

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
Dr. Felicia O. A. Dennis, Member of Council

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MINUTES February 21, 2023 6:00 p.m.

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YOUTUBE: <https://www.youtube.com/c/WhiteRoseCommunityTV>.

2023 MEETINGS: Click [here](#) to view 2023 Council Meetings Dates

CALL TO ORDER: President Walker called the February 21, 2023, 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: Kim Robertson, Acting Business Administrator; Joe Jefcoat, Treasurer; and Jason Sabol, Assistant Solicitor.

City Council staff in attendance: Dianna L. Thompson, City Clerk

- I. Public Comment: President Walker called the public comment session to order at 6PM. There was no public comment, so she adjourned the public comment session and convened in legislative session.
- II. Called Legislative Meeting to Order at 6:01PM.
- III. Roll Call
- IV. Pledge of Allegiance was recited.
- V. Moment of Silence was observed.
- VI. Action on previous meeting Minutes of [February 7, 2023](#). Council dispensed with the reading of the Minutes and approved them unanimously as written.
- VII. Presentations, Awards and Announcements
- VIII. Meeting(s) Scheduled:

► **Council Committee Meeting:** Scheduled for Wednesday, March 1, 2023 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on February 22nd.

► **Legislative Meeting:** The next legislative meeting of Council will be held on Tuesday, March 7, 2023 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on March 1st.

- 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.)

Final Passage of Bills / Resolutions

1. Final Passage of Bill No. 4 - A Bill
Amending the FY2023 Budget. ([View](#)) (Amending the FY2023 City Budget by appropriating expenditures from the **American Rescue Plan Act "ARPA"** funds, for the Homes at Thackston Park Phase II Project, for purchase of drywall in the amount of \$100,000.00 and removal of contaminated soil in the amount of \$350,000.00.)
Introduced by: Betsy Buckingham
Originator: Mayor | Finance

Final Passage of Bill No. 4, Ordinance No. 4, Session 2023, A Bill amending the FY2023 City Budget by appropriating expenditures from the **American Rescue Plan Act "ARPA"** funds, for the Homes at Thackston Park Phase II Project, for purchase of drywall in the amount of \$100,000.00 and removal of contaminated soil in the amount of \$350,000.00.), came up for final passage. On motion of Buckingham, seconded by Washington, Bill No. 4 came up for discussion.

Councilwoman Buckingham said this is a great project but her recommendation would be that we make a contribution to the project but not the \$450,000 being requested.

Councilwoman Dennis said she agrees this is a wonderful project for our community. She questioned if we didn't have ARPA dollars, what other resources would the Housing Authority seek?

Acting Business Administrator Robertson said Economic & Community Development Director Nona Watson brought up that Councilwoman Buckingham asked if there was any other funding, such as HOME funds, that could be used instead of ARPA. She said that Director Watson said that HOME funds could be used for the drywall costs of \$100,000. She stated that the Housing Authority realized that when they put in for the request, the expense for removal of the contaminated soil increased. With that, she said we removed the \$100,000 for drywall which will be funded through HOME dollars, and we moved that \$100,000 to soil removal so the original dollar amount of \$450,000 still remains the same even though drywall funding was removed.

Regina Mitchell, York Housing Authority, said she did not expect this turn of events. She said she attended Council's November committee meeting requesting ARPA funding in the amount of \$100,000 for drywall, and \$350,000 for removal of the contaminated soil. As we progressed and were still excavating, she said she received a change order about a week ago for an additional \$100,000 to remove the contaminated soil. She stated that they had planned to absorb the cost of the drywall if Council would authorize \$450,000 for the soil removal. She said in conversation with Director Watson, it was recommended that \$100,000 in HOME funds be used for the drywall.

To answer Councilwoman Dennis' question about funding, Ms. Mitchell said they would have probably gone to other lenders or PFHA for funding. She said HOME funds are not authorized for use of the contaminated soil removal. She said we have been trying to figure this out since we found out about the contaminated soil.

Dave Schaumann, York Housing Authority, said they kept hearing from PFHA to request ARPA funding from the city. He said this project meets the criteria for ARPA funding. If there were no ARPA funds available, he said we would have contacted other lenders and PFHA.

President Walker said she contacted Ms. Mitchell this morning to discuss this. She said she looked at the documents provided by the Housing Authority and the contingent expenses and other costs soared over \$800,000. She said the first she heard about the funding needed for this project was in November when Ms. Mitchell attended Council's committee meeting. She said she needed more time because she wanted to discuss this with Anser (the city's ARPA consultant) to see where we stand with our ARPA finances. She said her concern is that there have been quite a few organizations that have requested ARPA funding. She said she wants to be in a place where we truly understand what we're working with. She said she wonders if there are other funding resources available, such as the County of York. As far as other potential resources, she asked if there have been any other requests.

Ms. Mitchell said they looked into other options, but they are working with strict deadlines. Within the next 30 days, she said 13 units that face W. College Ave. will be scheduled for occupancy (mid- to late March) and we will then move to Phase 3 and 4 of the project. She said the contaminated soil is too close to occupied units to get a certificate of occupancy. We also must meet IRS timelines for occupancy, construction, etc. for income tax credits. She said it is our obligation to meet those deadlines, or we'll risk financial implications.

President Walker asked if the timelines were sent to Council.

Ms. Mitchell said timelines are sometimes moving from day-to-day so that information wasn't provided in Council's information packet. By May 21st, she said we could have fully occupied units, so we are moving according to the current timeline.

