

The City of York, Pennsylvania

Michael Ray Helfrich, President of Council
 Henry Hay Nixon, Vice President of Council
 Renee S. Nelson, Member of Council
 Sandie Walker, Member of Council
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COMMITTEE MINUTES May 24, 2017 6:00 p.m.

Police	Fire	Public Works	E&C Development	Business Admin	Rules & Admin
Walker Helfrich Nelson	Walker Ritter-Dickson Nelson	Nelson Ritter-Dickson Helfrich	Nixon Ritter-Dickson Walker	Helfrich Nixon Nelson	Helfrich Nixon Walker

***Bold text indicates Chairperson**

Note: General Committee is chaired by Council President or designee and includes all Council members.

Council members in attendance: Judy A. Ritter-Dickson, Sandie Walker, Henry Hay Nixon, Vice President, and Michael Ray Helfrich, President.

Administration in attendance: Jim Gross, Director of Public Works; Chaz Green, Deputy Director of Public Works; Shilvosky Buffaloe, Director of Economic & Community Development; James Crosby, Director of the Bureau of Housing Services; Joe Jefcoat, City Treasurer; and Don Hoyt, Assistant Solicitor.

- I. Called committee meeting to order at 6:00 p.m.
- II. Committee Issues for the **June 6, 2017** legislative Agenda as follows:

PUBLIC WORKS ([View Issues Chart](#))

1. Presentation on MS4 Program by Lettice Brown, MS4 Coordinator

Lettice Brown, MS4 Coordinator, outlined the MS4 program including authorized/unauthorized discharges, examples of illicit discharge, and accomplishments.

MS4 Program Background: The federal Clean Water Act (CWA) prohibits the discharge of pollutants into waterways without the appropriate permits. Pennsylvania's Stormwater Management Act (better known as Act 167), MS4 Program, Chapter 102 (Erosion and Sediment Control Requirements), and NPDES Permit Program for Stormwater Discharges Associated with Construction Activities are amongst the Commonwealth's methods for meeting the runoff-related requirements of the Clean Water Act. (Source: <http://www.stormwaterpa.org/>)

For more information on the MS4 Program, contact Lettice Brown, MS4 Coordinator at (717) 324-6532 or LBrown@yorkcity.org.

2. Resolution authorizing a Lease Amendment with Skipjacks Hockey Club

Eric Menzer, President of the York Revolution, explained that Skipjacks Hockey Club is under contract to manage the York City Ice Arena, which is leased to them for seven (7) years. He then outlined the Skipjacks

program and how it has worked out very well so this is a win-win situation. He said the amendment is to expand the leased premises.

DECISION: A motion was made by Helfrich, seconded by Ritter-Dickson to place this item on the **6/6/17** agenda. The motion passed by the following vote: Yeas – Ritter-Dickson, Helfrich – 2; Nays – 0.

3. Resolution accepting the North Bend Opportunity and Green Action Plan

Jeff Shue, Buchart-Horn, city's engineering firm, gave an outline of the North Bend Opportunity and Green Action Plan. He stated that this project is for a planning grant to develop a plan for green infrastructure and a master site development plan for the Heritage Rail Trail extension and arterial connections to downtown. Project activities will include extension of the rail trail through the Norwest Triangle (NWT), arterial plans for biking and pedestrians into downtown, stormwater BMP's, construction of a green road through the NWT, and incorporation of all into a Green Action Plan for the City. He said they worked with the York City Redevelopment Authority and came up with a path alignment to allow the rail trail to connect Pennsylvania and Maryland.

DECISION: A motion was made by Helfrich, seconded by Ritter-Dickson to place this item on the **6/6/17** agenda. The motion passed by the following vote: Yeas – Ritter-Dickson, Helfrich – 2; Nays – 0.

