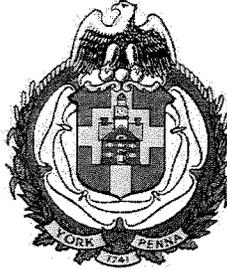


# Council of the City of York, Pennsylvania

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 November 4, 2015 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 October 20, 2015 (legislative); October 28, 2015 (committee).

### VII. Presentations, Proclamations, Awards and Announcements: None

### VII. Meeting(s) Scheduled:

- **Committee Work Session** – Scheduled for Monday, November 23, 2015 at 6:00 p.m. in Council Chambers. (Committee agenda items due by 12 noon on November 18<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. 67 - A Resolution  
Authorizing the release of security funds to Kinsley Properties. (\$34,773.75 – related to the York Academy Charter School land development located at 32 W. North St.)  
Introduced by: Renee S. Nelson  
Originator: Economic & Community Development (PP&Z)
2. Resolution No. 68 - A Resolution  
Accepting the recommendations of HARB.  
Introduced by: Carol Hill-Evans  
Originator: HARB

## **Final Passage of Bills / Resolutions**

3. Final Passage of Bill No. 29, Ordinance No. 29 (Forthcoming) - A Bill  
Approving the 2016-2020 Plan of the York Business Improvement District.  
Introduced by: Henry Hay Nixon  
Originator: York Business Improvement District (Downtown Inc)

## **New Business**

4. Introduction of Bill No. 30 (Will be on 11/17/15 agenda) - A Bill  
Amending the 2015 budget. (\$97,988.00 for a SAFER grant award)  
Introduced by: Henry Hay Nixon  
Originator: Fire/Rescue
5. Introduction of Bill No. 31 (Will be on 11/17/15 agenda) - A Bill  
Amending the 2015 Budget. (\$320,766.49 for monies not otherwise appropriated to fund expense for a new financial mgmt. system)  
Introduced by: Michael Ray Helfrich  
Originator: Business Administration
6. Introduction of Bill No. 32 (Will be on 11/17/15 agenda) - A Bill  
Amending the 2015 Budget. (\$179,609.00 for an Equitable Sharing Award)  
Introduced by: Henry Hay Nixon  
Originator: Police
7. Resolution No. 69 - A Resolution  
Authorizing a special event consulting and coordination services agreement. (Mary Yeaple - \$60,600.00)  
Introduced by: David Satterlee  
Originator: Public Works
8. Resolution No. 70 - A Resolution  
Authorizing a budget transfer. (\$130,000.00 for other contractual/other professional services)  
Introduced by: David Satterlee  
Originator: Public Works (WWTP)
9. Resolution No. 71 - A Resolution  
Authorizing a budget transfer. (\$20,924.81 for tuition, repair, supplies and other contractual services)  
Introduced by: Henry Hay Nixon  
Originator: Fire/Rescue

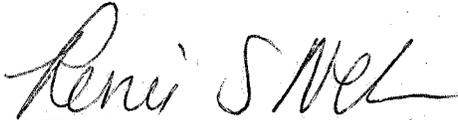
10. Resolution No. 72 - A Resolution  
Authorizing a budget transfer. (\$108,579.99 for the crossing guard contract with All City Management Services, Inc.)  
Introduced by: Henry Hay Nixon  
Originator: Police
11. Resolution No. 73 - A Resolution  
Approving the revised Business Privilege and Mercantile Tax Regulations.  
Introduced by: Michael Ray Helfrich  
Originator: Business Administration
12. Resolution No. 74 - A Resolution  
Authorizing conditional offers of employment for probationary police officers.  
Introduced by: Henry Hay Nixon  
Originator: Police

- 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 2015  
Resolution No. 67

INTRODUCED BY: **Renee S. Nelson**

DATE: **November 17, 2015**

WHEREAS, Kinsley Properties requested the release of the public improvements security funds associated with the Phase 2 Land Development Plan of the York Academy Charter School located at 32 West North Street; and

