



The City of York Pennsylvania

Office of City Council
101 S. George St.
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COMMITTEE MINUTES October 26, 2022 6:00 p.m.

Fire/Police	Public Works	Econ & Comm Development	Business Admin	Rules & Admin
Washington Dennis Buckingham	Dennis Washington Rivera	Washington Walker Buckingham	Buckingham Walker Rivera	Rivera Washington Dennis

***Bold text indicates Chairperson**

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

CALL TO ORDER: President Walker called the October 26, 2022, committee meeting to order at 6:00 p.m. in Council Chambers, 101 S. George St., York, PA, with the following members present: Felicia Dennis, Betsy Buckingham, Lou Rivera, Edquina Washington, Vice President, and Sandie Walker, President, with President Walker presiding.

Members of the Administration in attendance included: Joe Jefcoat, Treasurer; Kim Robertson, Acting Business Administrator; Steve Buffington, Building Code Official; and Don Hoyt, Assistant Solicitor.

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

- I. Called committee meeting to order at 6:00 p.m.
- II. Committee Issues for the November 1 & 15, 2022 legislative Agendas as follows:

[CLICK HERE TO VIEW ISSUES CHART](#)

ECONOMIC & COMMUNITY DEVELOPMENT (Washington, Chair; Walker; Buckingham)

1. **A Bill amending the FY2022 Budget for professional services to be provided by C.S. Davidson for completion of the city's Comprehensive Plan - \$40,000.**

In an email received from Nona Watson, Director of Economic & Community Development, dated October 21, 2022, she explained that their department, "...has not yet been able to secure a qualified planner for the City of York. Our previous planner was able to complete approximately 80% of the City's Comprehensive Plan, so there's still more work to be done. It is my desire to keep the momentum going in the completion of this Plan. CS Davidson serves as city engineer and has been working with us and supporting us in the absence of a city planner. I asked if they would also submit a proposal for the completion of the Comp Plan, working with DECD staff. I have attached their proposal to this email for your convenience and information."

DECISION: A motion was made by Buckingham, seconded by Dennis, to place this item on the 11/1/22 legislative agenda. The motion passed by the following vote: Yeas - Washington, Walker, Buckingham - 3; Nays - 0.

2. **A Bill Amending the FY2022 Budget for the Bureau of Permits & Inspections to fund a plan review table, additional inspectors, and a vehicle - \$301,000.**

Building Code Official Steve Buffington explained that this budget amendment is to cover the cost of a plan review table, additional property maintenance inspectors, and a vehicle. He said the **plan review table** is a large interactive monitor with high resolution for the review of plans, it's tilt-adjustable, and is interactive, i.e., a touch screen. The table would be shared by both the Planning and Zoning departments. The **additional inspectors** would allow his department to step up their bureau with two new employees that will offer a full complement of inspectors to better serve the community. With the addition of the new inspectors, they will need a **vehicle** to accommodate the new positions.

Vice President Washington asked the number of open positions in the Bureau of Permits & Inspections.

BCO Buffington said they currently have one part-time vacancy and the two new full-time property maintenance inspectors they are requesting. He said it's his hope and desire that after the ARPA grant period ends, they'll be able to sustain those positions because their bureau is self-sufficient.

Vice President Washington then asked the number of vehicles in P&I.

BCO Buffington said they have 10 vehicles which also includes one vehicle used by the zoning officer. With the hiring of additional PMI's, he said they would need additional vehicles to support the two new staff members.

DECISION: A motion was made by Dennis, seconded by Buckingham, to place this item on the 11/1/22 legislative agenda. The motion passed by the following vote: Yeas - Washington, Walker, Buckingham - 3; Nays - 0.

PUBLIC WORKS (Dennis, Chair; Washington; Rivera)

3. **A Resolution accepting an offer to purchase SR0083-091 R/W, Parcel 69 from PennDot.**

Ashley Eisenbeis, Stantec Consulting, said her company is contracted through PennDot, and they are looking to acquire Parcel 69 for \$5,800 to support the channel easement to regrade the slopes and remove sediment along SR0083-91 R/W.