4. Resolution approving an agreement for turbines at the WWTP

Deputy Director Green explained this contract is for services for the maintenance of the microturbines located at the Wastewater Treatment Plant. He stated that in 2011, Capstone Turbine Corporation, E-Finity Distributed Generation, LLC, located in Wayne, PA, installed the microturbines and has provided a proposal to continue servicing this equipment. The cost for the Plan B Option will be \$38,510.00 per year for the CR600 unit and \$66,557.00 per year for the C1000 unit.

DECISION: A motion was made by Helfrich, seconded by Ritter-Dickson to place this item on the **6/6/17** agenda. The motion passed by the following vote: Yeas – Ritter-Dickson, Helfrich – 2; Nays – 0.

5. Bill authorizing an Intermunicipal Governmental Agreement for the Rt. 30 Adaptive Signals Project

Director Gross explained that PennDOT is in the process of upgrading traffic signals along Route 30 (a/k/a Loucks Road and Arsenal Road) as part of the U.S. Route 30 Adaptive Signal Project, SR 0030-110, from Kenneth Road through North Hills Road along with Eden Road and Gate 1 within the municipalities of Manchester Township, Springettsbury Township, West Manchester Township, and the City of York. The Project includes the installation of adaptive signal control technology (ASCT) and enhancements to the existing communication system. PennDOT has requested that the Municipalities enter into an Intergovernmental Cooperation Agreement to establish a collaborative maintenance, support and operational oversight program covering the ASCT for no less than a five-year period.

DECISION: A motion was made by Helfrich, seconded by Ritter-Dickson to place this item on the **6/6/17** agenda. The motion passed by the following vote: Yeas – Ritter-Dickson, Helfrich – 2; Nays – 0.

GENERAL ([View Issues Chart](#))

1. Resolution authorizing a lease agreement with West York Borough for the York City Human Relations Commission office

President Helfrich asked whether this contract actually meets the standard of an affiliation agreement allowing the HRC to work out of the West York Borough office (1381 W. Poplar St., York, PA).

Assistant Solicitor Hoyt said this is not an affiliation agreement but meets a lot of the criteria although it doesn't finish the "affiliation agreement" requirement under the ordinance. West York Borough Council has a meeting 6/5/17 to discuss the other criteria not detailed in this lease.

President Helfrich said if we pass this resolution on June 6th, this will allow the lease to be signed but they won't be able to work out of the office until the affiliation agreement is solidified.

Assistant Solicitor Hoyt said this lease is simply to allow the HRC to operate in the West York Borough building. President Helfrich said the ordinance [{Article 185.10\(b\)\(1\)}](#) requires that an affiliation agreement has to be approved in order for them to be able to work out of that office. So he said we have to make sure West York Borough gets all of their pieces in place in order to allow the HRC to work out of the 1381 W. Poplar St. office.

Councilwoman Ritter-Dickson asked if the HRC can work out of the West York office once this lease is signed. President Helfrich said "no" because an affiliation agreement has to be approved. Councilwoman Ritter-Dickson said the Investigator is working from a cubical on the second floor and she doesn't think people know they are back there. She asked if this means they will be operating like this until West York Borough approves an affiliation agreement. President Helfrich said "yes."

Assistant Solicitor Hoyt clarified that only after there is an affiliation agreement can the HRC operate out of the W. Poplar St. office.

Karin Rollins-Fitch, HRC Chair, said we don't have a lease signed and we can't get Information Services to connect our computers until a lease is signed. She said because we are on an offsite server, we don't have connection to all of our files so we are basically homeless right now. She added that work that needs to be done can't be done because the infrastructure is not there. We didn't ask or want to go to West York but that was the facility offered to us. We are still looking for other locations. She said the Investigator is now located in a cubical on the second floor next to the Bureau of Housing Services Director. She said some of our things are in storage, some are in City Hall, and some are out in West York Borough.

Vice President Nixon said we need to approve a lease so you can get set up. The next step is for West York Borough to present to us an affiliation agreement to allow the HRC to operate out of the W. Poplar St. building. He said we need to get them set up so that they can work until things finalized.

President Helfrich asked that we vote on the lease on June 6th and then look into the language about the affiliation agreement with the solicitor's office.

