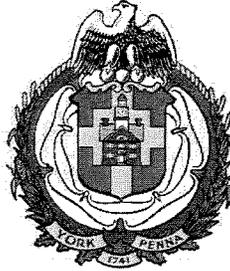


Council of the City of York, Pennsylvania

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



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

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AGENDA

June 3, 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.

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 **May 21, 2014 (legislative); May 28, 2014 (committee)**.

VII. Presentations, Proclamations and Awards: None

VII. Committee Meeting(s) Scheduled

- **Committee Work Sessions** – The last committee meeting before Council's summer recess was held on Wednesday, May 28, 2014 at 6:00 p.m. in Council Chambers. Council does not meet in committee during its summer recess, therefore, the next committee meeting will be held on September 24, 2014.
- **Summer Recess** - Council will observe its summer recess from June-August, which means Council will only meet in legislative session once per month during this timeframe – those dates being June 3, July 15, and August 19. Council will resume its regular meeting scheduled (meeting twice per month) beginning September 2.

IX. Status of Prior Committee Referrals

- **Keeping of Animals** – A Bill amending Article 705 “Keeping of Animals” of the Codified Ordinances to define and establish regulations for the keeping of wild animals’ remains in committee as further amendments are being researched. This legislation will again be discussed at Council’s September 24 committee meeting.
- **LERTA** – A Bill amending Article 308 “Local Economic Revitalization Tax Assistance Program” to include exceptions to investment opportunity eligible areas was released from committee and will appear on Council’s July 15 legislative agenda. A recommendation was made to include language to differentiate between businesses who are actually utilizing CRIZ incentives versus those merely located within the CRIZ boundaries. The recommendation is being explored and will be incorporated into the final draft, if applicable.
- **Mobile Food Vendors** (Bill No. 24 of 2013) – A Bill establishing Article 332 “Mobile Food Carts” of the Codified Ordinances was referred to the Mobile Food Vendors and remains tabled in committee at this time.

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. 52 - A Resolution
 Authorizing the release of financial security funds to Chick-Fil-A. (922 Loucks Rd. - \$588,952.28)
 Introduced by: Renee S. Nelson
 Originator: Economic & Community Development (PP&Z)
2. Resolution No. 53 - A Resolution
 Approving the final land development plan submitted by York Hospital. (To renovate the existing emergency room department – 1001 S. George St.)
 Introduced by: Renee S. Nelson
 Originator: Economic & Community Development (PP&Z)
3. Resolution No. 54 - A Resolution
 Approving the final land development plan submitted by Frontier Development. (To construct a retail structure at 703-705 Loucks Rd.)
 Introduced by: Renee S. Nelson
 Originator: Economic & Community Development (PP&Z)

Final Passage of Bills / Resolutions

NONE

New Business

4. Introduction of Bill No. 16 (Will be on 7/15/14 agenda) - A Bill
 Establishing Article 730 “Neighborhood Improvement Ordinance” of the Codified Ordinances. (SWEEP)
 Introduced by: Renee S. Nelson
 Originator: Economic & Community Development (PP&Z)
5. Resolution No. 55 - A Resolution
 Appointing James Boyer to the Police Civil Service Board.
 Introduced by: Carol Hill-Evans
 Originator: Council

6. Resolution No. 56 - A Resolution Terminating Eric Kirkland’s membership on the Zoning Hearing Board and appointing Patricia Maher from an alternate member to regular member.
Introduced by: Carol Hill-Evans
Originator: Council
7. Resolution No. 57 - A Resolution Authorizing a management agreement with York Professional Baseball Club. (To manage the ice arena)
Introduced by: David Satterlee
Originator: Public Works
8. Resolution No. 58 - A Resolution Awarding a contract to Salzmann Hughes, P.C. (For legal services to conduct inter-municipal sewage agreement negotiations and contracting)
Introduced by: David Satterlee
Originator: Public Works
9. Resolution No. 59 - A Resolution Awarding a contract to Shiloh Paving & Excavating, Inc. (For 2014 Street Improvements)
Introduced by: David Satterlee
Originator: Public Works
10. Resolution No. 60 - A Resolution Authorizing issuance of certificates of appropriateness during Council’s summer recess.
Introduced by: Carol Hill-Evans
Originator: Council
11. Resolution No. 61 - A Resolution Authorizing conditional offers of employment as probationary police officers. (D. Woodring, A. Sable & D. Kelly)
Introduced by: Carol Hill-Evans
Originator: Police
12. Resolution No. 62 - A Resolution Authorizing an agreement with the PA Dept. of Health. (To provide dental services)
Introduced by: Renee S. Nelson
Originator: Economic & Community Development (Health)

SUPPLEMENTAL AGENDA

June 30, 2014

Public Comment 6:30 p.m.