WHEREAS, the financial security bond was received in the amount of \$34,773.75; and

WHEREAS, York City Council approved the Final Land Development Plan at its meeting held on July 16, 2013; and

WHEREAS, the request for the release of the remaining financial security in the amount of \$34,773.75 has been reviewed by the City Planner and 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 the York Academy Charter School 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: **November 17, 2015**

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

Morpheus/Resolutions-2015/York-Academy-security-funds-release-\$34.7K

## Memorandum

To: Dianna L. Thompson-Mitchell, City Clerk  
Shilvosky Buffaloe, Economic Development/Community Development

From: Nicole Gallup, City Planner

Date: October 28, 2015

RE: Council Agenda Item: York Academy Charter School – Release of Security Bond

- Kinsley Properties submitted the Phase 2 Land Development Plan for the York Academy Charter School at 32 West North Street, proposing various site and building demolition and improvements/ additions.
- This project lies within the City of York.
- The applicant is requesting release of the required security bonding.

The applicant has sufficiently developed the property in accordance with the approved Land Development Plans. City Staff recommends approval of the release of the posted security bonding.

End

Council of the City of York, PA  
Session 2015  
Resolution No. 68

*Carol Hill-Evans*

Introduced by: **Carol Hill-Evans**

Date: **November 4, 2015**

**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. **Eric W. Fisher** for work to be done at **21 E. Market St.**
2. **Royal Square Development** for work to be done at **46 S. Duke St. and 117 S. Duke St.**

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

Passed Finally: **November 4, 2015**

By the following vote:

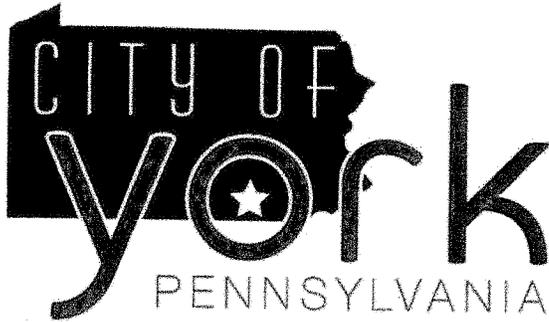
YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

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  
6:00 PM Thursday October 22, 2015  
101 South George Street, York PA. 17401**

- I Welcome:** John Fox, HARB Chair
- II Agenda:** Additions or changes to the agenda
- III Minutes:** Approve minutes from the September 24, 2015 HARB meeting
- IV Cases:**

- 1. **21 East Market Street** – A request by Eric W. Fisher on behalf of the property owners for a Certificate of Appropriateness for the installation of two new ADA-compliant concrete ramps to be installed on the property at 21 East Market Street. An existing ramp at the front of the property will be removed and replaced, and a new ramp will be installed on the side of the property to provide an accessible route from the parking lot.  
Approved
- 2. **46 S Duke Street** – A request by Royal Square Development and Construction, for a Certificate of Appropriateness for a complete renovation of the property at 46 S Duke Street. The applicant will be presenting the final design for the property, as requested at the June 11, 2015 HARB meeting.  
Approved
- 3. **117 S Duke Street** – A request by Royal Square Development and Construction, for a Certificate of Appropriateness for exterior alterations to the property at 117 S Duke Street. The proposed work includes the removal of existing corrugated metal and the installation of a 3-foot by 24-foot illuminated sign on the façade of the building.  
Approved



**York Historical Architectural Review Board  
Meeting Minutes  
October 22, 2015**

Members in attendance included: Dennis Kunkle, Vice Chair; Justine Landis; Robin Pottorff; Joe Jefcoat; W. Craig Zumbrun

Absent: Matt Argabright; John Fox, Chair; Teresa Johnescu; Mark Shermeyer; Dave Redshaw

