

Council of the City of York, Pennsylvania

Sandie Walker, President of Council
Edquina Washington, Vice President of Council
Lou Rivera, Member of Council
Betsy Buckingham, Member of Council
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MINUTES October 4, 2022 6:00 p.m.

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CALL TO ORDER: President Walker called the October 4, 2022, 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: Michael Helfrich, Mayor; Kim Robertson, Acting Business Administrator; Nona Watson, Director of Economic & Community Development; Blanda Nace, Chief Opportunity Officer; Michael Muldrow, Police Commissioner; Scott Miller, Chief of Staff; and Jason Sabol, Assistant Solicitor.

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

I. Public Comment:

Jeff Kirkland, resident, spoke about removing the parking meters in the 400 block of W. Market St. He said he has been there 20 years and still has to buy a parking sticker to be able to park. He then spoke about someone going door-to-door saying they were collecting donations for smoke detectors. He suggested using ARPA dollars for this and that he hasn't seen much movement on expending ARPA money. He said if we don't spend it within a certain amount of time, we'll lose it

Mayor Helfrich said he just received a text from the Fire Chief and no one is collecting money for the purchase of smoke detectors. He said no one should be taking solicitations on behalf of the City of York. He said it is a scam.

Benjamin Praster, President of the FOP, discussed the proposed amendments to Article 145 and said there are a couple of problems with the suggested amendments. He said it's a labor law violation and that the proposed amendments should have gone through the union. He requested a sit down to discuss further or the city will be dealing with some legal problems.

Manuel Gomez, resident, said it appears that employees have to get past the administrations' guard dogs to be able make responses at Council meetings. He said public speakers are being talked over and interrupted by the administration and that we should be allowed to speak. He said even the

Commissioner wasn't able to speak without the solicitor taking over. He said Council needs an independent solicitor so that we don't have an antagonistic stance.

There being no further comment, the public comment session adjourned at 6:10 PM.

- II. Called Legislative Meeting to Order at 6:10 PM.
- III. Roll Call
- IV. Pledge of Allegiance was recited.
- V. Moment of Silence was observed.
- VI. Action on previous meeting Minutes of [September 20, 2022](#) (Legislative), [September 28, 2022](#) (Legislative), and [September 20, 2022](#) (Committee). Council dispensed with the reading of the minutes and unanimously approved them as written.
- VII. Proclamations, Awards and Announcements: None
- VIII. Meeting(s) Scheduled:
 - ▶ **Legislative Meeting:** The next legislative meeting of Council will be held on Tuesday, October 18, 2022 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on October 12th.
- IX. Status of Prior Committee Referrals: No reports
 - ▶ A [Resolution](#) waiving back sewer/refuse fees for 275 Jefferson Ave. and 175 W. Gay Ave. and authorizing private refuse collection services remains in committee.
- X. Legislative Agenda: (Order of Business - Action on Subdivision/Land Development & HARB Resolutions; Final Passage of Bills/Resolutions; New Business.)

Final Passage of Bills / Resolutions

1. Final Passage of Bill No. 51 (Deferred to the 10/18/22 mtg) _____ - A Bill Amending the FY2022 Budget. ([View](#)) (To support Economic Development and Redevelopment activities through the purchase and redevelopment of the 28 parcels of land containing approximately 17.3 acres commonly known as the Dentsply West College Avenue Campus in the amount of \$5,000,000.00.)
Introduced by: Edquina Washington
Originator: Economic & Community Development

Final Passage of Bill No. 51, Session 2022, A Bill Amending the FY2022 Budget to support Economic Development and Redevelopment activities through the purchase and redevelopment of the 28 parcels of land containing approximately 17.3 acres commonly known as the Dentsply West College Avenue Campus in the amount of \$5,000,000.00, which was introduced by Washington at the September 20 meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Rivera, Bill No. 51 came up for discussion.

Mayor Helfrich said this is not a sales agreement. It's a budget amendment. Any purchase would have to be approved by Council.

Jeff Kirkland, resident, asked where is the \$5 million coming from and what does that buy us if we buy this property.

