



The City of York Pennsylvania

Office of City Council
101 S. George St.
York, PA 17401

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COMMITTEE MINUTES January 24, 2024 6:00 p.m.

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2023 MEETINGS: Click [here](#) to view 2024 Council Meetings Dates

Fire/Police	Public Works	Econ & Comm Development	Business Admin	Rules & Admin
Washington Dennis Buckingham	Dennis Washington Johnescu	Washington Buckingham Johnescu	Buckingham Johnescu Bupp	Bupp 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 Washington called the January 24, 2024, committee meeting to order at 6:00 p.m. in Council Chambers, 101 S. George St., York, PA, with the following members present: Elizabeth Bupp, Teresa Johnescu, Felicia Dennis, Betsy Buckingham, Vice President, and Edquina Washington, President.

Members of the Administration in attendance included: Kim Robertson, Business Administrator; Joe Jefcoat, Treasurer; Samanth Zahm, Deputy Director, Bureau of Health; Michael Muldrow, Police Commissioner; Captain Dan Lentz, Chief of Staff, Police Department; and Assistant Solicitor Brett Flower.

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 **February 6 & 20, 2024** legislative Agendas as follows: (Click [here](#) to view issues chart)

[Click here to view Issues Chart](#)

General Committee (Washington, Chair)

1. Resolution authorizing the Four Chaplains & Coast Guardsman Charles Walker, Jr. Memorial

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Susan Brynes, Board Chair, Veteran's Memorial Gold Star Healing & Peace Garden outlined the history of the memorial. Click [here](#) to visit website for more information.

Frank Dittenhafer, architect, provided Council with a color rendering of a plan of Memorial Park and said the memorial would be a in a very appropriate place. He outlined what the memorial will

look like. Click [here](#) to view rendering.

Susan Byrnes said this will allow people to reflect on veterans and it serves as an educational aspect for our students to understand the sacrifices that these people made.

DECISION: A motion was made by made by Washington, seconded by Buckingham, to place this item on the **2/6/24**. The motion passed by the following vote: Yeas - Bupp, Johnescu, Dennis, Buckingham, Washington - 5; Nays - 0.

2. Fixing standard city-wide fee for non-sufficient funds and Stop Payments to \$40

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Treasurer Jefcoat said we have discovered that we have two different fees for the same thing and it's causing confusing for the public. He said we would like to establish a consistent, across the board fee for the entire city.

Councilwoman Bupp asked why \$40 instead of \$35. Treasurer Jefcoat said because this is an involved process involving staff interaction and mailing out notices which takes time and money.

DECISION: A motion was made by Buckingham, seconded by Johnescu to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Bupp, Johnescu, Dennis, Buckingham, Washington - 5; Nays - 0.

3. Authorizing an Easement Agreement with the York Water Co. (S. Penn St.)

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Solicitor Flower said the city was approached by the York Water Company to consideration of a permanent waterline utility easement agreement for the purchase a section of land located on S. Penn St. behind Thackston Park for the sum of \$1.00. The York Water Company wishes to be able to backfill any excavation on an as-needed basis. Said strip of land is twenty feet (20') wide throughout, with ten feet (10') on either side of all water mains and services.

Councilwoman Bupp said there is a plan with the YCEA to enhance the banks of the Codorus Creek and if that was taken into consideration and is the water company aware of this.

Solicitor Flower said she'll check with the water company to see if they are aware of the project.

DECISION: A motion was made by Buckingham, seconded by Bupp, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Bupp, Johnescu, Dennis, Buckingham, Washington - 5; Nays - 0. **UPDATE:** In an email sent by Solicitor Flower on , it was requested that Council table consideration of this resolution until further notice.

Econ/Dev Committee (Washington, Chair)

4. Budget Amendments for the Bureau of Health (HIV, TB & Act 12/315 funding)

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Samantha Zahm, Health Dept., said these are budget amendments to include additional revenue and expenditures for the Tuberculosis (TB) program (#4100092068) in the amount of \$21,569.00; the HIV Prevention Program (#4100095584) in the amount of \$36,000.00; and for Act 12 and Act 315 funding in the amount of \$53,888.64.

Administrator Robertson said she still needs to fill in the cost centers for the Act 12 and Act 315 funding and that she'll provide that information to the City Clerk before the agenda deadline.

DECISION: A motion was made by Johnescu, seconded by Buckingham, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0.