Consultant: Mary Alfson Tinsman, JMT Cultural Resource Manager/ HARB Consultant

| <b>AGENDA ITEM</b>   | <b>DISCUSSION</b>   | <b>ACTION/RESULT</b>  |
|--|---|---|
| <b>Welcome and call to order<br/>Dennis Kunkle, Vice-Chair</b> | The meeting was called to order at 6:00 pm.<br><br>The agenda had been prepared by the HARB Consultant. | A quorum was present.   |
| <b>Changes to the Agenda</b>                                   |   |   |
| <b>Minutes of September 24, 2015</b>                           |   | Move to approve by Ms. Landis; seconded by Ms. Pottorff.<br>Approved. |
| <b>Cases</b>   | The following cases are approved with the recommended actions.  |   |

**Case #1 – 21 East Market Street**

A request was made by Eric W. Fisher on behalf of the property owners for the installation of two new ADA compliant concrete ramps— one on the front and one on the side. The existing front ramp is too steep and needs to be rebuilt and have a new railing. The second ramp will be on the side of the building to span the curb so that there is ADA access from the parking lot.

Mr. Kunkle asked if the ramp was all concrete and the applicant indicated that yes, it is. They are not removing the existing ramp, they are extending the existing ramp. Ms. Landis asked if there would still be access to the M&T Bank. The answer was yes. Mr. Kunkle asked how the existing ramp was put in since it doesn't meet ADA standards. The applicant was unsure when the existing ramp was constructed, Ms. Landis and Ms. Pottorff asked for clarification of the ramp and its extension which the applicant showed on the plans.

The applicant also indicated that they would like to change the railing type and color.

**Motion:** A motion was made by Ms. Landis, seconded by Mr. Zumbrun to approve the application as presented.

Additional Discussion: Mr. Kunkle asked if the color change in the railing was included in the application and the answer was no. Therefore the application is amended to include the color change.

**Motion:** The motion was approved 5 to 0.

### **Case #2 – 46 South Duke Street**

The application was made by Royal Square Development represented by Mr. Musso. This application was previously approved by the HARB Board, however due to additional issues uncovered during construction/demolition the applicant has slightly revised the previously presented plans. The HARB Board had requested this presentation should any changes occur to the previous plans. The largest change is on the third floor of the bay oriel window which is now the same size as the first two floors (it was previously smaller). Also all of the windows in the oriel window will be the same (previously they were a combination of windows). The cornice was also removed during the renovations and is being rebuilt and will be replaced. The third floor was also partially deconstructed and is being rebuilt as previously discussed.

Mr. Jefcoat asked for clarification on the changes to the first floor windows, and Mr. Musso explained that this was previously approved by the board due to the condition of the window and the need to appeal to a more commercial space.

Mr. Zumbrun noted that there are no handrails illustrated on the illustration that was presented. Mr. Musso apologized and indicated that the railings will be replaced in kind. He also noted that new stairs were recently added. Mr. Zumbrun also noted that the fourth floor has one-over-one windows while the others have two-over-two. Mr. Musso explained that the recommendations of their tax credit consultant was to leave the windows as is.

Mr. Jefcoat asked if it was okay with the tax credit consultant to change the door and transom, and Mr. Musso indicated that was previously approved by the Board and that their consultant had no issues with the change.

**Motion:** A motion was made by Mr. Zumbrun, seconded by Mr. Jefcoat to approve the application as presented. The motion was approved 5 to 0.

### **Case #3 – 117 South Duke Street**

A request by Royal Square Development represented by Mr. Musso. The application is for a new sign on the front of the building. Currently there is vertical corrugated metal which is unattractive. The proposed plan is for an aluminum panel with a four-inch aluminum border and vinyl letters to match the building next door – Redoux. The Redoux sign is metal with vinyl letters. Mr. Musso handed out a photo of the Redoux sign. They would also like light the sign with lights under the window.

The applicant would like to install a rope LED light (specs handed out to the HARB Board). The rope lighting fits into a track and is adjustable to change the beam of the light. The overall fixture is small and the proposing to only have it run under the “Studio 117”. Mr. Kunkle asked if the letters were vinyl. The applicant indicated that yes, they are vinyl colored to resemble aluminum. Mr. Kunkle asked about

the light mounted under the window and how far the light would project outwards. The applicant explained that the lights will be mounted under the sign projecting the light upwards. The brackets allow them to move the direction of the light so that it will focus only on the lettering.