DECISION: A motion was made by Nixon, seconded by Ritter-Dickson to place this item on the **6/6/17** agenda. The motion passed by the following vote: Ritter-Dickson, Walker, Nixon, Helfrich – 4; Nays – 0.

ECONOMIC & COMMUNITY DEVELOPMENT ([View Issues Chart](#))

- 1. Resolution extending a loan for Liberty & King St. Apartments for an additional 15 years.**
- 2. Resolution extending a loan for the YMCA for an additional 15 years.**
- 3. Resolution extending the loan for SKW Housing Properties for an additional 15 years.**

(Note: Council discussed agenda items 1, 2 and 3 regarding loan extensions all at the same time.)

Director Buffaloe said representatives from each entity is here this evening to answer questions.

Liberty & King St. Apartments

The City of York entered into a Second Revised and Restated Rental Rehabilitation Program Mortgage Agreement (Mortgage) and Second Revised and Restated Rental Rehabilitation Program Promissory Note (Note) with Liberty Apartments Partners L.P. on March 21, 1996 for 6 dwelling units located at 37 East Philadelphia Street, York PA, known as Liberty Apartments and with King Street Apartments L.P. on June 27, 1996 for 6 dwelling units located at 312, 314, 334 East King Street York PA known as King Street Apartments. The aforesaid Notes are due and payable March 22, 2016 and June 28, 2016. In April 2012, both Liberty Apartments Partners L.P. and King Street Apartments Partners L.P. merged with Delphia Management Corporation with the resulting entity known as Delphia Management Corporation. Delphia Management Corporation, has requested the City to extend both loans for an additional fifteen (15) year period, as referenced in the original promissory note, with both notes due June 30, 2032.

YMCA

The City of York entered into a mortgage with the YMCA of York and York County for rehabilitation, preservation and enhancement of primary rental real estate consisting of seven (7) properties collectively to contain a total of 31 unit(s) for rent or lease located at 270-272, 290-294, 342, 344-346, 375-379 W. Market St and 353 and 367 W. King Street. The aforesaid Note was due and payable September 7, 2016. The YMCA of York and York County, has requested the City to extend the loan for an additional fifteen (15) year period, as referenced in the original promissory note, with the note due September 7, 2031.

SKW Housing Properties

The City of York entered into a mortgage with SKW Housing Partners for rehabilitation, preservation and enhancement of primary rental real estate consisting of 20 properties collectively to contain a total of 34 unit(s) for rent or lease at 423 S. George St, 236 Liberty Court, 25 W. Maple St, 43 W. Maple Street, 29 E. South St, 518 S. George St, 15 E. South St, 17 E. South St, 19 E. South St, 21 E. South St, 44 W. Maple St, 42 W. Maple St, 45 E. Maple St, , 37 N. Albemarle St, 341 N. Beaver St,, 17 W. Maple St, 360 S. George St, 41W. Maple, 325 E. King St, 354 S. George St, and 39W. Maple St York PA. The aforesaid Note was due and payable March 12, 2012. SKW Housing Partners, has requested the City to extend the loan for an additional fifteen (15) year period, as referenced in the original promissory notes with the note due March 13, 2027.

Vice Nixon said he wants these properties maintained in good condition and not fall into disrepair for the protection of the people who live in them and for the quality of life of neighbors. He said he's hearing that management hopes to have money for continued maintenance of these properties but he'd like to hear something a little more concrete although he's not sure much can be done about it.

DECISION: A motion made by Ritter-Dickson, seconded by Walker, to place this item on the 6/6/17. The motion passed by the following vote: Ritter-Dickson, Walker, Nixon – 3; Nays – 0.

4. Bill amending Article 136 “Small & Disadvantaged Business Enterprise Program”

Director Buffaloe said this is to take a 1993 ordinance and make it applicable to today's standards. He said this won't change the substance of the ordinance but that changes will reflect how procurement is handled in our office today.

