

Council of the City of York, Pennsylvania

Henry Hay Nixon, President of Council
Sandie Walker, Vice President of Council
Judy A. Ritter-Dickson, Member of Council
Edquina Washington, Member of Council
Lou Rivera, Member of Council

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MINUTES January 21, 2020 6:00 p.m.

I. PUBLIC HEARING – 6:00 PM

CALL TO ORDER: President Nixon called the January 21, 2020 public hearing to order at 6:00 p.m. in Council Chambers, 101 S. George St., York, PA, with the following members present: Lou Rivera, Edquina Washington, Sandie Walker, Vice President, and Henry Hay Nixon, President, with President Nixon presiding.

Members of the Administration in attendance included: Michael Ray Helfrich, Mayor; Tom Ray, Business Administrator; Chaz Green, Director of Public Works; Nancy Green, Zoning Officer; Chad Deardorff, Fire Chief; and Jason Sabol, Assistant Solicitor.

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

President Nixon said tonight's hearing is being held to receive testimony on the request made by US Ecology for approval of a CONDITIONAL USE application to expand the existing facility at 730 Vogelsong Road to include a new accessory warehouse for materials that are currently stored in an area open to the environment.

The York City Planning Commission and Zoning Officer have determined that the Zoning Ordinance (§1304.1-6.02.003) defines this use as Hazardous Industrial and allows this use by CONDITIONAL USE permit, which the applicant has applied for.

Said hearing is being held in accordance with §1311.13 of the City's Planning & Zoning Code. Council will consider approval of the request this evening during its legislative session. (See agenda [item #3](#))

Nancy Griffin, Zoning Officer, outlined that the applicant proposes to expand the existing facility at 730 Vogelsong Road to include a new accessory warehouse for materials that are currently stored in an area open to the environment. Staff has determined that the Zoning Ordinance defines this use as §1304.1-6.2.3 Hazardous Industrial. The Zoning Ordinance allows this use by conditional use permit, which the applicant has applied for. Codified Ordinance §1304.1-6.2.3.b.3 states that the use must be buffered from neighboring properties by an open space area a minimum of 500 feet. The applicant is also requesting a variance to waive this requirement. The property is in the York City Industrial Park. Adjacent properties are industrial and institutional. The proposed structure will be more than 500' from all residential properties in the area. To accommodate trucks through the site, the applicant is proposing to build a retaining wall for a parking lot/truck drive area. This wall will be within the building setback line. The applicant is requesting a variance to §1334.6.b to waive the requirement that "no buildings or other structures shall be permitted within the lines of an easement or building setback area."

Christopher Beauregard, Nutech Design, gave further detail about the project which is outlined at length in the application attached to [Resolution No. 16](#).

Thomas Kovatch, General Manager, US Ecology, explained that US Ecology has been in existence for over 65 years and is a leading provider of environmental services to commercial and government entities. He said they

address the complex waste management and response needs of their customers, offering treatment, disposal and recycling of hazardous, nonhazardous and radioactive waste.

A complete copy of the transcripts of this hearing will be kept on file at York Stenographic Services, 34 N. George St., York, PA 17401, for a period of 5 years.

There being no further discussion, President Nixon adjourned the public hearing at 6:05 p.m.

- II. Public Comment: President Nixon called the public comment session to order at 6:05 p.m. There being no public comment, President Nixon adjourned the public comment session at 6:05 p.m.
- III. Called Legislative Meeting to Order: 6:05 p.m.
- IV. Roll Call
- V. Pledge of Allegiance recited.
- VI. Moment of Silence observed.
- VII. Action on previous meeting Minutes of [January 6, 2020](#). Council dispensed with the reading of the minutes of January 6, 2020 and unanimously approved them as written.
- VIII. Presentations, Proclamations, Awards and Announcements
- IX. Meeting(s) Scheduled:
 - **Council Committee Meeting:** Scheduled for Wednesday, January 29th at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on January 22nd.
 - **Council Legislative Meeting:** Scheduled for Tuesday, February 4th at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on Wednesday, January 29th.
 - **Town Hall Meeting:** Council will hold a town hall meeting on Monday, February 10, 2020 at 6:00 p.m. at LOGOS Academy, 250 W. King St., York, PA, to receive public comment on amending the residency requirement for city employees.
- X. Status of Prior Committee Referrals: No reports.
- XI. 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. 15 - A Resolution
Accepting the recommendations of HARB. ([View](#))
Introduced by: Lou Rivera
Originator: HARB

Resolution No. 15, Session 2020, A Resolution accepting the recommendations of HARB in issuing a certificate of appropriateness to Lauer Construction Services for work to be done at 339 E. Market St.; Bortner Bros., Inc. for work to be done at 29 S. George St.; and Margaret Reis for work to be done at 422 W. Market St., was introduced by Rivera, read at length, and on motion of Rivera, seconded by Walker, Resolution No. 15 came up for discussion.