Mayor Helfrich said in the event of a potential purchase, that funding would come from the sale of the WWTP. They would purchase the property and we would discuss what we want to see happen with the property, and then have any profits come into the city's coffers to help with things such as pension obligations.

Manuel Gomez, resident, said he was hoping to hear more discussion on this item. He said how can we ask for money when there is no plan. He said if Council disagreed with the purchase, he would like to hear why. He asked if this purchase would be taken over by the Redevelopment Authority and what funding mechanism will be in place. He suggested only allocating for site assessments instead of the full sum being earmarked as an allocation. How are the WWTP funds now being freed up for this purchase and why is the city interested in this property anyway, he asked. Will the plans be publicly revealed? He said this could bind us in the future. He said Council should be involved in the vision for this property.

President Walker said Council had two informational sessions with Mr. Nace, and many questions were asked and responded to by Mr. Nace. She said she feels this budget amendment is premature. If we decide to move forward, she said we can have meetings to address the amendments to the letter of intent and concerns we've had. She said she has heard general concepts but nothing in detail about what the plan is with this property.

Marie Rohleder, resident, asked if we are doing this now because there is another buyer on the horizon that we want to keep from purchasing the property. It seems like this was an all of the sudden decision, she said.

Mayor Helfrich briefly explained the process. He said other buyers were showing interest. If the entire property gets sold to one group, we have no control over what happens in that area. If we purchase it, we'll have control over what happens with that parcel. He said if we want this property for the future of our community, ARPA and WWTP funding seems viable. He said the Letter of Intent to Purchase allows us to move forward in getting information we need on the property.

Blanda Nance, CODO, said whenever the city is asked to use a check, it has to be associated with a cost center. So, this budget amendment would allow us to have money in a line item to allow us to spend money related to this parcel.

Attorney Mieke W. Driscoll, CGA Law Firm, said she reviewed the Letter of Intent ("LOI") and she's available to answer questions.

President Walker asked if there were any concerns with the LOI other than the escrow.

Attorney Driscoll said if the purchase agreement is not executed, then the initial deposit of 1% will be returned. If you move forward with the purchase agreement, the 1% will roll into the purchase cost. She said there are some drafting errors that can be noted with corrections which can be initialed and dated. The number of properties is no longer 30, it's 28. Two timeframes need to be updated; one is on pg. 4 "withdraw of offer", which would change to within 45 days of this LOI instead of 9/28/22. She said these are easy corrections and she believes the seller will recognize those are just drafting errors.

President Walker said Dentsply has already signed the LOI and asked if they have responded to the amendments.

Mr. Nace said any significant edits to the LOI would have to go back through their legal team but anything minor, they would understand. He said they stated that minor amendments wouldn't be an issue. However, major changes would need to be reviewed.

Councilman Rivera said President Walker's question hasn't been answered.

Attorney Driscoll said Council can ignore the noted errors or Council could approve the LOI, and then hand mark the edits and initial and then send to Dentsply for their acceptance.

Assistant Solicitor Sabol said these are common sense edits and he's not concerned but if this was major, then there would be an issue, but these are not major edits.

President Walker asked who has the authority to waive the due diligence.

Mr. Nace said he doesn't know what mechanism is in place to determine that.

Assistant Solicitor Sabol said Council has three meetings within the next 30 days so there is plenty of opportunity for Council to respond to any issues.

Councilwoman Buckingham said the City is the buyer, not Council.

President Walker asked what the due diligence looks like.

Mr. Nace said it will be similar to the information session held with Council.

Manuel Gomez, resident, said I don't know how this turned into discussion on the letter of intent because it's not germane to the topic on the floor. Since Bill 51 is on the table, it should stand on its own.

Mayor Helfrich said the value of the property needs to be considered along with the potential uses because we have to look at the entirety of the project. We are borrowing from the WWTP proceeds and then will be returning it.

Michael Walker, resident, said we haven't gotten phase 1 or 2 or the disclosures related to this property. What if we run into problems with this property that will diminish the value of that property.

Mayor Helfrich said we don't need the \$5 million right now.

