

# Council of the City of York, Pennsylvania

Michael Ray Helfrich, President of Council  
Henry Hay Nixon, Vice President of Council  
Renee S. Nelson, Member of Council  
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## Minutes May 2, 2017 6:30 PM

[Signed Resolutions](#) / [Signed Bills](#) / [Committee Minutes of 4-26-17](#)

**CALL TO ORDER:** President Helfrich called the May 2, 2017 general public comment session to order at 6:30 p.m., in Council Chambers, 101 S. George St., York, PA, with the following members present: Judy A. Ritter-Dickson, Sandie Walker, Renee S. Nelson, Henry Hay Nixon, Vice President, and Michael Ray Helfrich, President, with President Helfrich presiding.

**Members of the Administration in attendance included:** Jason Sabol, Assistant Solicitor.

**Members of York City Council staff in attendance included:** Dianna L. Thompson-Mitchell, City Clerk.

- I. Public Comment 6:30 p.m.: There was no public comment. Therefore, President Helfrich adjourned the public comment session and 6:31 p.m. and immediately convened in legislative session.
- II. Called Legislative Meeting to Order: 6:31 p.m.
- III. Roll Call
- IV. Pledge of Allegiance recited.
- V. Moment of Silence observed.
- VI. Action on previous meeting Minutes of [April 18, 2017 \(legislative\)](#); and [April 26, 2017 \(committee\)](#): Council dispensed with the reading of the minutes and unanimously approved them as written.
- VII. Presentations, Proclamations, Awards and Announcements:
  - Community Action Month: Proclaiming May 2017 as “Community Action Month” in the City of York, PA, and applauding the Community Progress Council (CPC) for their contributions to the City of York.  
  
Vice President Nixon read a decree proclaiming May 2017 as “Community Action Month” in the City of York, PA, and presented it to Robin Rohrbaugh, President/CEO of the Community Progress Council.  
  
Ms. Rohrbaugh thanked Vice President Nixon and members of Council for the proclamation. She then briefly outlined the many services provided by CPC.
- VII. Meeting(s) Scheduled:
  - **Council Committee Meeting:** Scheduled for Wednesday, May 24, 2017 at 6:00 p.m. in Council Chambers to discuss items from the June legislative agenda (agenda items due by 12 noon on Wednesday, May 17, 2017).

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. **41** - A Resolution  
Accepting the recommendations of HARB. ([View](#))  
Introduced by: Renee S. Nelson  
Originator: HARB

Resolution No. 41, Session 2017, A Resolution accepting the recommendations of HARB in issuing certificates of appropriateness for work to be covered in the applications filed by Santiago Chirinos for work to be done at 360 W. Philadelphia St., and T-Mobile Northeast, LLC, for work to be done at 450 W. King St., was introduced by Nelson, read at length, and on motion of Nelson, seconded by Nixon, Resolution No. 41 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

2. Resolution No. **42** - A Resolution  
Approving a waiver of the land development process submitted by 450 Madison Avenue Partnership, LLC. (For the Elm Terrace renovations at 450 Madison Ave.) ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Resolution No. 42, Session 2017, A Resolution approving a waiver request of the land development process submitted by 450 Madison Avenue Partnership, LLC, for the Elm Terrace renovation project located at 450 Madison Ave., for the re-development and re-use of said property to update the existing 44 units, add 3 additional units, and install off-street parking with associated stormwater management control facilities, was introduced by Nixon, read at length, and on motion of Nixon, seconded by Walker, Resolution No. 42 came up for discussion.

Developer Seth Predix gave some background history on the property. He said the building has been vacant since 2009 because of numerous code violations. He stated that the infrastructure needs updated including fire suppression, security, plumbing, and electrical. They will be updating the existing 44 units, with 3 additional units in the rear, and off-street parking that will allow for one space per unit.

