

The City of York, Pennsylvania

Carol Hill-Evans, President of Council
 Henry Hay Nixon, Vice President of Council
 Renee S. Nelson, Member of Council
 Michael Ray Helfrich, Member of Council
 David Satterlee, Member of Council

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COMMITTEE MINUTES March 26, 2014 6:00 p.m.

Police	Fire	Public Works	E&C Development	Business Admin	Rules & Admin
Nixon Nelson Satterlee	Nixon Nelson Satterlee	Satterlee Hill-Evans Helfrich	Nelson Nixon Helfrich	Helfrich Hill-Evans Nixon	Hill-Evans Nelson Satterlee

***Bold text indicates Chairperson**

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

Council Attendees: Carol Hill-Evans, President, Henry Hay Nixon, Vice President, and Council Members David Satterlee, Michael Ray Helfrich, and Renee S. Nelson

Council Staff: Dianna L. Thompson-Mitchell, City Clerk

Administration Attendees: Public Works Director Jim Gross, Police Sergeant Steve Butler, Bureau of Health Director Barb Kovacs, and Assistant Solicitor Don Hoyt

- I. Meeting called to order at 6:00 p.m.
- II. Committee Issues for the April 1 & 15, 2014 legislative Agenda as follows:

PUBLIC WORKS ([View Issues Chart](#))

1. Resolution authorizing purchase of a street sweeper

Director Gross explained that the city received a grant for the purchase of a new CNG fueled Global Model M4 street sweeper for use by Public Works. He said this equipment will be purchased using a state contract at a total cost of \$337,545.00 and paid through a 5-year lease agreement with Fulton Leasing Group.

Councilman Helfrich discussed anticipated increases in natural gas and hopes we can receive a fixed rate.

A brief discussion ensued on fuel costs and fixed rates.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place on the 4/1/14 agenda. The motion passed by the following vote: Yeas: Satterlee, Hill-Evans, Helfrich – 3; Nays: 0.

- 2. Resolution authorizing filing of a planning grant application with DCNR**
- 3. Resolution authorizing filing of a development grant application with DCNR**

Director Gross explained that both grants will be used to undertake the Heritage Rail Trail Improvement Project. He said there is a 50/50 match involved but the city will not need to front any funds.

Sonny Huntzinger, Downtown Inc, relayed that so far we have \$543,000 pledged from various entities to help meet the 50/50 match requirement.

Tim Fulton, project representative, added that part of the trail improvements include designing an extension of the trail along the Codorus Creek from Philadelphia St. to N. George St., installation of urban park amenities, stormwater management improvements, and designs for construction of “green” road through the Northwest Triangle (NWT) connecting North St. and Pershing Ave.

Tim Miller, project representative, outlined application deadlines.

DECISION: A motion was made by Satterlee, seconded by Helfrich, to place on the 4/1/14 agenda. The motion passed by the following vote: Yeas: Satterlee, Hill-Evans, Helfrich – 3; Nays: 0.

POLICE ([View Issues Chart](#))

1. Resolution authorizing acceptance of a 2012 & 2013 JAG grant.

Captain Steve Butler explained that the city received JAG grants in 2012 and 2013 to help with purchase of equipment and other crime prevention tools. He said these grants were reflected in both the 2012 and 2013 budgets but were not formally accepted by Resolution of Council. Therefore, he said these Resolutions will be to formally accept both the 2012 and 2013 grants to allow us to start drawing down funds.

DECISION: A motion was made by Satterlee, seconded by Nelson, to place on the 4/1/14 agenda. The motion passed by the following vote: Yeas: Nixon, Nelson, Satterlee - 3; Nays: 0.

ECONOMIC & COMMUNITY DEVELOPMENT ([View Issues Chart](#))

1. Resolution authorizing an agreement with the PA Dept. of Health (Maternal/Child Health Grant)

Barb Kovacs, Director, York City Bureau of Health, explained that is a Maternal Child Health grant used to provide support and education services for pregnant women such as home visits to make sure things are going well with their pregnancies.

DECISION: A motion was made by Helfrich, seconded by Nelson to place this item on the 4/1/14 agenda. The motion passed by the following vote: Yeas: Nelson, Nixon, Helfrich – 3; Nays - 0.

GENERAL ([View Issues Chart](#))

1. Resolution accepting the recommendation of HARB in denying a certificate of appropriateness to demolish the property located at 114 W. Philadelphia St.

Mark Shermeyer, HARB member, introduced Alycia Reiten, Historic York, who outlined various aspects of the building that contribute to its historical significance. She read a letter from Bryan Van Sweden, Bureau for Historic Preservation, stating that it is their opinion that this building “contributes” to the architectural significance of the York Historic District and is worthy of preservation. The letter also noted that “It is the Bureau’s understanding that the city provided funding to this property’s owner to rehabilitate the building’s façade resulting in the property becoming protected by a Historic Preservation Easement.” Mr. Van Sweden’s letter requested Council to uphold HARB’s recommendation to deny demolition of the property. ([Read letter](#))

Ms. Reiten did state that it was found that the easement was never formally recorded in the Recorder of Deeds Office but there is a signed agreement in existence.