Mr. Jefcoat asked if the "Studio 117" would go out farther than the window and the applicant clarified that no, the sign would not extend past the window.

**Motion:** A motion was made by Mr. Zumbrun, seconded by Ms. Landis to approve the application as presented.

Additional discussion: Mr. Kunkle asked about the location of the lights. And Mr. Zumbrun amended the application to state the location of the lights would be under the sign with the appropriate light fixtures.

**Motion:** The application was approved 5 to 0.

**Adjourning and next meeting**      **The meeting was adjourned at 6:25 pm by Mr. Zumbrun; seconded by Mr. Pottorff for Thursday November 12, 2015.**

**Minutes recorded by Mary Alfson Tinsman, JMT Cultural Resource Professional/ HARB Consultant.**

**CERTIFICATE of APPROPRIATENESS  
RECOMMENDATION to YORK CITY COUNCIL**

APPLICATION FOR PROPERTY ADDRESS: 21 E. Market Street

APPLICANT: Eric W. Fisher

At the public meeting held on Thursday, October 22, 2015 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above property located with the Historic District.

Proposed Work: The applicant proposes the installation of two new ADA-compliant concrete ramps to be installed on the property at 21 East Market Street. An existing ramp at the front of the property will be removed and replaced, and a new ramp will be installed on the side of the property to provide an accessible route from the parking lot.

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.

X AS AMENDED FROM THE PRELIMINARY REVIEW SHEET AS FOLLOWS: THE RAILING WILL CHANGE COLOR TO MATCH BANK'S METAL COLOR

\_\_\_\_\_

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

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

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

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*Dennis Kunkle*

**Dennis Kunkle, Vice-HARB Chair**

This application was reviewed by York City Council on 11-4-15 and has been

APPROVED  DENIED

*Carol Hill-Evans*

**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: 46 S. Duke Street

APPLICANT: Royal Square Development

At the public meeting held on Thursday, October 22, 2015 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above property located within the Historic District.

Proposed Work: The applicant proposes the complete renovation of the property. The applicant previously came before the HARB Board on June 11, 2015 and the proposed work was approved. This application is to finalize details that were previously discussed.

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:

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DISSENTING VOTES AND RATIONALE: \_\_\_\_\_  
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*Dennis Kunkle*  
\_\_\_\_\_  
Dennis Kunkle, Vice-HARB Chair

This application was reviewed by York City Council on 11-4-15 and has been  
 APPROVED  DENIED

*Carol Hill-Evans*  
\_\_\_\_\_  
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: 117 S. Duke Street

APPLICANT: Royal Square Development

At the public meeting held on Thursday, October 22, 2015 the Board of Historical Architectural Review considered an application for a permit for work to be performed on the above property located with the Historic District.

Proposed Work: The applicant proposes to removal of existing corrugated metal and the installation of a 3-foot by 24-foot illuminated sign on the façade 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.

  X   AS AMENDED FROM THE PRELIMINARY REVIEW SHEET AS FOLLOWS: LIGHT FIXTURE  
WILL BE MOUNT ON BOTTOM OF SIGN AND THE LIGHT WILL  
WASH UP.

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

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

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\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

*Dennis Kunkle*

**Dennis Kunkle, Vice-HARB Chair**

This application was reviewed by York City Council on 11-4-15 and has been  
 APPROVED  DENIED

*Carol Hill-Evans*

**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.
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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 the City of York, PA  
Session 2015  
Resolution No. 69

  
Introduced by: David Satterlee

Date: November 4, 2015

WHEREAS, the City of York; York County, desires to contract for special event consulting and coordination services; and

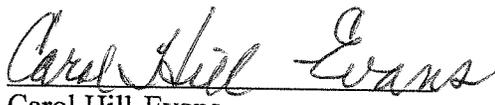
WHEREAS, the attached Agreement is with Mary Yeaple to provide these services at a cost of \$60,600.00 per year.