DECISION: A motion was made by Buckingham, seconded by Washington, to place this item on the 11/1/22 legislative agenda. The motion passed by the following vote: Yeas - Dennis, Washington, Rivera - 3; Nays - 0.

GENERAL (Walker, Chair; Washington; Rivera, Buckingham, Dennis)

4. **A Bill amending the FY2022 Budget for the Dr. Holliday Luncheon - \$1,500.**

Acting Business Administrator Kim Robertson said the Dr. Holliday luncheon has historically been funded under fund 26 because of fundraisers to cover expenses associated with the luncheon. She said she looked at historical data and they have a surplus, so this amendment is requesting funds that weren't appropriated in previous years to be used as a down payment for next year's luncheon facility.

DECISION: A motion was made by Walker, seconded by Buckingham, to place this item on the 11/1/22 legislative agenda. The motion passed by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

5. A Resolution approving the 2023-2027 IAFF Collective Bargaining Agreement.

Acting Business Administrator Kim Robertson said the Administration worked with the IAFF from late June until mid-September going through all the articles of their collective bargaining agreement which ends 12/31/22. She explained that when they come to an agreement, they sign off on a tentative agreement until it's finalized. She said she has a draft which will be going to the union at the end of the week. To allow Council time to review the finalized documents, she is requesting this be placed on the 11/15/22 agenda. She said it was very easy working with the IAFF. She outlined some of the highlights of the agreement which includes a 3% increase over the next five years, a moderate increase for health insurance contributions, and extending the residency radius from 13 to 15 map miles. She said we were happy with the process and the outcome and we're hoping to get it approved.

DECISION: A motion was made by Rivera, seconded by Walker to place this item on the **11/15/22** legislative agenda. The motion passed by the following vote: Yeas - Walker, Rivera, Buckingham - 3; Nays - 0.

6. A Resolution authorizing an agreement for ARPA management, accounting & compliance services.

Councilwoman Buckingham said she didn't see a resolution in Council's agenda packet for this agreement.

Acting Business Administrator Kim Robertson said we don't have a resolution drafted at this time, but it will be a standard resolution for a contract. She said this is pre-emptive in terms of where we are in the process of receiving RFQ's. She said we reviewed the dozen proposals received and narrowed the applicants down to four. She stated that interviews are scheduled for next week and after that point, we anticipate we'll have a candidate in place and can work on the details of the contract. As such, she said we are requesting this item be placed on the 11/15/22 agenda.

Councilwoman Buckingham said she was not part of reviewing the initial 12 applications, but she was included in on the interviews for the final four.

Administrator Robertson said Deputy Business Administrator Dan Hevner received all the applications, and former Business Administrator Tom Ray, Director of Economic & Community Nona Watson, and Chief of Staff Scott Miller, were the individuals that reviewed all twelve applications. She said they said it was easy to come up with the top four.

DECISION: President Walker said she would prefer to see the Resolution before it's placed on the agenda. Committee members agreed. As such, a motion was made by Walker, seconded by Buckingham, to defer to an upcoming agenda pending receipt of the resolution. The motion passed by the following vote: Yeas - Walker, Rivera, Buckingham - 3; Nays - 0.

7. Bill No. 54 - Amending Article 145 "Police Department" of the Codified Ordinances.

President Walker read a brief history of this bill and said we are here this evening to discuss the amendments only to Article 145, which will be considered section by section. She said we'll start with the first proposed amendment which is to Article 145.01(a).

Section 145.01(a)

Vice President Washington said she emailed a memo to Assistant Solicitor Jason Sabol, Police Commissioner Michael Muldrow, and cc: President Walker, wherein she shared her proposed amendment to Article 145. She read portions of her memo (Click [here](#) to read memo).