President Walker asked if any extensions have been requested for these timelines.

Ms. Mitchell said they haven't asked for extensions because they would have to go back to their funders with a myriad of "asks" just to get those extensions. She said the only extensions out there are for weather or construction related issues so unless something major is going on, we cannot ask for extensions.

Councilman Rivera asked if charitable organizations have been asked to help with funding.

Ms. Mitchell said the York County Community Foundation has given them some administrative funds for applications. She said other avenues required an extensive process, and they need to get this contaminated soil removed.

President Walker said she understands the situation, but we need to look into if there is other funding available for environmental issues.

Ms. Mitchell said we looked into this and it's a longer process when dealing with environmental issues. We didn't realize we were going to have this much contaminated soil. There are special remediation processes in place that we must go through to remove the contaminated soil. Decades ago, it was okay to throw your coal ash out the back door, but not anymore, she explained.

Councilman Rivera said this is an unfortunate situation.

President Walker said she supports partial funding but over the next couple of weeks, we need to look into loans.

Ms. Mitchell said loans would mess up the layering of this project. To put another loan on this project, she said they would have to go back to PFHA and their other lenders. I don't think we can pencil out another loan, she said.

Councilman Rivera said how would this delay affect the project.

Ms. Mitchell said we could probably keep working around the issue but we couldn't work around the mound of contaminated soil so this would slow us down. Any change orders that come through right now, we have to write a check for. She said we also couldn't put down asphalt or curbing. Removing contaminated soil is a market cost because of all that is involved with relocating the soil.

Councilman Rivera asked if we should expect more contamination. Ms. Mitchell said we hope not.

Vice President Washington said maybe CRA ("Community Reinvestment Act") funds could be used. Ms. Mitchell said that was part of their original financial packet.

President Walker said there is a bit more she needs to get familiar with. She said she needs more meetings with Anser (city's ARPA consultant). She said when we run out of funds, we can't get the recommended projects completed. She said she's in favor of supporting partial funding and to discuss more after speaking with Anser. She said this is what they did when Habitat requested funding.

Councilwoman Buckingham said she agrees with President Walker. She said we have money but not a lot of money and this funding affects our future generations. She said she appreciates and understands the predicament the Housing Authority is, and that she too supports partial funding.

Acting Business Administrator Robertson said this budget amendment is for ARPA funds and HOME funding is not included in the proposed amendment from the Administration.

Motion to amend. Councilwoman Buckingham made a motion to amend Bill No. 4 to remove funding for drywall and reduce the amount of funding from \$350,000 to \$150,000 for contaminated soil removal. The motion was seconded Washington and PASSED by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

There being the further discussion, on motion of Buckingham, seconded by Washington, Bill No. 4, Ordinance No. 4, as amended, PASSED by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

Introduction of Bills: None

Items for Consideration of Consent Agenda

Motion to consider consent agenda. A motion was made by Buckingham, seconded by Rivera, to consider agenda items 2-4 as a consent agenda. The motion passed by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0. .

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

President Walker asked if there was any comment from Council. There was none.

President Walker asked if there was any comment from the Administration. There was none.

President Walker asked if there was any public comment. There was none.

Motion to approve items on the consent agenda. A motion was made by Washington, seconded by Rivera, to approve consent agenda items 2-4. The motion to approve PASSED by the following vote: Yeas - Dennis, Buckingham, Rivera, Washington, Walker - 5; Nays - 0.

2. Resolution No. 11 - A Resolution Approving a preliminary/final subdivision plan. ([View](#)) (Submitted by Site Design Concepts on behalf of AMZ Manufacturing for properties located at 2206 PA Ave.)
Introduced by: Edquina Washington
Originator: Economic & Community Development | Planning

Resolution No. 11, Session 2023, A Resolution approving the preliminary/final subdivision plan submitted by Site Design Concepts on behalf of AMZ Manufacturing, for 2206 Pennsylvania Ave., was approved unanimously by consent agenda.

3. Resolution No. 12 - A Resolution Accepting the recommendations of HARB. ([View](#))
Introduced by: Felicia Dennis
Originator: HARB

Resolution No. 12, Session 2023, A Resolution accepting the recommendations of HARB in issuing a certificate of appropriateness for work to be done at 325 W. Market St., was approved unanimously by consent agenda.

4. Resolution No. 13 - A Resolution Extending the declaration of disaster emergency to March 31, 2023. ([View](#))
Introduced by: Betsy Buckingham
Originator: Mayor

Resolution No. 13, Session 2023, A Resolution extending the declaration of disaster emergency to March 31, 2023, was approved unanimously by consent agenda.

XI. Requests for Future Meetings: None

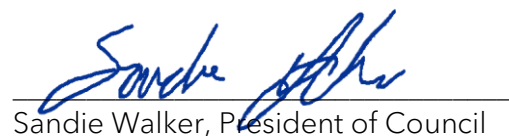
XII. Council Comment: City Clerk Dianna L. Thompson announced that this is Assistant Solicitor Jason Sabol's last Council meeting as he accepted another job. She spoke kind words about Assistant Solicitor Sabol and wished him success in his new job.

XIII. Administration Comment: None

XIV. Adjournment: The next legislative meeting of City Council is scheduled for March 7, 2023 at 6PM in City Council Chambers. There being no further business, the February 21, 2023 meeting of Council adjourned at 6:29PM.

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


Dianna L. Thompson, City Clerk


Sandie Walker, President of Council