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 for same on behalf of the City of York, Pennsylvania.

PASSED FINALLY: **November 4, 2015** 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

**CITY OF YORK, PENNSYLVANIA  
SPECIAL EVENTS CONSULTING AGREEMENT**

---

THIS AGREEMENT, entered into on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, by and between the CITY OF YORK, a Pennsylvania municipal government ("City") and MARY YEAPLE ("Contractor"), having her principal address at, 520 West Market Street, York, PA 17401.

WHEREAS, Contractor is in the business of public relations, marketing, special events, and fundraising; and

WHEREAS, City desires to engage Contractor to render, and Contractor desires to render to City, certain special event services, all as set forth.

NOW, THEREFORE, in consideration of the mutual agreements and covenants herein contained the parties hereto agree as follows:

**1. Engagement**

A. City engages Contractor to render the following services in connection with City's planning, preparing and producing special events for City as follows:

- i. Analyze City's current and proposed special events and present specific concepts for improving the quality of the public and private participation on special events.
- ii. Create, prepare and submit individual special event proposals, including new concepts, logistics, and budget, to City a minimum of 60 days prior to each event for acceptance by City.
- iii. Prepare and submit to City for its prior acceptance estimates of costs and expenses associated with proposed special event ideas and concepts.
- iv. Coordinate special event logistics including, but not limited to:
  - a) Marketing and public relations.
  - b) Vendor recruitment and logistics.
  - c) Volunteer recruitment and facilitation.
  - d) Entertainment recruitment and logistics.
  - e) Special event committees.
  - f) Event fundraising and sponsorship.
- v. Provide all graphic arts work for sponsorship program, event ads, event flyers, mailers and other work as necessary.
- vi. The following events are included;
  - Olde York Street Fair
  - Box Lunch Revue
  - Yorkfest
  - York Bike Night
  - Labor Day Celebration (Fundraising only)
  - Light Up Night
  - New Year's Event

City reserves the right to remove any of the listed events and replace same with a new event should an existing event be canceled and deemed in the best interest of City to no longer be held.

B. City agrees to:

- i. Provide storage space for special event logistical items.
- ii. Provide a York City extension and voice mailbox exclusively to receive calls about special events.
- iii. Provide information as requested by Contractor in a timely manner.

## **2. Compensation**

A. City will pay Contractor a monthly fee in the sum of Five Thousand and Fifty Dollars (\$5,050.00) for the term of the contract;

The monthly fee will be taken from York City's Recreation and Parks Fund.

B. City shall not be obligated to reimburse Contractor for any travel or other out-of pocket expenses incurred in the performance of services pursuant to this Agreement unless expressly agreed upon in written approval by City in advance.

## **3. Billing**

Contractor will coordinate vendor services. City will directly enter into all vendor contracts. Contractor shall not have the authority to enter into any contracts on behalf of City.

Invoices for services provided by Contractor shall be in an itemized format and shall be paid by City within thirty (30) days of the invoice date. Any bill not paid by due date will be assessed a 1 1/2% per month late fee not to exceed 18%.

## **4. Competitors**

During the term of this Agreement, Contractor may accept employment from, renders services to, represent or otherwise be affiliated with any person, client, corporation or entity in connection with any product or service similar to any product or service of City with respect to which the Contractor is providing any service pursuant to this Agreement.

## **5. Cost Estimates**

Contractor shall not commence work on any project pursuant to this Agreement without first estimating costs and obtaining written approval from City.

## **6. Audit Rights**

Contractor agrees that following reasonable prior notice any and all contracts, agreements, correspondence, books, accounts and other information relating to City's business or this Agreement shall be available for inspection by City and City's outside accountants, at City's expense.

## **7. Ownership and Use**

Contractor shall ensure, to the fullest extent possible under law, that City shall own any and all title and interest in and to, including copyrights, trade secret, patent and other intellectual property rights, with respect to any copy, photograph, advertisement, music, lyrics, or other work or thing created by Contractor or at Contractor's direction for City pursuant to this Agreement and utilized by City.

