

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 May 17, 2023 6:00 p.m.

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CALL TO ORDER: President Walker called the May 17, 2023, meeting to order at 6:00 p.m. in Council Chambers, 101 S. George St., York, PA, with the following members present: 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; and Don Hoyt, Assistant Solicitor.

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

I. Public Comment:

Elsbeth Bupp, resident, said she ran for City Council, and she gained enough votes to go on the November ballot and she hopes that people come out to vote. She said you can visit her on Facebook.

There being no further public comment, President Walker adjourned the public comment session at 6:01 PM.

II. Called Legislative Meeting to Order at 6:01 PM.

III. Roll Call

IV. Pledge of Allegiance was recited.

V. Moment of Silence was observed.

VI. Action on previous meeting Minutes of [May 2, 2023](#). Council dispensed with the reading of the minutes and unanimously approved them as written.

VII. Presentations, Awards and Announcements: None

VIII. Meeting(s) Scheduled:

► **Legislative Meeting:** The next legislative meeting of Council will be held on Tuesday, June 6, 2023 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on May 31st.

► **Council Committee Meeting:** Scheduled for Wednesday, May 31, 2023 at 6:00 p.m. in Council Chambers. Agenda items are due by 12 noon on May 24th.

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: None

1. Final Passage of Bill No. 26, Ordinance 25 - A Bill Amending the FY2023 City Budget for York City Police Department. ([View](#)) (To fund the cost of the police academy for the eight (8) police officers that were included in the approved FY2023 budget, by appropriating revenues and expenditures from the **American Rescue Plan Act "ARPA" funds** in the amount of \$46,000.00).

Introduced by: Edquina Washington
Originator: Police

Final Passage of Bill No. 26, Ordinance No. 25, Session 2023, A Bill amending the FY2023 City Budget for York City Police Department to fund the cost of the police academy for the eight (8) police officers that were included in the approved FY2023 budget, by appropriating revenues and expenditures from the American Rescue Plan Act "ARPA" funds in the amount of \$46,000.00, which was introduced by Washington at the May 2nd meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Rivera, Bill No. 26, Ordinance No. 25, PASSED by the following vote: Yeas – Buckingham, Rivera, Washington, Walker – 4; Nays – 0.

2. Final Passage of Bill No. 27, Ordinance No. 26 - A Bill Amending the fiscal year 2023 City Budget for the Highway Bureau. ([View](#)) (By appropriating money not otherwise appropriated for Fund 21 Liquid Fuels for the replacement of the Atlantic Avenue Bridge, in the amount of \$858,000.00).

Introduced by: Felicia Dennis
Originator: Public Works (Highway)

Final Passage of Bill No. 27, Ordinance No. 26, Session 2023, A Bill amending the fiscal year 2023 City Budget for the Highway Bureau by appropriating money not otherwise appropriated for Fund 21 Liquid Fuels for the replacement of the Atlantic Avenue Bridge, in the amount of \$858,000.00, which was introduced by Dennis at the May 2nd meeting of Council, came up for final passage. On motion of Walker, seconded by Washington, Bill No. 27, Ordinance 26, PASSED by the following vote: Yeas – Buckingham, Rivera, Washington, Walker – 4; Nays - 0.

3. Final Passage of Bill No. 28, Ordinance No. 27 - A Bill Amending the FY2023 City Budget for Bureau of Health. ([View](#)) (By appropriating revenue and expenditures for the Fund 26 Special Projects account for the end-of-year incentive received from the Family Health Council of Central PA (FHCCP) in the amount of \$28,366.52).

Introduced by: Edquina Washington
Originator: Economic & Community Development (Health)

Final Passage of Bill No. 28, Ordinance No. 27, Session 2023, A Bill Amending the FY2023 City Budget for Bureau of Health by appropriating revenue and expenditures for the Fund 26 Special Projects account for the end-of-year incentive received from the Family Health Council of Central PA (FHCCP) in the amount of \$28,366.52, which was introduced by Washington at the May 2nd

meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Rivera, Bill No. 28, Ordinance No. 27, PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

4. Final Passage of Bill No. 29, Ordinance No. 28 - A Bill Amending the FY2023 City Budget for Bureau of Health. ([View](#)) (By appropriating revenue and expenditures for the Healthy Moms Healthy Babies Home Visiting Program grant (#4100080791) in the amount of \$156,018.17)
Introduced by: Edquina Washington
Originator: Economic & Community Development (Health)

Final Passage of Bill No. 29, Ordinance No. 28, Session 2023, A Bill amending the FY2023 City Budget for Bureau of Health by appropriating revenue and expenditures for the Healthy Moms Healthy Babies Home Visiting Program grant (#4100080791) in the amount of \$156,018.17, which was introduced by Washington at the May 2nd meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Rivera, Bill No. 29, Ordinance No. 28, PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

5. Final Passage of Bill No. 30, Ordinance No. 29 - A Bill Amending the FY2023 City Budget for Bureau of Health. ([View](#)) (By appropriating revenue and expenditures for Family Health Council of Central PA (FHCCP) for the Family Planning Program, in the amount of \$100,000.00)
Introduced by: Edquina Washington
Originator: Economic & Community Development (Health)