There being no further discussion, Resolution No. 42 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

**Final Passage of Bills / Resolutions**

3. Final Passage of **Bill No. 11, Ordinance No. 10** – A Bill  
Amending Article 183 “Human Relations Commission,” Section 185.10(b) “Human Relations Commission; Powers and Duties.” (To authorize the Commission’s office to be located in York County with the approval of Council.) ([View](#))  
Introduced by: Michael Ray Helfrich  
Originator: Council (Helfrich)

Final Passage of Bill No. 11, Ordinance No. 10, Session 2017, A Bill amending Article 183 “Human Relations Commission,” Section 185.10(b) “Human Relations Commission; Powers and Duties,” to authorize the Commission’s office and meetings to be located and held in York County, which was introduced by Helfrich at the April 4th meeting of Council and referred to the 4/26/17 committee for further discussion, came up for final passage. On motion of Helfrich, seconded by Nixon, Bill No. 11 came up for discussion.

Assistant Solicitor Sabol said the proposed language in Section 185.10(b)(1) and 185.10(b)(3) are redundant and suggested 185.10(b)(3) be stricken.

**Amendment #1**

A motion was made by Helfrich, seconded by Nelson, to strike Section 185.10(b)(3). The motion PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

(b) The Commission is hereby vested with the authority to administer and enforce this article and in connection therewith it shall have the following powers and duties:

- (1) To establish and maintain a central office in ~~the City~~ any municipality in York County that has entered into an affiliation agreement with the City of York.
- (2) To meet and function at any place ~~within the City~~ in any municipality in York County that has entered into an affiliation agreement with the City of York.
- ~~(3) To meet in any municipality that has entered into an affiliation agreement with the City of York.~~

**Amendment #2**

As discussed at the 4/26/17 committee meeting, President Helfrich made a formal motion to amend Section 185.10(b)(1) to add “with the approval of City Council,” which was seconded by Walker, and PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

(b) The Commission is hereby vested with the authority to administer and enforce this article and in connection therewith it shall have the following powers and duties:

- (1) To establish and maintain a central office in the City any municipality, with the approval of Council, in York County that has entered into an affiliation agreement with the City of York.
- (2) To meet and function at any place within the City in any municipality in York County that has entered into an affiliation agreement with the City of York.
- ~~(3) To meet in any municipality that has entered into an affiliation agreement with the City of York.~~

Assistant Solicitor Sabol said West York approved the lease to allow the Human Relations Commission to move into its building at 1381 W. Poplar St. and he hopes to have a lease agreement ready for Council’s approval soon.

President Helfrich asked if the affiliation agreement will also be approved by West York.

Assistant Solicitor Sabol responded that West York just approved the lease agreement but they are nowhere close to having an affiliation agreement approved.

President Helfrich asked Solicitor Sabol to review the ordinance again because there has to be an affiliation agreement approved before the HRC can operate in West York.

Assistant Solicitor Sabol said the HRC will continue to function as it would if it were still located in the City of York so they don't need an affiliation agreement. He said anyone who is not a York City resident will have their complaint forwarded to the PA HRC.

President Helfrich said he would like to set up a meeting with Assistant Solicitor Sabol to discuss this further.

There being no further discussion, Bill No. 11, Ordinance No. 10, as amended, PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

## New Business

4. Introduction of Bill No. **12** (Will be on 5/17/17 agenda) - A Bill  
Amending Article 730 “Neighborhood Improvement Ordinance.” (To expand on the definition of “abandoned vehicles” and establish section 730.11 “Appointment of a Responsible Agent.”) ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Introduction of Bill No. 12, Session 2017, A Bill amending Article 730 “Neighborhood Improvement Ordinance” to expand on the definition of “abandoned vehicles” and establish section 730.11 “Appointment of a Responsible Agent,” was introduced by Nixon, read by short title and deferred to the May 17<sup>th</sup> meeting of Council.

5. Introduction of Bill No. **13** (Will be on 5/17/17 agenda) - A Bill  
Amending Article 307 “Exemption for Dwelling Improvements” (RETAP). (To update language to read the “Department of Economic and Community Development;” add language that exemption shall be forfeited if the applicant appeals the assessment during the life of the exemption; and to remove the monthly requirement to file reports with Council.) ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Introduction of Bill No. 13, Session 2017, A Bill amending Article 307 “Exemption for Dwelling Improvements” (RETAP) to update language to read the “Department of Economic and Community Development;” add language that exemption shall be forfeited if the applicant appeals the assessment during the life of the exemption; and to remove the monthly requirement to file reports with Council, was introduced by Nixon, read by short title and deferred to the May 17<sup>th</sup> meeting of Council.