## **8. Indemnification and Insurance**

- A. City shall indemnify and hold Contractor harmless with respect to any claims, loss, suit, liability, or judgment suffered by City, including reasonable attorney's fees and costs, based upon or related to City's actions or inaction in conducting special events.
- B. Contractor shall indemnify and hold City harmless from any claims, loss, suit, liability or judgment suffered by City, including reasonable attorney's fees and costs, based upon or directly related to any item prepared by or actions taken by Contractor, or at Contractor's direction, including but not limited to any claim for negligence, libel, slander, piracy, plagiarism, or infringement of copyright or other intellectual property interest.
- C. In the event of any proceeding, litigation or suit against City by any regulatory firm or in the event of any court action or other proceeding challenging any advertising prepared by Contractor, Contractor shall assist in the preparation of the defense of such action or proceeding and cooperate with City and City's attorneys.
- D. Contractor agrees to release, hold harmless and indemnify City from and against any and all claims, whether at law or equity, for damages of any kind whatsoever arising directly or indirectly from Contractor's business outside of this Agreement.

## **9. Term**

The term of this Agreement shall commence on February 1, 2016 and shall end on January 31, 2017 and shall continue in full force and effect until terminated by either party upon at least thirty (30) days prior written notice, provided that in no event (except breach) may this Agreement be terminated prior to the end of each year of the contract. The rights, duties and obligations of the parties shall continue in full force during or following the period of the termination notice until termination, including the ordering and billing of advertising in media whose closing dates follow then such period.

The Agreement can be extended for two (2) – one (1) year terms upon agreement of both parties. Either party shall provide at least (thirty (30) days prior written notice to not extend the contract.

## **10. Rights upon Termination**

- A. Upon termination of the Agreement, Contractor shall transfer, assign and make available to City all property and materials in Contractor's possession or subject to Contractor's control that are the property of City, subject to payment in full of amounts due to this Agreement.
- B. Upon termination, Contractor agrees to provide reasonable cooperation in arranging the transfer or approval of third party's interest in all contracts, agreements and other arrangements, and all rights and claims thereto and therein following appropriate release from the obligations therein.

## **11. Default**

In the event of a default of any material obligation by or owed by a party pursuant to this Agreement, then the other party may provide written notice of such default and if such default is not cured within ten (10) days of the written notice, then the non-defaulting party may terminate this Agreement.

## **12. Notices**

Any notice required by this Agreement or given in connection with it, shall be in writing and shall be given to the appropriate party by personal delivery or certified mail, postage prepaid, or recognized overnight delivery services.

If to City:

City of York  
Department of Public Works  
101 South George Street  
P.O. Box 509  
York, PA 17405  
Attention: Director of Public Works

With a copy to:

City of York  
Business Administrator  
101 South George Street  
P.O. Box 509  
York, PA 17405

If to Contractor:

Mary Yeaple  
520 West Market Street  
York, PA 17401

## **13. Headings**

Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

## **14. Final Agreement**

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

## **15. Governing Law**

This Agreement shall be construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

**CONTRACTOR**

*Mary Yeaple*

\_\_\_\_\_  
Mary Yeaple

*10/20/15*

\_\_\_\_\_  
Date

**CITY OF YORK**

\_\_\_\_\_  
C. Kim Bracey, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert F. Lambert, Controller

\_\_\_\_\_  
Date

**Attest:**

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

\_\_\_\_\_  
Date

Council of the City of York, Pennsylvania  
Session 2015

Resolution No. 70

INTRODUCED BY:  David Satterlee

DATE: November 4, 2015

WHEREAS, the Department of Public Works is requesting a transfer of funds to cover the cost for Other Contractual Services and Other Professional Services in the Wastewater Treatment Plant budget; 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 for the Department of Public Works – Inter Municipal Sewer Fund of the City of York.