Final Passage of Bill No. 30, Ordinance No. 29, Session 2023, A Bill amending the FY2023 City Budget for Bureau of Health by appropriating revenue and expenditures for Family Health Council of Central PA (FHCCP) for the Family Planning Program, in the amount of \$100,000.00, which was introduced by Washington at the May 2nd meeting of Council and read by short title, came up for final passage. On motion of Washington, seconded by Buckingham, Bill No. 30, Ordinance No. 29, PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

6. Final Passage of Bill No. 31, Ordinance No. 30 - A Bill Amending the FY2023 Budget for The Bureau of Housing Services. ([View](#)) (By appropriating revenue and expenditures for CDBG and HOME grant funding reflecting changes due to rollover amounts from the FY2022 budget)
Introduced by: Edquina Washington
Originator: Economic & Community Development (BHS)

Final Passage of Bill No.31, Ordinance No. 30, Session 2023, A Bill amending the FY2023 Budget for The Bureau of Housing Services by appropriating revenue and expenditures for CDBG and HOME grant funding reflecting changes due to rollover amounts from the FY2022 budget, which was introduced by Washington at the May 2nd meeting and read by short title, came up for final passage. On motion of Washington, seconded by Buckingham, Bill No. 31, Ordinance No. 30, PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

Introduction of Bills

7. Introduction of Bill No. 32 - A Bill Amending the FY2023 Budget. ([View](#)) (By appropriating revenue and expenditures in the amount of \$111,586.50 for the HIV Prevention Program grant)
Introduced by: Edquina Washington

Originator: Economic & Community Development (Health)

Introduction of Bill No. 32, Session 2023, A Bill amending the FY2023 Budget by appropriating revenue and expenditures in the amount of \$111,586.50 for the HIV Prevention Program grant, was introduced by Washington, read by short title, and deferred to the June 6th meeting of Council.

New Business – Items for Consideration of Consent Agenda

Motion to consider consent agenda. President Walker asked if there are any items Council wishes to pull from the consent agenda.

Councilwoman Buckingham requested to pull agenda item #9. Councilman Rivera asked to pull agenda item #12 from the consent agenda. A motion to consider agenda items 8, 10, 11, and 13 as a consent agenda was made by Rivera, seconded by Buckingham.

President Walker asked if there was any comment from the Administration or the public on the consent agenda. There was none.

Motion to approve consent agenda items. A motion was made by Buckingham, seconded by Washington, to approve agenda items 8, 10, 11 and 13. The motion to approve PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

8. Resolution No. 46 - A Resolution
Accepting the recommendations of HARB. ([View](#))
Introduced by: Betsy Buckingham
Originator: HARB

Resolution No. 46, Session 2023, A Resolution accepting the recommendations of HARB in issuing certificates of appropriateness for work to be covered in the applications filed by Security Fence for work to be done at 827 S. George St., and Cyril Yazdan for work to be done at 344 S. George St., was approved unanimously by consent agenda.

9. Resolution No. 47 - A Resolution
Appointing Corey Carden as an alternate member of the Zoning Hearing Board. ([View](#))
Introduced by: Edquina Washington
Originator: Council

Resolution No. 47, Session 2023, A Resolution appointing Corey Carden as an alternate member of Zoning Hearing Board to serve until January 1, 2026 was introduced by Washington, read at length, and on motion of Washington, seconded Buckingham, Resolution No. 46 came up for discussion.

Mr. Carden was present and introduced himself and shared how he became interested in serving on the Zoning Hearing Board.

President Walker thanked Mr. Carden for his interest and said we appreciate residents who volunteer to serve our community.

There being no further discussion, Resolution No. 47 PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

City Clerk Thompson then administered the oath of office to Mr. Carden.

10. Resolution No. 48 - A Resolution Amending the 2023 Annual Action Plan. ([View](#))
Introduced by: Edquina Washington
Originator: Economic & Community Development (BHS)

Resolution No. 48, Session 2023, A Resolution amending the 2023 Annual Action Plan was approved unanimously by consent agenda.

11. Resolution No. 49 - A Resolution Appointing eight (8) probationary police officers. ([View](#))
Introduced by: Edquina Washington
Originator: Police

Resolution No. 49, Session 2023, A Resolution appointing Brandon Swigart, Nicole Valinteno, Clayton Loeblein, Jared Sutch, David Oaster, Camryn Van Valen, Bryce Shields, and Nathan Moyer as probationary police officers was approved unanimously by consent agenda.

12. Resolution No. 50 - A Resolution Approving an agreement with Eckert Seamans Cherin & Mellott, LLC for professional legal services (city solicitor) ([View](#))
Introduced by: Betsy Buckingham
Originator: Mayor

Resolution 50, Session 2023, A Resolution approving an agreement with Eckert Seamans Cherin & Mellott, LLC for professional legal services (city solicitor), which shall not exceed \$250,000.00 per fiscal year, was introduced by Buckingham, read at length, and on motion of Buckingham, seconded by Washington, Resolution No. 49 came up for discussion.