6. Introduction of Bill No. **14** (Will be on 5/17/17 agenda) - A Bill  
Amending Article 308 “Local Economic Revitalization Tax Assistance (LERTA) Program.” (To change language to read the “Department of Economic and Community Development;” and add language that exemption shall be forfeited if the applicant appeals the assessment during the life of the exemption; and to remove the monthly requirement to file reports with Council.) ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Introduction of Bill No. 14, Session 2017, A Bill amending Article 308 “Local Economic Revitalization Tax Assistance (LERTA) Program” to change language to read the “Department of Economic and Community Development;” and add language that exemption shall be forfeited if the applicant appeals the assessment during the life of the exemption; and to remove the monthly requirement to file reports with Council, was introduced by Nixon, read by short title, and deferred to the May 17<sup>th</sup> meeting of Council.

7. Introduction of Bill No. **15** (Will be on 5/17/17 agenda) - A Bill  
Amending the York City Budget for the year 2017. (To increase revenue in the amount of \$16,000.00 and expenses in the amount of \$11,000.00 for Neighborhood Improvement Ordinance fine revenue and purchase of two hand held computers.)([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Introduction of Bill No. 15, Session 2017, A Bill amending the York City Budget for the year 2017 to increase revenue in the amount of \$16,000.00 and expenses in the amount of \$11,000.00 for Neighborhood Improvement Ordinance fine revenue and purchase of two hand held computers, was introduced by Nixon, read by short title, and deferred to the May 17<sup>th</sup> meeting of Council.

8. Introduction of Bill No. **16** (Will be on 5/17/17 agenda) - A Bill  
Amending the 2017 CDBG & HOME Program Budgets. (To reflect changes resulting in a transfer of funds from program income in the amount of \$53,000.00 to the Lancaster Housing Opportunity Partnership of CDBG funds.) ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (PP&Z)

Introduction of Bill No. 16, Session 2017, A Bill amending the 2017 CDBG & HOME Program Budgets to reflect changes resulting in a transfer of funds from program income in the amount of \$53,000.00 to the Lancaster Housing Opportunity Partnership of CDBG funds, was introduced by Nixon, read by short title, and deferred to the May 17<sup>th</sup> meeting of Council.

9. Resolution No. **43** - A Resolution  
Authorizing an agreement with Lawn & Golf Supply Co., Inc. (\$67,940.27 for purchase of a wide area mower) ([View](#))  
Introduced by: Renee S. Nelson  
Originator: Public Works

Resolution No. 43, Session 2017, A Resolution approving an agreement with Lawn & Golf Supply Co., Inc., for the purchase of a wide area mower, through PA State Contract #4400011381, with said purchase totaling \$67,940.27, and financed through a 5 years lease with Fulton Leasing Company, with annual payments of \$15,000.00, was introduced by Nelson, read at length, and on motion of Nelson, seconded by Ritter-Dickson, Resolution No. 43 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

10. Resolution No. **44** - A Resolution  
Authorizing an agreement with Garland/DBS, Inc. to replace the main roof at the Voni Grimes Gym. (\$283,011.00) ([View](#))  
Introduced by: Renee S. Nelson  
Originator: Public Works

Resolution No. 44, Session 2017, A Resolution authorizing an agreement with Garland/DBS, Inc., a vendor of the U.S. Communities Program, in the amount of \$283,011.00 to replace the main roof at the Voni Grimes Gym, was introduced by Nelson, read at length, and on motion of Nelson, seconded by Walker, Resolution No. 44 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

11. Resolution No. **45** - A Resolution  
Authorizing a lease amendment agreement with T-Mobile USA. (For the property located at Memorial Park) ([View](#))  
Introduced by: Renee S. Nelson  
Originator: Public Works

Resolution No. 45, Session 2015, A Resolution authorizing a lease agreement amendment with T-Mobile USA Tower, LLC, for a cell tower located at Memorial Park, to provide that the remaining term of the original lease dated January 13, 2004, will be seven (7) remaining automatically renewing terms of five (5) years each with the new final lease expiration date being January 11, 2054, was introduced by Nelson, read at length, and on motion of Nelson, seconded by Walker, Resolution No. 45 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