Mr. Nace said we need to have the cost center in order to write checks for the expenditure and deposit money. When we hire an environmental consultant and engineer, we will need that money to come out of a cost center. What the final number should be is unknown and the \$5 million number was thrown out there because it had to be greater than \$4 million. He stated that we didn't know what the carrying costs would be so there is a placeholder for the carrying costs, engineers, consultant's etc. We haven't signed the LOI so that's why this is a guesstimate.

President Walker said when issues in communications like this occur, it raises even more concern as to whether or not the city can handle this. She said she doesn't feel comfortable with this opportunity because we don't have real numbers and no information on the property. She said the confusion, the process and lack of communications is causing her hesitation.

Mayor Helfrich said we were expecting the LOI to be done at this point. He said placing the LOI on the agenda was discussed with Council over a month and a half ago.

Vice President Washington said the lack of preparation and inconsistency being shown today shows me how the rest of this deal will go. I think it is an embarrassment that we don't have our act together, she said.

Mayor Helfrich said we discussed this with the President Walker and discussed the amount of money. The LOI was not signed on 9/4/2022 because the meeting was canceled, and now this budget amendment is coming at the same time as the LOI. It's not a matter of us not being organized, it's us trying to adapt to a situation of an unfortunate occurrence that resulted in Council canceling its 9/4/22 meeting. He said if the LOI isn't approved, this discussion is moot.

Councilman Rivera asked for more specific numbers and Mr. Nace before we consider voting on this Bill.

Motion to pull Bill No. 51. Councilman Rivera suggested we pull Bill No. 51 from the legislative agenda. As such, he made a motion to pull Bill No. 51 from the agenda and defer it to the October 18 meeting. The motion was seconded by Dennis and passed by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington - 4; Nays - Walker - 1.

Mr. Nace said the LOI would allow him to get more accurate numbers. Dentsply has 10 days to supply the information we request after approval of the LOI. At that point, we will know how much things will cost. He said he will continue to gather what information he can so we can fine tune those numbers.

Councilman Rivera said the risks seem a lot deeper now versus the last committee meeting. While I'm open to taking risks, he said he's just not there right now. You have a few weeks to answer additional questions and hopefully by October 18th, you'll be prepared to share with Council information we've be requesting.

There being no further discussion, Bill No. 51 was pulled from tonight's legislative agenda and will be placed on the 10/18/22 agenda for consideration of final passage.

2. Final Passage of Bill No. 52, Ordinance No. 50 - A Bill Amending the FY2022 Budget ([View](#)) (As follows: (1) Department of Economic & Community Development's Bureau of Housing Services to reflect changes of additional actual allocated funding for HOME ARP Administration, in the amount of \$99,031.30; (2) Public Works Department to pay the rest of our inspection invoices to TRC for King Street Bike Lane work expenditures from PennDot funding, in the amount of \$70,000.00; (3) Parks and Recreation Bureau by appropriating revenue and expenditures for the Back-to-School event, in the amount of \$5,500.00; (4) Bureau of Health by appropriating additional revenue and expenditures in the amount of \$99,263.00 through the Comprehensive Secure and Responsible Drug Disposal Program; and (5) Bureau of Health by appropriating additional revenue and expenditures for the Childhood Lead Poisoning Prevention Program (CLPPP) grant (#4100082860), in the amount of \$19,228.42.)

Introduced by: Edquina Washington

Originator: Economic & Community Development (BHS/Health) | Public Works (Parks/Recs)

Final Passage of Bill No. 52, Ordinance No. 50, Session 2022, A Bill amending the FY2022 as follows: (1) Department of Economic & Community Development's Bureau of Housing Services to reflect changes of additional actual allocated funding for HOME ARP Administration, in the amount of \$99,031.30; (2) Public Works Department to pay the rest of our inspection invoices to TRC for King Street Bike Lane work expenditures from PennDot funding, in the amount of \$70,000.00; (3) Parks and Recreation Bureau by appropriating revenue and expenditures for the Back-to-School event, in the amount of \$5,500.00; (4) Bureau of Health by appropriating additional revenue and expenditures in the amount of \$99,263.00 through the Comprehensive Secure and Responsible Drug Disposal Program; and (5) Bureau of Health by appropriating additional revenue and expenditures for the Childhood Lead Poisoning Prevention Program