Business Admin Committee (Buckingham, Chair)

5. Amending the FY2024 Budget for Info Technology (IT) for a wireless redundancy (\$315,000)

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Administrator Robertson said this was a project that was budgeted in 2023 but there was a planning and review stage first. So, at the end of 2023, they did the first phase which was paid out of the 2023 budget, so the extra money is being moved into the 2024 budget to allow them to finish the project. She said we have fiber lines and sometimes they go down or the line gets cut during construction. With this wireless redundancy, IT can refocus us on this wireless network so that we can continue to stay connected to the internet.

DECISION: A motion was made by Bupp, seconded by Johnescu, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0.

6. Amending the FY2024 Budget for the Dr. Holliday Luncheon (\$8,180.65)

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Administrator Robertson said this is a carryover and is a recurring amendment. This is a fund 26 special project cost center where we receive funds to go toward this event. Until the dust settles, we don't know how much money to roll over so once the expenses are cleared up, we can determine if money is left over.

Vice President Buckingham said the Dr. Holliday Luncheon is a great event and it was a wonderful celebration at last year's dinner.

DECISION: A motion was made by Johnescu, seconded by Bupp, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0.

7. Authorizing an agreement with BerryDunn McNeil & Parker, LLC for consulting services (Grant development, admin & management)

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Administrator Robertson explained that this is the result of an RFP we sent out last year looking for experts in grant management, following federal and state guidelines, reporting, etc. We've had various individuals over the years in the grant manager position, but each department pretty much has their own person they contact for grant management. This will make one central grant manager for all employees to work with. The goal is this firm will get an understanding of the city's key players, then work on immediate concerns, and will help us build a grant program where we can manage all the grants for the city. The goal is for them to show us how to develop a sustainable program and then end our agreement with them to allow us to take the things on ourselves.

President Washington asked if we'll have a point of contact after we release them.

Administrator Robertson said Dan Hevner, Deputy Business Administrator, would be the main point of contact for the city, but we are hoping to bring in a part-time employee to be the in-between for the city and BerryDunn. She said once we've learned everything, we'll be looking at hiring a full-time grants person.

DECISION: A motion was made by Bupp, seconded by Johnescu, to place this item on the **2/20/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0.

8. Authorizing an agreement with Willis of PA, Inc. for liability & workers' comp insurance broker services

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Administrator Robertson explained that we went out with an RFP for health and liability insurance back in 2018 and we started working with Willis who was our health broker during that period. So, we kind of knew them and we would like to renew their contract because we had a very good working relationship with them, and they understand our inner workings. They will make sure we are protected while keeping costs down.

DECISION: A motion was made by Bupp, seconded by Johnescu, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0.

9. Authorizing various agreements for insurance services

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Administrator Robertson said thanks to Willis of PA, they were able to secure contracts for general liability, property, commercial property, cyber and crime, police services and other services, which meets our insurance criteria.

DECISION: A motion was made by Bupp, seconded by Johnescu, to place this item on the **2/6/24** agenda. The motion passed by the following vote: Yeas - Johnescu, Bupp, Buckingham - 3; Nays - 0. .

Rules & Admin Code Committee (Bupp, Chair)

10. Amending Article 725 "Firearms & Weapons" of the Codified Ordinances to regulate the discharge of firearms within the city

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Commission Muldrow said he is not here to speak about the switch blade or the state of emergency part of the proposed ordinance. He said this is not for self-defense situations. This is not about targeting gun ownership or gun enthusiasts. This is about making people who do wrong accountable without asking our citizens to bear the burden. He said if someone illegally discharges a firearm, we have a very limited scope within the law to hold those offenders accountable. Even if you are shooting in the air, it still requires a witness to corroborate. So, to make someone accountable, we don't want to place that burden on our residents. He said the City of York is not a rural community where we can target shoot. When discharging a weapon in our community, you learn that you have to be careful where your bullets are going. This ordinance will allow us to hold people accountable. He gave statistics on shots fired calls and shootings over the past two years. In 2022, police responded to 128 calls from residents reporting gunfire, and although that number dropped to 67 in 2023, he said we have to look at the numbers. This ordinance will help

us drive these numbers down. He said we want to make sure our officers have the tools needed to do their jobs.

Solicitor Flower said Council received an amended version of the ordinance. On January 18th the 3rd Circuit found it unconstitutional to prohibit those 18-21 years old from having guns. In light of that decision, we amended the language, which is why 725.01 of the original bill is now struck and all other sections were renumbered.

President Washington asked if we are keeping the language for switchblades. Solicitor Flower said yes. President Washington said state the law was changed to allow switchblades. Solicitor Flower said switchblades don't have restrictions so local government can make its own law and went on to explain that a switch blade is a spring-loaded apparatus.