12. Resolution No. 46 - A Resolution Authorizing the sale of property to the York County History Center. (Colonial Courthouse located at 201 W. Market St., Gates/Plough located at 157 W. Market St., and a parking lot located at 205 W. Philadelphia St.) ([View](#))  
Introduced by: Michael Ray Helfrich  
Originator: Solicitor's Office

Background

At the April 26, 2017 committee meeting, Jeff Lobach of Barley Snyder, representing York County History Center, said this is a conveyance by the city of 157 W. Market St., 201 W. Market St., and 205 W. Philadelphia St. to the History Center to develop a \$20 million History Center Campus. Joan Mummert, York County History Center, added that the York County History Center (formerly the York County Heritage Trust), will consolidate these public buildings into a campus in downtown York. They purchased the Met-Ed steam plant as part of this project. She said they represent the museums of York County. The project will take blighted buildings and put \$20 million into the project for a community museum. She said their goals are to create economic impact, and provide an innovative, historical, and educational experience.

Resolution No. 46, Session 2017, A Resolution authorizing the sale of the Colonial Courthouse located at 201 W. Market St., the Gates/Plough Tavern complex located at 157 W. Market St., and a parking lot located at 205 W. Philadelphia St., to the York County History Center in consideration of \$1.00 as part of the History Center Campus project, was introduced by Helfrich, read at length, and on motion of Helfrich, seconded by Nixon, Resolution No. 46 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

13. Resolution No. 47 - A Resolution Requesting the York City Planning Commission to explore rezoning of certain areas to allow for future progressive development. ([View](#))  
Introduced by: Henry Hay Nixon  
Originator: Economic & Community Development (Planning)

Background:

At the April 26, 2017 committee meeting, Economic and Community Development Director Buffaloe explained that the Department of Economic and Community Development (DECD) has submitted a ZONING MAP of the Northeast Neighborhood Association area, and has identified neighborhoods where the existing zoning is negatively restrictive, suppressing a variety of development opportunities that would benefit the community as a whole, or where the zoning does not correspond to the current neighborhood fabric and goals defined in the City's Comprehensive Plan. DECD would like to explore the rezoning of these neighborhoods, which would identify possible zones that would allow for development that would better fit the residents and their needs. With that said, DECD would like Council to request engagement of the York City Planning Commission in a zoning map amendment exercise for the neighborhood located in the northeast section of the City of York that is historically industrial in nature. With the help of a consultant and Department staff, they will evaluate potential amendments to the City of York Zoning Map. So in a nutshell, they are asking City Council to request the York City Planning Commission, in conjunction with the Department of Economic and Community Development, to evaluate the zoning designations in the northeast neighborhood and make recommendations to amend or not to amend the City's Zoning Map. (Note: Director Buffaloe did say that reference to 300 S. State St. is an error and asked that it be stricken.)

Resolution No. 47, Session 2017, A Resolution requesting the York City Planning Commission to explore rezoning of certain areas to allow for future progressive development was introduced by Nixon, read at length, and on motion of Nixon, seconded by Nelson, Resolution No. 47 PASSED by the following vote: Yeas – Ritter-Dickson, Walker, Nixon, Nelson, Helfrich – 5; Nays – 0.

XI. Requests for Future Meetings

President Helfrich reminded residents that Council's next legislative meeting will be held on Wednesday, May 17, 2017 as Council will be participating in the Election Day events on Tuesday, May 16, 2017.

XII. Council Comment: None

XIII. Administration Comment: None

XIV. Adjournment: The next legislative session of Council is scheduled for Wednesday, May 17, 2017 at 6:30 p.m. in Council Chambers (general public comment begins at 6:30 p.m.). There being no further business, the May 2, 2017 meeting of Council adjourned at 7:06 p.m.

XV. Resumption of Public Comment Period (at the discretion of the presiding officer): None

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Dianna L. Thompson-Mitchell, City Clerk

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Michael Ray Helfrich, President of Council