(CLPPP) grant (#4100082860), in the amount of \$19,228.42, which was introduced by Washington at the September 20 meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Rivera, Bill No. 52, Ordinance No. 50, PASSED by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

3. Final Passage of Resolution No. 108 (FAILED) - A Resolution Authorizing a Letter of Intent. ([View](#)) (To purchase the Dentsply College Ave. Campus for \$4 million.)
Introduced by: Edquina Washington
Originator: Economic & Community Development | Redevelopment Authority

Final Passage of Resolution No. 108, Session 2022, which was introduced by Washington at the September 20 meeting of Council and read in its entirety, came up for final passage. On motion of Washington, seconded by Buckingham, Resolution No. 108 came up for discussion. (Note: Also see discussion on agenda Bill No. 51 earlier in these minutes.)

Manuel Gomez, resident, said he liked hearing this is a non-binding agreement. He said the York Dispatch did a right-to-know request to attain the LOI. He said knowing there is legal counsel is good but after discussion, even though the credentials are there, the responses here tonight have left much to be desired.

Michael Walker, resident, said the due diligence is an issue. He asked where City Council's power or authority with regard to due diligence is. He asked who are the "we" in planning, community participation, and development, because that information has not been released to the public. There are several people vested in this community for years and we haven't heard anything about the plan for this property. He said the entire process is confusing.

Mayor Helfrich said there is no waiving of due diligence.

Mr. Nace said the buyer wants to move forward to waive the time not due diligence.

Mayor Helfrich said this is the exact same thing that was approved by Council in May. He said we made offers and counter offers so in order to do our due diligence, we need to approve the LOI so we can get the information and have the 3rd party review the documents to get us more concrete information. There is much more work that needs to be done that can't be done until the LOI is approved.

Attorney Driscoll, CGA Law, said in the LOI, if the buyer determines the property is acceptable during the due diligence period, there will be 45 days to negotiate the sale, and 30 days to execute the due diligence. If after 30 days, there are no concerns, and you are satisfied, then you accept the property as-is and contingencies will be waived. If you say you need more time, studies, etc., then you have an opportunity to negotiate those in the agreement or the LOI to address those concerns. My guess is there will probably be additional concerns, but we don't know that yet.

Mayor Helfrich said he and Economic Development Director Nona Watson have been going through multiple public meetings between the Comprehensive Plan and the Complete Communities initiative so he's positive Director Watson will be sure we have community input on this project. This LOI will allow us to get more information without committing to a purchase, he said.

Michael Walker, resident, said the issue is the decision-making process and who is included in that process. He said it seems like that is all coming from one source and that one person is

driving this process and everyone else is being given latent information. Council should look into a 3rd party who is neutral and can relay information without bias.

Mr. Nace said it is his job to pursue the facts of this project. He said he thinks “big picture” but we’re not there yet. He said he appreciates the comments and questions from the community and said it’s phenomenal. He said he’s excited, but his job is not to push this down your throat, it is his job to give you the information.

There being no further discussion, Resolution No. 108 FAILED by the following vote: Yeas - Rivera, Walker - 2; Nays - Dennis, Buckingham, Washington - 3.

New Business

4. Introduction of Bill No. 53 - A Bill Amending the FY2022 City Budget. ([View](#)) (As follows: **(1)** Highway Bureau of the Public Works Department by appropriating revenue and expenditures associated with the recent sale of a dumpster truck and intended purchase of a skid loader and attachments for paving and patching of streets and potholes, and a down payment on a new street sweeper, in the total amount of \$130,984.00, and **(2)** Department of Economic & Community Development by appropriating revenue and expenditures associated with the Local Sourcing Initiative, in the total amount of \$25,000.00.)
Introduced by: Edquina Washington
Originator: Public Works (Highway) | Economic & Community Development

Introduction of Bill No. 53, Session 2022, A Bill amending the FY2022 Budget as follows: **(1)** Highway Bureau of the Public Works Department by appropriating revenue and expenditures associated with the recent sale of a dumpster truck and intended purchase of a skid loader and attachments for paving and patching of streets and potholes, and a down payment on a new street sweeper, in the total amount of \$130,984.00, and **(2)** Department of Economic & Community Development by appropriating revenue and expenditures associated with the Local Sourcing Initiative, in the total amount of \$25,000.00, was introduced by Washington, read by short title, and deferred to the October 18 meeting of Council.