Director Buffaloe then briefly outlined each amendment, which included amending the title from “Small and Disadvantaged Business Enterprise Program” to “Small and Local Business Enterprise Program,” update definitions which includes expanding on the definition of local business and small business, add considerations, exemptions, and Department of Business Administration powers and duties, remove power of HRC to revoke or suspend the certificate of registration of any enterprise, and remove the option for anyone to file with the HRC a complaint alleging a violation of the article, and change the Office of Economic Development to the Department of Economic and Community Development.

Vice President Nixon said Council received the following email from former Councilwoman Vickie Washington:

“To the Council,

I apologize for not being able to attend the committee meeting, I am out of town and only realized Article 136 was on the agenda last evening. I not only worked with Councilman Lee Smallwood who was the Author of Article 136, he was a mentor to me. Article 136 was Councilman Smallwood's signature legislation and dear to his heart. I believe I would be remiss if I did not speak out against the amendments to this legislation. I applaud the Administration's efforts to enforce this legislation as it was passed in 1993 and enforced by no Administration. I believe the current amendments to this legislation would weaken the intent of Councilman Smallwood. The removal of the word disadvantaged alone would take away much of the intent of the legislation.”

“Quota bills that specified minorities were deemed illegal, thus the use of the word disadvantaged. The bill was modeled after a bill from Richmond, Virginia and litigated the whole way and upheld by the Supreme Court. This bill was not just designed to benefit small businesses but to benefit disadvantaged

city residents. The reporting process to City Council and the involvement of the Human Relations Commission is what gave this bill teeth, the Commission given the power to subpoena, and enforce. Also taken out of the bill is anyone can file a complaint with the HRC and the penalties. I ask who will obey a law with no real penalty and shouldn't all citizens have a right to complain if they believe a law is being violated.”

“In closing, this law as written by Councilman Smallwood can be an important tool to employing city residents with living wage jobs. In the past 10 year strategic plan and the current 10 year strategic plan, 20 years of Economic Development, we will have spent and will spend over a billion dollars, how many jobs would have and could be created with the enforcement of the Smallwood bill. I urge Council to oppose the amendments and ask for the enforcement of Article 136 as is. To do otherwise I believe does an injustice to the citizens, the bill and to Councilman Smallwood who wrote it. - Thank you, Vickie Washington”

Director Buffaloe responded that since 1993, a lot of the things that were identified as process were rendered ineffective. He said these changes are to make this ordinance work with our accounting and purchasing system in present day. We didn't change the goals, benchmarks or outcomes of this ordinance. We kept the substantive information. They crossed out the HRC because they are not part of the decision making tree of this ordinance but he's willing to talk to the HRC if they feel they should have a role in this structure. He said this ordinance isn't urgent and he'd rather take the time to make sure it's a good piece of legislation for everyday use, so if it takes time, he said he's amenable to that but he doesn't want it to die in committee either.

Councilwoman Ritter-Dickson asked why Section 136.99 (a) & (b) were stricken. Director Buffaloe said we no longer maintain a certification of registration list so it was stricken.

President Helfrich asked why the title is being changed. Director Buffaloe said it doesn't matter - Council can change it to whatever it wants.

President Helfrich said he'd like to further discuss this legislation and would ask that it be tabled at this time to allow members of Council to meet with Director Buffaloe.

Stephanie Seaton, former HRC Director, said the HRC was involved to investigate complaints related to this ordinance such as outlined in 136.99(b) and asked that the HRC remain involved in this capacity.

DECISION: A motion was made by Walker seconded by Ritter-Dickson, to **TABLE** this legislation until a later date. The motion to TABLE passed by the following vote: Ritter-Dickson, Walker, Nixon – 3; Nays – 0.

RULES & ADMINISTRATIVE CODE ([View Issues Chart](#))

1. Bill amending Articles 307 “Exemption for Dwelling Improvements (RETAP)”
2. Bill amending Article 308 “Local Economic Revitalization Tax Assistance (LERTA) Program”

(Note: Council considered agenda items 1 and 2 at the same time.)