She said she found that granting the Mayor the authority to determine the number of police officers is a violation of the 3rd Class City Code. Section 12001(a) of the code clearly reads that Council shall determine the appointment and number of police officers. As such, she proposed new language for Article 145.01(a) to read as follows: 145.01(a) The Police Department shall ~~consist of not more than 100 police officers and such other employees as funds may~~ be staffed at a number determined by Council the Mayor through funds provided ~~for in~~ within the current budget; or by supplemental appropriations.

President Walker asked if there was any Council, Administration or public comment on Vice President Washington's proposed amendment. There was none.

City Clerk Dianna Thompson asked Assistant Solicitor Hoyt if Council needed to add language to Article 145.01(a) specifying a cap on the number of officers or will the budget ordinance suffice.

Assistant Solicitor Hoyt said the budget ordinance will suffice as the number of paid officers should be determined by that line-item's allocation.

Acting Business Administrator Robertson outlined that the budget process for salaries for officers and stated that it doesn't necessarily list a number of officers, it just shows salaries.

There being no further discussion, President Walker moved on to the next proposed amendment which is to Article 145.01(e)

145.01(e)

There were no questions or comments from Council. There were no questions or comments from the administration on the proposed amendment.

FOP President Ben Praster said these sections are doing a lot of heavy lifting. He said the city's position is that the commissioner can create any position he wants. He said their definition of duty assignment is much broader than what the contract says, and this is a poison pill. He said this will give the commissioner more power to move around whoever he wants to whatever position he wants.

Councilman Rivera asked the FOP attorney, Ed Paskey, if he could explain what's wrong with this proposed amendment.

Ed Paskey, FOP attorney, said he is not here to advise what is legally correct. He said we spent several hours here today in Council Chambers arbitrating this issue. He asked if Council knew about this. Council said they did not. He said duty assignments were discussed during the arbitration, specifically the detective commander position be proposed in this ordinance. He said there will be legal briefs submitted to the arbitrator in December so you might be voting on something that may be impacted by the arbitration decision. He said this should be discussed between the FOP and city's Administration.

President Walker said there seems to be a lot of controversy between the Administration and the FOP with regard to these amendments. She asked Attorney Joe Rudolph, who represents the city in FOP negotiations, if would add to the discussion

Attorney Rudolph said he has never recalled the FOP coming before Council asking why you are passing ordinances. He said the rights of the FOP and their membership is codified in their collective bargaining agreement. There is a section in that contract that talks about city ordinances, and he said

he thinks it's been completely misconstrued by members of the FOP. He said the city can pass whatever ordinances it wishes. The issue for the FOP is to review their collective bargaining agreement, not city ordinances, he added. The management rights clause and the language are already secured under the rights of management of the collective bargaining agreement. He said the FOP's rights are contained in the collective bargaining agreement. He said he thinks the challenges being raised are irrelevant.

Attorney Paskey said there are certain rights that are governed by the collective bargaining agreement but there are labor laws also, so to say the collective bargaining agreement is the sole authority is a stretch.

Motion to table. President Walker said the language in this Bill needs to be hashed out between the FOP and the Administration and once that is done, it can be brought back to Council. As such, she made suggested a motion to table Bill No. 45. The motion to table was made by Washington, seconded by Buckingham, and passed by the following vote: Yeas - Dennis, Buckingham, Washington - 3; Nays - 0. Council members Rivera and Walker supported the decision of the committee to table Bill No. 54. Therefore, Bill No. 54 remains in committee.

President Walker said we look forward to an update as to how this process moves along and hopefully there will be some resolve.

- III. Next Committee Meeting **November 30, 2022 at 6PM** in Council Chambers. Committee agenda items are due by 12 noon on 11/23/22.
- IV. Adjournment: There being no further business, the October 26, 2022 committee meeting adjourned at 6:57 PM.



Dianna L. Thompson, City Clerk



Sandie Walker, President of Council