5. Introduction of Bill No. 54 (Referred to the 10/26/22 committee mtg) - A Bill Amending Article 145 “Police Department” of the Codified Ordinances. ([View](#)) (To remove the 100 police officer hiring cap, establish a Detective Commander position, and update language as recommended by the Police Dept. to make the department more effective and efficient.)
Introduced by: Edquina Washington
Originator: Police

Introduction of Bill No. 54, Session 2022, A Bill amending Article 145 “Police Department” of the Codified Ordinances, was introduced by Washington, read by short title, and came up for discussion.

Motion to refer to committee. President Walker made a motion to send this item back to committee, the motion was seconded by Washington, and came up for discussion.

Buckingham clarified that this is in response to the comments made by FOP President Ben Praster during public comment. Presider Walker said that is correct.

Manuel Gomez, resident, asked why the legal questions stated by Officer Praster wasn’t picked up by the solicitor’s office. He said if this was reviewed by the solicitor’s office, why this is just now being presented to Council.

Mayor Helfrich said these recommended amendments came from the FOP's legal counsel and we received an opinion from a professional legal firm, not our city solicitor.

Mr. Gomez said the question is the city solicitor is to review all text that comes before it for consideration. He said Council shouldn't be caught by surprise if the solicitor's officer was doing its job.

Michael Walker, resident, said Officer Praster brought up a clear statement that legal concerns exist, and I was at the committee meeting, and this never came up. There is a key question as to why the solicitor didn't comment on this because this could have backfired on the city. We need a solicitor that represents all of the interests equitably and fairly without bias and that doesn't seem to be happening here.

Mayor Helfrich said this was run through the city's paid third-party counsel and that the FOP can grieve anything they want to. The third-party counsel has decades of experience.

President Walker said it doesn't help that there seemed to be a lack of communication between Commissioner Muldrow and Solicitor Sabol during the committee meeting, so when the FOP President questions this, it gets our attention.

Officer Ben Praster, FOP President, said there were three separate issues. He said we are in the process of negotiating a contract right now and no one in the administration told them about these amendments. If Council passed this, we would file a complaint because this is a violation of labor law. I suggest we work this out and save the legal fees. He said Solicitor Sabol made false statements that Council doesn't have the right to mandate the number of officers, but the 3rd class city code says the opposite. The mayor can't do whatever he wants. He said there is a trojan horse part of this ordinance, the name of the detective bureau was changed. He said the commissioner came up with the detective commander about a year ago. He said the police commissioner did everything he specifically asked him not to do in this ordinance.

Assistant Solicitor Sabol said this item was sent to committee and discussed and that these are Officer Praster's opinions and not a legal opinion.

Officer Praster said detectives are an assignment not a promotion. In Article 145 they are kept distinctly in the detective division. We have had detectives bleed out He said when you allow a police commissioner to have complete control of the department, you will end up with a political entity and that would be disastrous for the city.

Councilman Rivera asked if Mr. Praster could invite the FOP's legal counsel to the October 26 committee meeting. Officer Praster responded, yes. Councilman Rivera said it saddens him that there is tension within our ranks. Although he said he didn't agree with what was written, he asked where this animosity is coming from.

Officer Praster said he doesn't have animosity, but they told the commissioner that this amendment wasn't legal, and he presented it anyway. He said we have had problems with the commissioner and the mayor for not honoring provisions of our contract.