President Nixon disclosed that he is a member of Christ Lutheran Church (29 S. George St.) and that he has no financial interest in the church so he will vote on this Resolution.

There being no further discussion, Resolution No. 15 PASSED by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0.

Final Passage of Bills / Resolutions: NONE

New Business

2. **Introduction of Bill No. 1** _____ - A Bill

Amending the 2020 Budget. (To reflect changes resulting from rollover of 2019 funding due to a grant extension from DEP for the Poorhouse Run Project - \$99,162.90) ([View](#))

Introduced by: Sandie Walker

Originator: Public Works

Note: Bill No. 1 will be on the 2/4/20 legislative agenda.

Bill No. 1, Session 2020, A Bill amending the 2020 Budget in the amount of \$99,162.90 to reflect changes resulting from rollover of 2019 funding due to a grant extension from DEP for the Poorhouse Run Project, was introduced by Walker, read by short title, and deferred to the February 4th meeting of Council.

3. **Resolution No. 16** _____ - A Resolution

Approving a conditional use application filed by US Ecology. (730 Vogelsong Rd. – for expansion and new accessory warehouse building) ([View](#))

Introduced by: Edquina Washington

Originator: Economic & Community Development (PP&Z)

Resolution No. 16, Session 2020, A Resolution approving a conditional use application filed by US Ecology for the expansion and new accessory warehouse building at 730 Vogelsong Rd., was introduced by Washington, read at length, and on motion of Washington, seconded by Walker, Resolution No. 16 PASSED by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0. (Note: Council held a public hearing at 6PM this evening to receive public comment on this item.)

4. **Resolution No. 17** _____ - A Resolution

Waiving the residency requirement for Fire Chief Chad Deardorff. ([View](#))

Introduced by: Edquina Washington

Originator: Mayor

Note: Resolution No. 17 was referred to the 1/29/20 committee meeting.

Resolution No. 17, Session 2020, A Resolution waiving the residency requirement for Fire Chief Chad Deardorff, was introduced by Washington, read at length, and on motion of Washington, seconded by Walker, Resolution No. 17 came up for discussion.

Motion to refer to committee. A motion was made by Washington, seconded by Walker, to refer Resolution No. 17 to the January 29, 2020 committee meeting. The motion passed by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0.

5. **Resolution No. 18** _____ - A Resolution

Authorizing various 2019 budget transfers. ([View](#))

Introduced by: Sandie Walker

Originator: Public Works

Resolution No. 18, Session 2020, A Resolution authorizing a budget transfer in the 2019 Budget for the Sewer Maintenance Department in the amount of \$92,938.00 to cover the last invoice to EK Services for the Fireside Sewer Project and a transfer in the amount of \$2,860.00 to cover the last Buchart Horn invoice of 2019; a 2019 budget transfer for the Wastewater Treatment Plant in the amount of \$71,357.00 to pay final 2019 invoices; and a 2019 budget transfer for Public Works in the amount of \$30,000.00 to cover engineering costs for the Poorhouse Run Project, was introduced by Walker, read at length, and on

motion of Walker, seconded by Washington, Resolution No. 18 PASSED by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0.

6. Resolution No. 19 - A Resolution Reappointing James E. Gross to the Susquehanna Area Regional Airport Authority. ([View](#))
Introduced by: Lou Rivera
Originator: Mayor

Resolution No. 19, Session 2020, A Resolution reappointing James E. Gross to the Susquehanna Regional Airport Authority (SARAA) to serve until January 5, 2025, was introduced by Rivera, read at length, and on motion of Rivera, seconded by Washington, Resolution No. 19 PASSED by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0.

XII. Requests for Future Meetings: None

XIII. Council Comment

Councilman Rivera asked Mayor Helfrich the status of Mary Yeaple’s special events contract with the city. Mayor Helfrich said requests for proposals were sent out and we’ll now be working with a new special events contractor.

XIV. Administration Comment

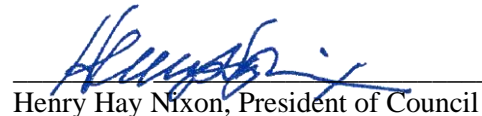
Mayor Helfrich thanked everyone who hosted activities to honor the late Dr. Martin Luther King, Jr.

XV. Adjournment: The next legislative meeting of Council is scheduled for Tuesday, February 4, 2020 at 6:00 p.m. in City Council Chambers. There being no further business, the January 21, 2020 meeting of Council adjourned at 6:22 p.m.

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



Dianna L. Thompson-Mitchell, City Clerk



Henry Hay Nixon, President of Council