Attorneys Gedd Schweikert, and Brett Flower, Eckert Seamans Cherin & Mellott, LLC, were present to comment and answer questions.

Attorney Schweikert said they are pleased to have a long standing representing the City of York. He said he has been doing special labor counsel for the city for 17 years. He said we have always considered the City of York to be one of our most important clients and we are pleased to be a part of this.

Attorney Flower said she enjoys municipal work and especially the zoning portion and she thanked Council for the opportunity to introduce themselves.

President Walker asked the administration to explain the process.

Acting Business Administrator Robertson said when Assistant Solicitor Jason Sabol gave his notice of resignation, he suggested that we may want to consider a firm to fill the role of solicitor. She said we did an RFP for professional legal services and we received four proposals and this firm scored in the top 2. She said they checked marked everything that we were looking for in the role of an outside firm for city solicitor. Administrator Robertson stated that she worked with Attorney Schweikert for the past several years and we have been happy with his services. They have over 300 lawyers that can be reached out to for assistance. She said we are excited to have them assist us.

Attorney Flower said this is what we do; we act as general counsel to many of our clients and we are used to stepping in and filling that role. She said we're prepared to work with the city during this transition.

Councilman Rivera said if you are serving the administration, there is no way you can serve the Council without there being a conflict of interest. He said you have 300 lawyers and how many are of color and speak Spanish.

Attorney Schweikert said he doesn't have a precise number, but he could get that information for him.

Councilman Rivera asked if they have an office in the city.

Attorney Schweikert said our main office is located in Harrisburg, but they will be working out of former city solicitor's office.

Councilman Rivera asked if there is a paralegal.

Attorney Schweikert said we will work with the city's current paralegal.

Councilman Rivera said the city's paralegal doesn't speak Spanish and it would be nice to have someone who can speak the language.

Councilwoman Buckingham said it was a great experience interviewing the parties. Each party was asked the exact same questions. She said during the interview process, she asked how they would represent Council and their responses were great. She said they said we can help you with the law and provide recommendations. She said she's looking forward to working with them.

President Walker said you'll be here at least a week.

Attorney Schweikert said yes, but in the beginning, it might be more frequently as we get caught up. We are always available by telephone, email or zoom, he stated. He added that their plan is to be here tomorrow for our first in-person day and will meet with Pat Siebert, the city's paralegal, to find out her role.

Councilman Rivera said we had an issue where the Mayor did not get sworn into office for his second term and the city solicitor had a different opinion and interpretation of law from other attorney's and Council.

Attorney Schweikert outlined the other municipalities they serve.

Michael Walker, resident, thanked Councilman Rivera for asking the questions. He asked how conflicts of interest are going to be handled between the executive and legislative branches.

Attorney Schweikert said we represent the entire city - meaning Council and the Mayor - and our role is to advise all of you about what we believe the law is and we allow you to make further recommendations if you feel it's needed.

Michael Walker, resident, said we have the executive and legislative branches so he doesn't understand how that will be dealt with. He referred to the situation with the mayor's oath of office.

President Walker said Council has a bit more flexibility when it comes to legal representation as we can seek additional counsel if there is a consensus that there may be a conflict of interest. She said there is a clause in their agreement that addresses conflict of interest but not to the extent of when there is a rift between the executive and legislative branches. If there is a need

for additional counsel, she said Council has that option.

Alicia Lacey, resident, asked if there will be a mediator or arbitrator in place to oversee any type of bargaining before the city agrees to a solicitor.

Attorney Schweikert said he's not sure he understands the question but stated that they will represent the city in the collective bargaining agreements process.

President Walker asked if they could discuss the conflict of interest in the engagement letter.

Attorney Schweikert said if a possible conflict, it first goes through a conflict-of-interest check and if there are potential conflicts, the attorney is notified, and a discussion is held to determine whether the conflict should be waived, or we cannot take on the representation because of the conflict.

Councilman Rivera asked Assistant Solicitor Hoyt his opinion.

Assistant Solicitor Hoyt said they are eminently qualified, and he doesn't have a crystal ball but if down the road, the agreement is not working, then the city can say goodbye. He said he has no problem with this.

There being no further discussion, Resolution No. 50 PASSED by the following vote: Yeas - Buckingham, Rivera, Washington, Walker - 4; Nays - 0.

13. Resolution No. 51 - A Resolution Authorizing a budget transfer. ([View](#)) (For professional legal services)
Introduced by: Betsy Buckingham
Originator: Business Administration

Resolution No. 51, Session 2023, A Resolution authorizing a budget transfer for professional legal services (Eckert Seamans Cherin & Mellott, LLC), was approved unanimously by consent agenda.

- XI. Requests for Future Meetings: None
- XII. Council Comment: None
- XIII. Administration Comment: None
- XIV. Adjournment: The next legislative meeting of City Council is scheduled for Tuesday, June 6, 2023 at 6:00 PM. There being no further business, the May 17, 2023 meeting of Council adjourned at 6:37 PM.
- XV. Resumption of Public Comment Period (at the discretion of the presiding officer): None



Dianna L. Thompson, City Clerk



Sandie Walker, President of Council