| Account Number     | Description                 | Increase            | Decrease            |
|--------------------|-----------------------------|---------------------|---------------------|
| 61-440-44210-00000 | Other Repair Service        |                     | \$15,000.00         |
| 61-440-44220-00002 | Sludge Disposal             |                     | \$30,000.00         |
| 61-440-44270-00000 | Landfill                    |                     | \$20,000.00         |
| 61-440-45040-00000 | Electrical Supplies         |                     | \$45,000.00         |
| 61-440-45100-00000 | Plumbing Supplies           |                     | \$5,000.00          |
| 61-440-45150-00000 | Street / Highway Material   |                     | \$5,000.00          |
| 61-440-45220-00002 | Polymer                     |                     | \$5,000.00          |
| 61-440-46140-00000 | Lab Equipment               |                     | \$5,000.00          |
| 61-440-44400-00000 | Other Contractual Services  | \$125,000.00        |                     |
| 61-440-42070-00000 | Other Professional Services | \$5,000.00          |                     |
|                    | Total                       | <u>\$130,000.00</u> | <u>\$130,000.00</u> |

PASSED FINALLY: **November 4, 2015**

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 2015  
Resolution No. 71

Introduced by:  Henry Hay Nixon

Date: November 4, 2015

WHEREAS, The Department of Fire/Rescue Services is requesting a transfer in the 2015 budget to cover Tuition Reimbursement, Building Repair Service, Vehicle Repair Service, Other Contractual Services and Medical Supplies expenses, in the amount of \$20,924.81; and

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

WHEREAS, in accordance with Article 137.02 (b) of the Codified Ordinance of the City of York, such 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 transfer in accordance with the following schedule:

| Account            | Description                           | Increase     | Decrease    |
|--------------------|---------------------------------------|--------------|-------------|
| 10-600-41140-00000 | Tuition Reimbursement                 | \$ 2,500.00  |             |
| 10-600-44190-00000 | Building Repair Service               | \$ 799.51    |             |
| 10-600-44200-00000 | Vehicle Repair Service                | \$ 13,475.30 |             |
| 10-600-44400-00000 | Other Contractual Services            | \$ 3,250.00  |             |
| 10-600-45110-00000 | Medical Supplies                      | \$ 900.00    |             |
| 10-600-41120-00000 | Laundry/Cleaning                      |              | \$ 5,300.25 |
| 10-600-43030-00000 | Contributions                         |              | \$ 4,660.85 |
| 10-600-44210-00000 | Other Repair Service                  |              | \$ 2,000.05 |
| 10-600-44310-00000 | Radio Communications                  |              | \$ 5,000.00 |
| 10-600-45090-00000 | Books/Subscriptions                   |              | \$ 700.00   |
| 10-600-45140-00000 | Lumber/Hardware/Blg. Alt.             |              | \$ 763.66   |
| 10-600-46122-00000 | DP Capital-DP Software<br>Maintenance |              | \$ 2,500.00 |

PASSED FINALLY: **November 4, 2015**

BY THE FOLLOWING VOTE:

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

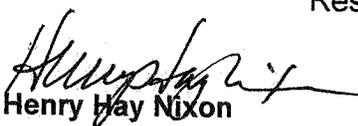
NAYS: None

  
Carol Hill-Evans  
President of Council

Attest:

  
Dianna L. Thompson-Mitchell  
City Clerk

Council of the City of York, PA  
Session 2015  
Resolution No. 72

Introduced by:  Henry Hay Nixon

Date: November 4, 2015

WHEREAS, The York City Police Department is requesting a transfer in the 2015 budget to cover the crossing guard contract with All City Management Services Inc., in the amount of \$108,579.99; and

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

WHEREAS, in accordance with Article 137.02 (b) of the Codified Ordinance of the City of York, such 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 transfer in accordance with the following schedule:

| Account            | Description                | Increase     | Decrease     |
|--------------------|----------------------------|--------------|--------------|
| 10-500-44400-00214 | Other Contractual Services | \$108,579.99 |              |
| 10-500-40020-00214 | Part Time Employees        |              | \$100,778.47 |
| 10-500-41010-00214 | Fica                       |              | \$ 7,801.52  |

