final passage on or after May 6<sup>th</sup>.
3. Resolution No. 41 - A Resolution  
Appointing a candidate to serve as the City of York Director of Economic & Community Development.  
Introduced by: Carol Hill-Evans  
Originator: Mayor
4. Resolution No. 42 - A Resolution  
Accepting a 2012 JAG award.  
Introduced by: Henry Hay Nixon  
Originator: Police
5. Resolution No. 43 - A Resolution  
Approving a conduit funding project to be undertaken by the York City General Authority. (Lutheran Social Services – Village at Sprenkle Dr., 1802 Folkemer Circle., York, PA.)  
Introduced by: Carol Hill-Evans  
Originator: YCGA

**Final Passage of Bills / Resolutions**

6. Final Passage of Bill No. 9 (Referred back to the Rules & Admin Code Committee) – A Bill  
Amending Article 705 “Keeping of Animals” of the Codified Ordinances. (To define and establish regulations for keeping of wild animals.)  
Introduced by: Carol Hill-Evans  
Originator: Solicitor’s Office

- 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 2014  
Resolution No. 40

*Carol Hill-Evans*

Introduced by: **Carol Hill-Evans**

Date: **April 15, 2014**

**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 **29 N. Duke St.**
2. **David & Lori Gowe** for work to be done at **465 W. King St.**

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

Passed Finally: **April 15, 2014**

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, April 2, 2014  
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 March 5, 2014 HARB meeting
- IV Cases (5:36 – 6:00pm):**

- Q1. 29 North Duke Street – A request by Frank Herring for a Certificate of Appropriateness to install a new entrance at the rear of the building to accommodate ADA requirements.
- Q2. 465 West King Street – A request by David & Lori Gowe for a Certificate of Appropriateness to replace the deteriorated porch and railing on the second floor porch located at the rear of the building.

- V Other Business**
- VI Adjourn (6:00pm)**



**York Historical Architectural Review Board**  
Meeting Minutes  
April 2, 2014

A meeting of the York Historical Architectural Review Board was held on Wednesday, April 2, 2014 at 5:30 PM at 101 South George Street, York, PA.

Members in attendance included John Fox, Chair; Dennis Kunkle, Vice Chair; Mark Shermeyer; Dave Redshaw; Justine Landis; Teresa Johnescu; Craig Zumbrun, and HARB Consultant Alycia Reiten.

Absent: Genevieve Ray, Robyn Pottorff, Matt Argabright

On a motion by Craig Zumbrun, second by Dennis Kunkle, the board voted 7-0 to *Approve* the minutes of the March 5, 2014 HARB meeting.

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

1. 29 North Duke Street – A request by Frank Herring for a Certificate of Appropriateness to install a new entrance at the rear of the building to accommodate ADA requirements.

Points of Discussion

- The application was presented by Frank Herring of Stewart & Tate on behalf of the 29 North Duke Street Association, LP for remodeling.
- He explained that they propose to add an elevator and an ADA compliant entrance at the rear of the building. He described the new entrance to have a single door with side lights and a full span transom. It will be finished aluminum storefront materials to match the existing door of the stairwell. The sidewalk will be extended from the three feet wide to seven feet wide, and the curb moved back and a handicap parking space will be designated.
- Mark Shermeyer stated he had no issues with the proposal.

*On a motion by Justine Landis, second by Dave Redshaw, the board voted 7-0 to approve the application as presented.*

2. 465 West King Street – A request by David & Lori Gowe for a Certificate of Appropriateness to replace the deteriorated porch and railing on the second floor porch located at the rear of the building.

### Points of Discussion

- The application was presented by Lori Gowe. She explained that the second floor porch at the side/rear of the building was deteriorated and that they want to replace it. She said she wants it to look the same and they propose Aratus decking (Similar to TrexDeck) instead of traditional wood. She proposed 6" pressure treated lumber posts.
- Discussion about the pressure treated posts. Dave Redshaw suggested an alternative material because often times pressure treated lumber of that size, the posts twist and bow over time. He recommended cedar posts to last longer.
- The applicant described the synthetic Aratus decking material for the ceiling and floor. Mark Shermeyer described the existing wood ceiling as a bead board design, which can be replaced with a synthetic Ply-bead but discussion about water infiltration offered the suggestion of Azek material or similar for resistance.
- Mark Shermeyer described the balusters and suggested a standard 1¼ square baluster with top and bottom rails. These can be obtained from local distributors. Staff will provide the details for the components to the applicant for consideration.
- Dave Redshaw asked if the trim boards will be replaced also and the applicant said yes. He suggested the Azek or similar material may be good for those elements too. Mark Shermeyer suggested the replacement pieces should be painted white to match the fascia.