Legislative Session 7:00 p.m.

13. Resolution No. 63 - A Resolution Approving a Memorandum of Agreement between the City of York and the IAFF, Local 627.
Introduced by: Carol Hill-Evans
Originator: Fire/Rescue

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 City of York, PA
Session 2014
Resolution No. 52

INTRODUCED BY:  Renee S. Nelson

DATE: June 3, 2014

WHEREAS, Chick-Fil-A requested the release of the public improvements security funds associated with the construction of a Chick-Fil-A Restaurant at 922 Loucks Road; and

WHEREAS, the Bond Number 016048086 for financial security was received in the amount of \$588,952.28 and

WHEREAS, York City Council approved of the Final Land Development Plan at its regularly scheduled meeting held on September 4, 2012; and

WHEREAS, the request for the release of the remaining financial security in the amount of \$588,952.28 has been reviewed by the City Planner and the City Engineer, and determined the full amount can be released; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that the financial security associated with Chick-Fil-A can be released, and the President of Council and City Clerk are authorized to certify this approval by affixing their signatures to the resolution.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of City of York, PA
Session 2014
Resolution No. 53

INTRODUCED BY: 
Renee S. Nelson

DATE: June 3, 2014

WHEREAS, York Hospital has submitted a Final Land Development Plan for 1001 South George Street, proposing to renovate the existing York Hospital Emergency Department; 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 April 12, 2014 with the following waivers and contingency items:

1. Section 1333.03, Preliminary Plan is required to be submitted and approved prior to submission of a final plan. The applicant has requested a waiver of this requirement.
2. SWM 937.09.c.1.A., Orifices utilized for outlet control shall be a maximum of 6" in diameter or width. City Engineer recommends approval.
3. SWM 937.09.c.1.D. ponding depth for storm water basin shall not exceed 6 feet. City Engineer recommends approval.
4. SWM 937.09.c.1.F. Maximum permitted side slopes for detention basins are 4:1. City Engineer recommends denial of this waiver.

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 Hospital 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 Land Development Plan.

PASSED FINALLY: June 3, 2014

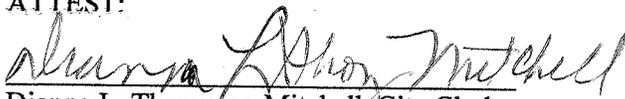
BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of City of York, PA
Session 2014
Resolution No. 54

INTRODUCED BY: 
Renee S. Nelson

DATE: June 3, 2014

WHEREAS, Frontier Development has submitted a Final Land Development Plan for 703 & 705 Loucks Road, proposing to construct a new 600 square foot retail structure along with the reconfiguration of the parking lot; 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 April 12, 2014 with the following waivers and contingency items:

1. Section 1336.03, Sidewalks. No sidewalk currently exists across the frontage of Route 30 or adjacent to the project site to east or west.
2. Section 1333.03, Preliminary Plan is required to be submitted and approved prior to submission of a final plan. The applicant has requested a waiver of this requirement.
3. To install a 6" concrete curb in lieu of the required 8" curb.

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 Frontier Development 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 Land Development Plan.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3

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. 55

INTRODUCED BY: **Carol Hill-Evans**

DATE: **June 3, 2014**

BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that Council hereby appoints **James E. Boyer** as a member of the **York City Police Civil Service Board** to fill a vacancy, which term shall expire September 1, 2018.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

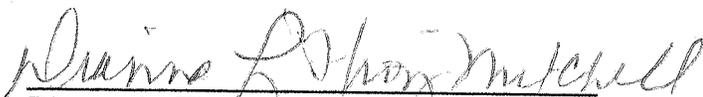
YEAS: Satterlee, Nelson, Hill-Evans - 3, _____, _____

NAYS: None.



Carol Hill-Evans
President of Council

ATTEST:



Dianna L. Thompson-Mitchell, City Clerk

Morpheus/Resolutions-2014/Boyer-PCSB-Appt.