PASSED FINALLY: November 4, 2015

BY THE FOLLOWING VOTE:

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

NAYS: None

  
Carol Hill-Evans  
President of Council

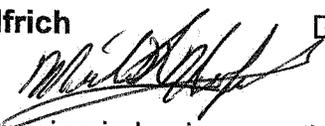
Attest:

  
Dianna L. Thompson-Mitchell  
City Clerk

Council of the City of York, PA  
Session 2015  
Resolution No. 73

INTRODUCED BY: **Michael Ray Helfrich**

DATE: **November 4, 2015**



**WHEREAS**, Persons conducting or engaging in business activity in the City of York ("the City") are required to file business privilege or mercantile tax returns and to pay business privilege or mercantile taxes, as appropriate; and

**WHEREAS**, Business Privilege and Mercantile Tax Regulations ("the Regulations") provide a formal interpretation of the City's Business Privilege Tax and Mercantile Tax Ordinances, referred to collectively herein as the "Tax Ordinances;" and

**WHEREAS**, The Regulations shall be interpreted, whenever possible, to be consistent with the Tax Ordinances; and

**WHEREAS**, In the event that a provision of the Regulations is inconsistent with the Tax Ordinances, the provisions of the Tax Ordinances shall prevail.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of York, PA, that the revised Business Privilege and Mercantile Tax Regulations, attached hereto and made a part hereof, are hereby adopted and shall become effective December 1, 2015; and

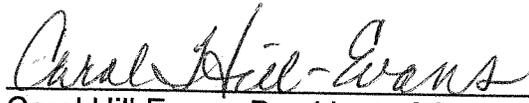
**BE IT FURTHER RESOLVED**, that these Regulations shall supersede any and all previous versions of the city's business privilege tax regulations, mercantile tax regulations, information bulletins, position or policy statements, and interpretations.

PASSED FINALLY: **November 4, 2015**

BY THE FOLLOWING VOTE:

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

NAYS: None.

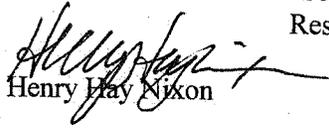
  
\_\_\_\_\_  
Carol Hill-Evans, President of Council

ATTEST:

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

Council of the City of York, PA  
Session 2015  
Resolution No. 74

INTRODUCED BY:

  
Henry Hay Nixon

DATE: November 04, 2015

**WHEREAS**, the York City Police Department has vacancies for the position of Probationary Police Officer; and,

**WHEREAS**, the City of York Civil Service Board eligibility list reflects the following individuals are eligible to appointment as a Probationary Police Officer:

**Christen M. Medeiros**  
**Bryon D. Mayberry**  
**Donald C. Davis**  
**Joshua G. Phillips**  
**Jared M. Horvath**  
**Miguel A. Salazar**  
**Justin R. Main**

**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 psychological examination as required by the City of York Police Civil Service Board.
2. Applicant must successfully pass a medical examination as required by the City of York Police Civil Service Board.

**WHEREAS**, If anyone of the above named candidates do not meet the above conditions, a conditional offer of employment would be offered to the next suitable individual in compliance with the 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 Civil Service Board.

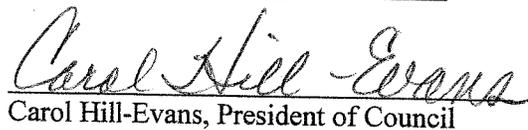
**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of York, Pennsylvania, that City Council hereby approves and authorizes the appointment of **Christian Medeiros, Bryon Mayberry, Donald C. Davis, Joshua G. Phillips, Jared Horvath, Miguel A. Salazar and Justin R. Main** to the position of Probationary Police Officer for the York City Police Department pursuant to the provisions as stated in the York City Police Civil Service Board Rules.

**PASSED FINALLY: November 4, 2015**

**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