*On a motion by Dave Redshaw, second by Justine Landis, the board voted 7-0 to approve the application as presented.*

### **V Other Business**

- Discussion was initiated regarding 114 West Philadelphia Street and the decision of City Council rendered the evening before. Council upheld HARBs recommendation with one descending vote. The board discussed the possibility of the applicant preserving only the façade and much concern was raised. There was concern about other scenarios not presented, what about the property to the rear of the building, and along Beaver Street. The building in question is historically significant and is attached to other buildings. Discussion continued about row houses and the challenges that are created with structural stability if one of a set of row houses is removed and the treatment of party walls.
- Discussion about the historic fabric of the City of York and the resources in the district.
- Dave Redshaw brought up work he saw at 315 West King Street that he was not familiar with and that they appeared to be fastening the screening into the brick not the mortar. Staff provided that the building project came to HARB at the November 2013 meeting (minutes were provided). The applicant was approved for the parging with the exception of the installation of the screen to be fastened into the mortar not the brick. The architect and contractors had been contacted and they stated that the mortar was not strong enough to hold the nails, so the brick was the fastener. Discussion about fastening into historic brick continued.

**The meeting was adjourned at 6pm**

CERTIFICATE of APPROPRIATENESS  
RECOMMENDATION to YORK CITY COUNCIL

APPLICATION FOR PROPERTY ADDRESS: 465 West King Street, York, PA

APPLICANT: David & Lori Gowe

At the public meeting held on Wednesday, April 2, 2014 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 deteriorated porch and railing on the second floor at the rear of the building.*

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]:

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

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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)]:

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Other relevant findings of fact:

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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:

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DISSENTING VOTES AND RATIONALE: \_\_\_\_\_

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

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DISSENTING VOTES AND RATIONALE:



John Fox, HARB Chair

This application was reviewed by City Council on 4/15/14 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: 29 North Duke Street, York, PA

APPLICANT: Frank Herring

At the public meeting held on Wednesday, April 2, 2014 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 install a new entrance at the rear of the building to accommodate ADA requirements.*

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:

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DISSENTING VOTES AND RATIONALE: \_\_\_\_\_

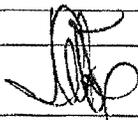
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WHEREUPON THE BOARD VOTED TO RECOMMEND DENIAL OF THE APPLICATION BECAUSE: \_\_\_\_\_ (over)

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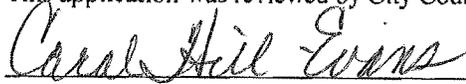
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DISSENTING VOTES AND RATIONALE:



John Fox, HARB Chair

This application was reviewed by City Council on 4/15/14 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.

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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 the City of York, PA  
Session 2014  
Resolution No. 41

INTRODUCED BY: Carol Hill-Evans

DATE: April 15, 2014

**WHEREAS**, the City of York Department of Economic and Community Development has a vacancy for the position of Director; and,

**WHEREAS**, the City of York has conducted a recruitment and selection process for the vacant position; and

**WHEREAS**, the candidate has met all employment contingencies required by the City of York; and

**WHEREAS**, the Mayor has recommended appointment of a candidate to fill the vacant position of the Director of the Department of Economic and Community Development pursuant to confirmation by the York City Council; and

**WHEREAS**, the starting annual salary for the candidate shall be \$95,500; and

**WHEREAS**, the candidate shall also serve as the Executive Director of the City of York Redevelopment Authority under a separate contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of York, Pennsylvania, that City Council confirms the appointment of the candidate to the position of Director of the Department of Economic and Community Development with an annual salary of \$95,500.

**PASSED FINALLY:**

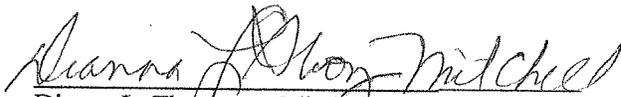
**BY THE FOLLOWING VOTE:**

**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 2014  
Resolution No. 42

INTRODUCED BY:   
Henry Hay Nixon

DATE: April 15, 2014

WHEREAS, The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions to support all components of the criminal justice system; and

WHEREAS, JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance various law enforcement programs; and

WHEREAS, the York City Police Department applied for and was awarded a 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$45,036.00;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that York City Council hereby approves acceptance of the 2012 Byrnes Justice Assistance Grant in the amount of \$45,036.00.

PASSED FINALLY: April 15, 2014

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 2014  
Resolution No. 43

INTRODUCED BY: Carol Hill-Evans

DATE: April 1, 2014

A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF YORK, YORK COUNTY, PENNSYLVANIA, APPROVING A PROJECT TO BE UNDERTAKEN BY CITY OF YORK GENERAL AUTHORITY FOR THE BENEFIT OF LUTHERAN SOCIAL SERVICES OF SOUTH CENTRAL PENNSYLVANIA, A NONPROFIT CORPORATION, AND DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA SERVED BY THE FACILITIES BEING FINANCED AS PART OF SUCH PROJECT TO HAVE SUCH FACILITIES PROVIDED BY OR FINANCED THROUGH SUCH AUTHORITY.