Director Buffaloe stated that Treasurer Jefcoat submitted additional amendments to Article 307 “Exemption for Dwelling Improvements” (RETAP) to amend the title to read Article 307 “Incentive Programs for Dwelling Improvements” and repeal sections 307.01 through 307.08 and establish new language for sections 307.01 through 307.08 to include Definitions, Eligible Areas, Abatement, Procedure for Obtaining Abatement, Abatement Conditions and Limitations, Revocation of Abatement, Conflicts & Severability, and Effective Date.

Director Buffaloe stated that Treasurer Jefcoat also submitted additional amendments to Article 308 “Local Economic Revitalization Tax Assistance (LERTA) Program” to repeal said Article in its entirety and replace with new language to include Definitions, Eligible Areas, Abatement, Procedure for Obtaining Abatement, Abatement Conditions & Limitations, Revocation of Abatement, Conflicts & Severability, and Effective Date.

Director Buffaloe said these amendments would allow these ordinances to work hand-in-hand for a more streamlined process.

DECISION: A motion was made by Nixon, seconded by Walker, to place these items on the 6/6/17 agenda. The motion passed by the following vote: Yeas – Walker, Nixon, Helfrich – 3; Nays – 0.

3. Bill establishing Article 718 “Marijuana Possession”

Councilwoman Ritter-Dickson said she is sponsoring this Bill, which will create Article 718 “Marijuana Possession” of the Codified Ordinances to establish definitions, criteria for possession or smoking of a small amount of marijuana, penalties, and enforcement. She said this is not an ordinance giving carte blanche to smoke marijuana but is giving a chance to someone who made a mistake especially if it hinders future life advancements. She said she researched similar legislation passed in Philadelphia, Pittsburgh, and Harrisburg and that she also met with our local District Judges and Police Chief Kahley. She said they discussed how this legislation would help our residents change their lives and how it will relieve our police officers from doing paperwork for an arrest made from a small possession of marijuana. She said offenders won't get off scot free because a fine will be issued.

Vice President Nixon said he'd like to have an opportunity to speak with Chief Kahley before this moves forward.

President Helfrich asked why other varieties of marijuana are not listed.

Councilwoman Ritter-Dickson did not have an answer to that question.

President Helfrich said it seems logical that if the drug itself is going to be assigned a ticket value, then paraphernalia possession should also be defined if that's going to be part of the citation process. He then outlined the costs for the first through third offenses.

DECISION: DECISION: A motion was made by Walker, seconded by Nixon, to place these items on the 6/6/17 agenda. The motion passed by the following vote: Yeas – Walker, Nixon, Helfrich – 3; Nays – 0.

III. Council Comment

Councilwoman Ritter-Dickson announced that registration for the June 19th through July 27th “Summer Playground Program” begins June 12-15. For more information, please visit: <http://www.yorkcity.org/summer-playground-program/>.

President Helfrich invited residents to attend the Historic Newton Square’s “Secret Gardens of York” tour taking place Saturday June 17th from 1-4PM. For more information, please visit: <https://www.eventbrite.com/e/secret-gardens-of-york-2017-tickets-32479999553>.

Also, President Helfrich encouraged residents to attend the International Culture Festival being held at Farquhar Park/Kiwanis Lake on June 17th from 10:00 a.m. – 9:00 p.m.

Stephanie Seaton, resident, said no one should be harassed or intimidated for attending a Council meeting and should feel safe to speak out on an issue. Unfortunately, she said she was harassed and intimidated for raising questions and concerns at a Council meeting and that people should speak out against this kind of intimidation and harassment.

IV. Administration Comment: None

V. Next Committee Meeting **September 27, 2017 at 6:00 p.m.** in Council Chambers (Agenda items due by 12 noon on Wednesday, September 20, 2017).

VI. Adjournment: There being no further business, the May 24, 2017 Council Committee meeting adjourned at 8:49 p.m.


Dianna L. Thompson-Mitchell, City Clerk


Michael Ray Helfrich, President of Council