President Walker said this can be further discussed in committee. There being no further discussion, the motion to refer Bill No. 54 to committee the October 26 committee meeting passed by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

6. Introduction of Bill No. 55 - A Bill Amending Article 1728 "Vacant Property Review Committee" of the Codified Ordinances. ([View](#)) (To update the definition of "blighted property" to make it consistent with state law, and to increase the terms of committee members.)
Introduced by: Lou Rivera
Originator: Solicitor's Office

Introduction of Bill no. 55, Session 2022, A Bill amending Article 1728 "Vacant Property Review Committee" of the Codified Ordinances to update the definition of "blighted property" to make it consistent with state law, and to increase the terms of committee members, was introduced by Rivera, read by short title, and deferred to the October 18 meeting of Council.

Items for Consideration of Consent Agenda

Motion to consider consent agenda. A motion was made by Buckingham, seconded by Rivera, to consider agenda items 7-10 as consent agenda.

President Walker asked if Council requests to pull any items from the consent agenda. There were no requests.

The motion to consider agenda items 7-10 as a consent agenda passed by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

President Walker asked if there was any Council, Administration, or public comment on agenda items 7-10. There was none.

There being no further discussion, Councilwoman Buckingham made a motion to approve agenda Items 7-10. The motion was seconded by Rivera, and PASSED by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

7. Resolution No. 109 - A Resolution Accepting the recommendations of HARB. ([View](#))
Introduced by: Edquina Washington
Originator: HARB

Resolution No. 109, Session 2022, A Resolution accepting the recommendations of HARB in issuing certificates of appropriateness for work to be covered in the following applications: Application filed by Arlan Hollinger for work to be done at 49-51 S. Duke St., Application filed by Rexann Richardson for work to be done at 311 Reinecke Place, Application filed by Rexann Richardson for work to be done at 709 S. George St., and Application filed by Glen Coyhill for work to be done at 18 N. George St., was approved unanimously by consent agenda.

8. Resolution No. 110 - A Resolution Approving the appointment/reappointments of members to the York City Housing Authority Board. ([View](#)) (J. Crosby, B. Banks, D. Penn, & L. Brown)
Introduced by: Lou Rivera
Originator: Mayor

Resolution No. 110, Session 2022, A Resolution approving the following appointments made by the Mayor: Reappointment of James Crosby as a member of the York City Housing Authority Board to serve until April 1, 2024, Reappointment of Barronita Banks as a member of the York City Housing Authority Board to serve until April 1, 2025, Reappointment of Deloris Penn as a member of the York City Housing Authority Board to serve until April 1, 2026, Appointment of

Latisha K. Brown as a member of the York City Housing Authority Board to serve until April 1, 2027, was approved unanimously by consent agenda.

9. Resolution No. 111 - A Resolution Authorizing an agreement with PennDot. ([View](#)) (For SR0083-091 R/W)
Introduced by: Edquina Washington
Originator: Solicitor's Office

Resolution No. 111, Session 2022, A Resolution authorizing an Agreement of Sale, Temporary Easement for Construction, and Fee Simple Deed between the City of York, Pennsylvania and the Commonwealth of Pennsylvania, Department of Transportation for SR0083-091 R/W, was approved unanimously by consent agenda.

10. Resolution No. 112 - A Resolution Authorizing an agreement with the PA Department of Health. ([View](#)) (For public health preparedness services - \$181,923.00 for 7/1/22-6/30/23)
Introduced by: Edquina Washington
Originator: Economic & Community Development | Health

Resolution No. 112, Session 2022, A Resolution authorizing an agreement with the PA Department of Health for public health preparedness services in the amount of \$181,923.00 for the period of 7/1/22 - 6/30/23, was approved unanimously by consent agenda.

XI. Requests for Future Meetings: None

XII. Council Comment: None

XIII. Administration Comment

Mayor Helfrich said he and President Walker have discussed on a monthly basis the ARPA funding. We have allocated over half of the funding, and this continues to be a work in progress.

XIV. Adjournment: The next legislative meeting of Council is scheduled for October 18, 2022 at 6PM in Council Chambers. There being no further business, the October 4, 2022 meeting of Council adjourned at 7:59PM

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



Dianna L. Thompson, City Clerk



Sandie Walker, President of Council