Council of the City of York, PA
Session 2014
Resolution No. 56

INTRODUCED BY: **Carol Hill-Evans**

DATE: **June 3, 2014**

WHEREAS, York City Council is empowered to terminate membership on the York City Zoning Hearing Board ("Board") through the authority granted by Article 1311.03(a) of the York City Zoning Ordinance; and

WHEREAS, Eric Kirkland was last appointed to the Board on January 17, 2012 (Resolution No. 21) with a term to expire January 1, 2017; and

WHEREAS, Council has received a request from the Chairman of the Zoning Hearing Board to terminate Mr. Kirkland's membership on the Board due to nonfeasance related to absences from the Board meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that Council hereby terminates Eric Kirkland's membership on the Zoning Hearing Board effective June 3, 2014; and

BE IT FURTHER RESOLVED, that Council hereby appoints **Patricia A. Maher** from an alternate member to a **regular member** of the Zoning Hearing Board, to fill the unexpired term of Erick Kirkland, which term shall expire January 1, 2017.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3, _____, _____

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. 57


Introduced by: David Satterlee

Date: June 3, 2014

WHEREAS, the current Management Agreement for the York City Ice Arena expires on August 31, 2014; and

WHEREAS, the City of York received proposals for the Operation, Management and Maintenance of the York City Ice Arena from two firms; and

WHEREAS, following review by the Administration the City of York has selected the York Professional Baseball Club to provide these services for a four (4) year period beginning September 1, 2014; and

WHEREAS, the cost for this service will be \$4,166.67 per month for the four (4) year term.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that Council hereby authorizes the City to enter into an Agreement with the York Professional Baseball Club for management of the York City Ice Arena.

The Mayor is authorized and the Controller is authorized and directed to sign the Agreement for same on behalf of the City of York, Pennsylvania.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee , Nelson , Hill-Evans , 3 , _____

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. 58



Introduced by: David Satterlee

Date: June 3, 2014

WHEREAS, the City of York issued a Request For Proposals for Legal Services to Conduct Intermunicipal Sewage Agreement Negotiations and Contracting; and

WHEREAS, ten (10) firms submitted proposals for review by the City of York and three (3) firms were shortlisted for interviews; and

WHEREAS, following review by the Administration the City of York has selected Salzman Hughes, P.C., 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015, to provide these services; and

WHEREAS, the cost for this service is not to exceed \$100,000.00 for 2014 and will be invoiced on an hourly rate per the Representation and Fee Agreement Letter which is attached hereto and made a part hereof; and

WHEREAS, costs for this Agreement will be paid from the Intermunicipal Sewer Fund, account number 61-240-42070-00000.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that Council hereby authorizes the City to enter into an Agreement with Salzman Hughes, P.C. for the review and renegotiation of the Intermunicipal Sewer Agreements.

The Mayor is authorized and the Controller is authorized and directed to sign the Agreement for same on behalf of the City of York, Pennsylvania.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans, 3

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. 59



Introduced by: David Satterlee

Date: June 3, 2014

WHEREAS, the City of York, York County, desires to contract for services for the 2014 Street Improvements; and

WHEREAS, bids were received from four (4) contractors with Shiloh Paving & Excavating, Inc., 300 Clover Leaf Road, York, PA 17406 being the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania that Council hereby authorizes the City to award a contract for the 2014 Street Improvements to Shiloh Paving & Excavating, Inc., in accordance with the price set forth in the attached bid tabulation sheet, which said bid has been received and reviewed by the City and found to be correct, said contract shall be in the amount of \$272,284.00 which said cost shall be paid from the Liquid Fuels fund, account number 21-421-44400-10009 and from the Community Development Block Grant fund, account number 30-414-48203-20214.

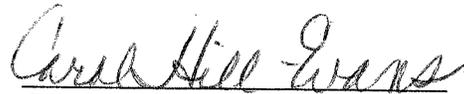
The Mayor is authorized and the Controller is authorized and directed to enter into a contract for same on behalf of the City of York, Pennsylvania.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

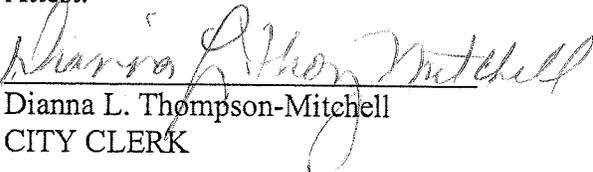
YEAS: Satterlee, Nelson, Hill-Evans, 3, _____

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. 60

INTRODUCED BY: **Carol Hill-Evans**

DATE: **June 3, 2014**

WHEREAS, through adoption of City Council's stated meetings, Council observes summer recess during the months of June, July, and August wherein Council convenes in legislative session once per month during its recess; and

WHEREAS, Article 1731.12 "CERTIFICATE OF APPROPRIATENESS" of the York City Codified Ordinances regulates that Council shall render decisions no later than 30 days after receipt of written recommendations from the Historical Architectural Review Board (HARB) on issuance of certificates of appropriateness; and

WHEREAS, during said recess should there be a period of time greater than 30 days between legislative sessions, Council desires to authorize issuance of certificates of appropriateness in accordance with the recommendations of HARB;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that Council hereby waives the provisions of Article 1731.12 of the York City Codified Ordinances, and any other applicable city ordinances inconsistent herewith, during its summer recess and authorizes the issuance of certificates of appropriateness for work to be done as recommended by HARB; and

BE IT FUTHER RESOLVED that notwithstanding the provisions of this Resolution, the Mayor or the President of Council, as the case may be, may and, upon written request of a majority of the members of the Council, shall have the power to call an emergency or special meeting to consider certificates of appropriateness related to recommendations of HARB.