President Washington asked what other municipalities have this. Solicitor Flower said she is not aware of any other municipalities, but she can find the information.

Vice President Buckingham asked if the Commissioner Muldrow or Captain Lentz could comment on the switchblade. Commissioner Muldrow said they could comment because he, personally, has never had to deal with switchblades. He said he wishes he could speak more on switchblades, but he cannot.

Vice President Buckingham asked Solicitor Flower to explain why can override HB2029. Solicitor Flower said we are not overriding HB2029. She said the city is allowed to have a stricter ordinance that is not otherwise protected or excluded under the constitution.

President Washington asked for a legal opinion on this legislation since no one has comment on the use of switchblade, and that she would also like to know what other municipalities have done.

Councilwoman Bupp asked how long the switchblade ordinance was in effect. Solicitor Flower said since 1956 and that we are just renumbering that section, not changing the language. Councilwoman Bupp asked if there was already a penalty. Solicitor Flower said yes, but the time for imprisonment did change so that was included later and that the penalty is applicable to Article 725 in its entirety, not just the switchblade section.

Councilwoman Bupp asked if there is data criminalizing the discharge of a weapon was obtained. She read information she found online about gun safety laws. She read various statistics on gun safety. She said Bethlehem, Harrisburg, and Reading also have gun safety laws. Under Title 18, she said you cannot discharge a firearm in an occupied structure. There are no secure gun storage laws in PA, yet the PA House Judiciary Committee has passed a child access prevention law requiring firearms be secured in a house with children. She said gun locks can be obtained at various locations and can be googled to find out where to purchase or receive a free lock. She said some people bring switchblades into shelter housing and they are confiscated. She asked if those who confiscate these weapons will be in violation because of this law.

Commission Muldrow said if contacted, we could come pick those items up and the confiscator will not be charged if there is justification for how the switchblade was obtained. We are talking about situations that are not explainable. We stand with the people, and we support them, and we'll do what we have to do to protect them and reduce crime.

Solicitor Flower said in the current ordinance it's a violation to sell, offer to sell, wear, or

conceal etc., so a simple possession would not be a violation of the ordinance. She said the Chief of Police has the authority to confiscate said weapon.

Manuel Gomez, resident, asked what the enforcement will be. He said he knows gun violence is prevalent in the city. He said he has been detained for simply passing through a neighborhood subsequent to gun fire. So, if there is gunfire, the police will swoop in and then we have to explain our presence. As for 725.03, he would like the legal opinion of the solicitor about licenses to carry. He talked about the Mayor extending the emergency during the pandemic. The way the ordinance is written, he asked, would this put us in violation although we're licensed to carry? Is this ordinance preempted by Uniform Firearms Act? He questioned whether the city could be sued because of the language relating to a state of emergency.

Councilwoman Bupp said the state of emergency part of the ordinance was stricken because it was found to be unconstitutional. She said the original draft had that portion, but the updated version of the proposed ordinance removed that section.

Commissioner Muldrow said the practice is not going to change. He said what happened to Mr. Gomez was good police action because flooding the area is a safety issue so all officers available will make that a priority. He said investigative practices come into play and sometimes it comes into play before information is received. We have to stop everyone in the area to determine what possible role they may have had in the commission of a crime or even to identify a victim. Once we receive the actor's characteristics, we know what we're looking for.

DECISION: A motion was made by Bupp to place this item on the 2/6/24 legislative agenda. The motion did not receive a second, therefore, this bill remains in committee.

UPDATE: In an email received from Commissioner Muldrow, it was requested the legislation be withdrawn from consideration.

III. Council Comment

Councilwoman Bupp congratulated the York Robo Thinkers for winning an award. For more information on them, please visit: www.youngthinkersofyork.org. She thanked organizations who held Martin Luther King celebrations. She then spoke about Homestead Exemption and that it must be applied. Lastly, she gave information on the LIHEAP program for help with bills. For more information on LIHEAP, please visit: www.yorkcountypa.gov/223/Low-Income-Home-Energy-LIHEAP.

Vice President Buckingham said State Rep. Carol Hill-Evans' office can also help with filling out forms for LIHEAP assistance.

IV. Administration Comment: None

V. Next Committee Meeting **February 28, 2024** at 6PM in Council Chambers. Committee agenda items due by 12 noon on February 21st.

VI. Adjournment: There being no further business, the January 24, 2024 committee meeting of Council adjourned at 7:12 pm.



Dianna L. Thompson, City Clerk



Edquina Washington, President of Council