**WHEREAS**, This City, by appropriate action, heretofore duly authorized the incorporation of a municipality authority under the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, now 53 Pa. C.S. Chapter 56 (the "Act"), known as "City of York General Authority" (the "Authority"); and

**WHEREAS**, The Authority issues obligations from time to time to finance hospital and health center projects pursuant to provisions of the Act and intends that interest paid on certain of such obligations be qualified for exemption from federal income taxation under provisions of the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, Lutheran Social Services of South Central Pennsylvania (the "Corporation"), a corporation not-for-profit organized and existing under Pennsylvania laws with its headquarters and principal place of business in York County, Pennsylvania, has requested that the Authority provide financing for a project that is described on Exhibit A, which is attached hereto and hereby made a part hereof (the "Project"); and

**WHEREAS**, The Authority has expressed its willingness to provide financing for the Project by the issuance of a note of the Authority in principal amount not exceeding \$10,000,000 (the "Note"), the interest on some or all of which will be qualified for exemption from Federal income taxes under the Internal Revenue Code of 1986, as amended; and

**WHEREAS**, The Authority has requested that the City Council of this City, in accordance with the requirement of 53 Pa. C.S. §5607(b)(2)(iv), declare that it is desirable for the health, safety and welfare of the people in the area or areas served by the facilities to be financed or refinanced as part of the Project to have such facilities provided by or financed through the Authority.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF YORK, AS FOLLOWS:**

1. The City Council of this City hereby declares that it is desirable for the health, safety, and welfare of the people in the area or areas served by the facilities to be financed or refinanced as part of the Project to have such facilities provided by or financed through the Authority.
2. The City Council of this City hereby declares that paragraph 1 of this Resolution is adopted for the purposes of satisfying the requirements of 53 Pa. C.S. §5607(b)(2)(iv) and so that the following limitations contained in or provided for in the Act shall not apply or shall be satisfied, as applicable and appropriate:
  - a. prohibiting the exercise of the powers granted under the Act in the construction, improvement, financing, maintenance, extension or operation of any project which, in whole or in part, shall duplicate or compete with existing enterprises serving substantially the same purposes, and
  - b. permitting the City to specify the project or projects to be undertaken by the Authority.
3. This Resolution is adopted solely for purposes expressly set forth in paragraph 2 and shall not obligate the taxing authority of the City of York or be construed to obligate the City of York in any other fashion with respect to the Authority or the Project.
4. All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

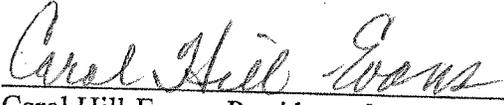
**DULY ADOPTED** this 15th day of April, 2014, by the City Council in lawful session duly assembled.

PASSED FINALLY: April 15, 2014

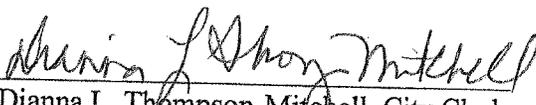
BY THE FOLLOWING VOTE:

YEAS: Nixon, Satterlee, Nelson, Hill-Evans - 4

NAYS: Helfrich - 1

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

ATTEST:

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

## EXHIBIT A

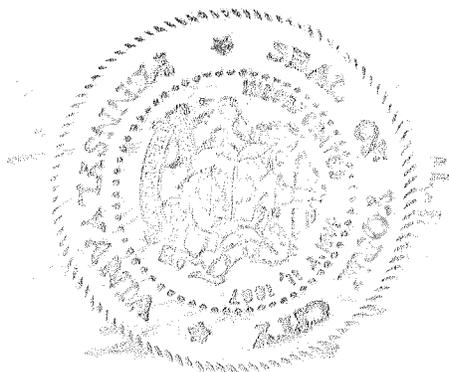
The project to be financed by the issuance of a note of the City of York General Authority consists of acquiring, constructing, equipping and furnishing alterations, renovations, additions and other improvements the residential living facilities known as "The Village at Sprenkle Drive," located at 1802 Folkemer Circle, York, Pennsylvania, including the addition of a one-story, approximately 45,000 square feet addition that will contain 32 new assisted living units and 24 new memory support assisted living units, a to be owned and operated by Lutheran Social Services of South Central Pennsylvania, a nonprofit corporation. Proceeds of the note will also be applied to payment of all or a portion of the costs and expenses of the financing.

## CERTIFICATE

I, the undersigned, City Clerk of the City of York, York County, Pennsylvania (the "City"), certify that: the foregoing is a true and correct copy of Resolution No. 43 of Session 2014 which was duly adopted by affirmative vote of a majority of the members of the Council of the City at a meeting held on April 15, 2014; and said Resolution has not been amended, altered or repealed as of the date of this Certificate.

I further certify that the Council of the City of York, Pennsylvania, met the advance notice requirements of the Sunshine Act, 65 Pa. C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment prior to adoption of said Resolution, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the City of York, Pennsylvania, this 15<sup>th</sup> day of April 2014.



  
\_\_\_\_\_  
Dianna L. Thompson-Mitchell  
York City Clerk