PASSED FINALLY: June 3, 2014

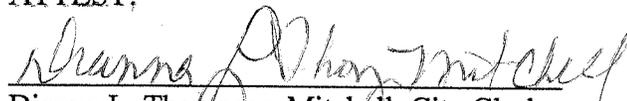
BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans, 3

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

C: HARB Recess Waiver

Council of the City of York, PA
Session 2014
Resolution No. 61

INTRODUCED BY: Carol Hill-Evans

DATE: June 03, 2014

WHEREAS, the City of York Police Civil Service Board, on Wednesday, April 24, 2013, certified an eligibility list of one hundred twenty (120) individuals for consideration to be appointed as a Probationary Police Officer; and

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

WHEREAS, Three (3) vacancies exist in the York City Police Department; and

WHEREAS, the York City Police Department would like the ability to use the eligibility list to make a conditional offer of employment for the position of Probationary Police Officer to Dean A. Woodring, Alex I. Sable and David P. Kelly subject to eligible applicant's 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 Police Officer, to-wit:

1. Applicant must successfully pass a background check by the City of York Police Civil Service Board;
2. Applicant must successfully pass a psychological examination as required by the City of York Police Civil Service Board; and
3. Applicant must successfully pass a medical examination as required by the City of York Police Civil Service Board.

WHEREAS, If the above named applicants do not meet the above conditions, a conditional offer of employment would be offered to the next suitable individual(s) in compliance with the Police Civil Service provisions, and subject to the same conditions for hiring as set forth above, and if no candidate is ultimately deemed qualified, the York City Police Department will request a new list of eligible individuals from the City of York Police Civil Service Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that City Council hereby approves and accepts the City of York Police Civil Service Board's eligibility list, certifying that one hundred twenty (120) individuals are eligible for consideration for appointment to the position(s) of budgeted vacant Probationary Police Officer after meeting the aforementioned conditions contained in this Resolution, and approves the appointment of Dean A. Woodring, Alex I. Sable and David P. Kelly to the position of Probationary Police Officer effective on or before July 01, 2014, subject to the conditions set forth above.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee Nelson Hill-Evans - 3

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. 62


INTRODUCED BY: Renee S. Nelson

DATE: June 3, 2014

WHEREAS, the Commonwealth of Pennsylvania, Department of Health provides funding to the York City Bureau of Health to support and implement a dental program in the City of York; and

WHEREAS, the PA Department of Health seeks to continue a contractual relationship with the City of York to provide dental services, including dental sealants, varnishes and education, for young city children to prevent tooth decay for the period July 1, 2014 through June 30, 2015 in the amount of \$46,330.

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, a copy of which is attached hereto and made of part hereof, with the Commonwealth of Pennsylvania, Department of Health, on behalf of the City of York, Pennsylvania.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3

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. 63

INTRODUCED BY: Carol Hill-Evans

DATE: June 3, 2014

WHEREAS, The City of York and the International Association of Fire Fighters, Local No. 627, were parties to a Collective Bargaining Agreement for the period of January 1, 2007 through December 31, 2012 (Resolution No. 195 of Session 2006); and

WHEREAS, an arbitration award was made and the City of York and the International Association of Fire Fighters, Local No. 627, have mutually agreed to modify the arbitration award in AAA Case No. 14 360 L 01100 06 and to resolve litigation arising therefrom;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that the Memorandum of Agreement for the Resolution of the 2007-2012 Collective Bargaining Agreement between the City of York and the York Professional Fire Fighters Association, Local No. 627, I.A.F.F., attached hereto and made a part hereof, is hereby approved and the Mayor is authorized and the Controller is authorized and directed to execute the agreement.

PASSED FINALLY: June 3, 2014

BY THE FOLLOWING VOTE:

YEAS: Satterlee, Nelson, Hill-Evans - 3, _____, _____

NAYS: None.



Carol Hill-Evans, President of Council

ATTEST:



Dianna L. Thompson-Mitchell, City Clerk