Genevieve Ray, HARB member, gave a brief history of 114 W. Philadelphia St. ([Read letter](#)) She explained that this building is a piece of our cultural history and it stands as a cultural and architectural landmark. It’s important that we

don't allow further erosion of the district as outlined in the letter submitted by Mr. Van Sweden and she urged Council to support HARB's recommendations.

Mary Anne Bacas, resident, spoke in support of HARB's recommendations. She said the owner has other options he could pursue.

Dave Redshaw, HARB, stands by HARB's recommendations. He said the house is in good shape and is one of the most beautiful pieces of architecture on the whole block.

Joe Jeffcoat, resident, asked Council to support HARB's recommendations to preserve this structure.

Joan Burgasser, resident, and former HARB member, explained that HARB works to retain the historic integrity of our community. She named some important recommendations made by HARB to protect historic structures. She said White Rose Bar & Grill is not hemmed in by real estate and can add on to the rear of the building.

Jerimiah Anderson, White Rose Bar & Grill, said this project came about through a demand for more private meeting space.

Joseph Mula, applicant c/o White Rose Bar & Grill, said they researched different options but they just would not work to accommodate the required meeting space.

Mr. Anderson added that he and Tom Sibol, White Rose Bar & Grill owner, visited several properties but nothing seemed to work for their demand. He said Mr. Sibol suggested utilizing the space at 114 W. Philadelphia St. and after touring the site, it appeared to be what they needed to accommodate their growing demand for space.

Mr. Mula said they are proposing demolition of the building and construction of a new building. He said it is much more expensive to do selective demolition but they hope to be able to come to a compromise so they could preserve some of the current structure.

Councilman Helfrich said that any new proposals cannot be considered tonight as the demolition is what is before Council tonight. He gave some additional history and said there are several 18th/19th century structures that make up a significant portion of this block. He stated that he would like to preserve these special structures and feels 114 W. Philadelphia St. is worth saving.

Mr. Mula outlined a proposal to save the facade, which he presented to Council.

Councilman Satterlee clarified that what is before Council tonight is the demolition so if Council moves forward to vote on this action at a future meeting, if passed, the applicant would have to revisit HARB with a new application.

Vice President Nixon asked if the easement is for the building or the facade. Ms. Reiten said it is for the facade.

Greg E. Gettle, Attorney representing White Rose Bar & Grill owner Tom Sibol, said he did not find that this easement was formally recorded and as such opined that there is no legal standing to deny demolition. Attorney Gettle outlined that because the easement wasn't recorded, it didn't allow proper notice to the building's successors and that HARB doesn't have grounds to stand on. He did say that it is his understand that Mr. Sibol is willing to revisit the plan and possibly come to a compromise. As such, Attorney Gettle stated that he wants to go on record that the applicant requests to withdraw its application at this time.

Discussion ensued on whether to act on this request, allow the applicant to withdraw, or leave it in committee. The City Clerk read section 1731.12(b) of the Codified Ordinances in that "Council shall render its decision no later than thirty days after the receipt of the written recommendations of the Board of Historical Architectural Review." Therefore, she said she believes Council must act on the recommendations HARB has submitted.

DECISION: A motion was made by Helfrich, seconded by Nixon, to place this on the 4/1/14 agenda. The motion passed by the following vote: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans – 5; Nays – 0.

2. Resolution approving a project to be undertaken by the General Authority for the benefit of Lutheran Social Services

Attorney David Twaddell, representing the project, gave a brief history of the General Authority and tax exempt financing. He said this request is seeking assistance from the General Authority (GA) in serving as the conduit to receive financing for the Lutheran Social Services project (LSS). The project involves construction of a new residential facility located at 1802 Folkemer Circle, York, PA (The Village at Sprenkle Drive). Attorney Twaddell stated that LSS will be undertaking the project and will assume full responsibility to pay back these funds. He then outlined the GA's protection clauses.

President Hill-Evans said this project is not located in the City so why use York City GA? Attorney Stacey MacNeal, Solicitor for the GA, explained that there are a limited number of authorities that can meet that \$10 million threshold. Although this project is not located in the City, she said LSS has strong ties with the City. She said the GA is interested in doing more conduit financing to possibly help get the word out that they are available for these types of investment opportunities.

President Hill-Evans then asked what will happen if LSS cannot pay. Attorney MacNeal responded that payment would fall back between LSS and the bank – not the city.

Attorney Twaddell explained that action by Resolution of Council will be to support that this project benefits the people in the area to be served. He said the municipality that will house the project, Manchester Twp., will also be making a determination on this as well.

Discussion ensued on state statutes relating to conduit funding and how this project would benefit the community as a whole.

Attorney MacNeal said Manchester Township will vote on this action in a few days so Council could wait until its April 15 meeting to vote on this Resolution.

DECISION: A motion was made by Nixon seconded by Helfrich, to place this item on the 4/15/14 agenda. The motion passed by the following vote: Yeas – Helfrich, Nixon, Satterlee, Nelson, Hill-Evans – 5; Nays – 0.

RULES & ADMINISTRATIVE CODE ([View Issues Chart](#))

1. Resolution establishing the City Clerk's maintenance responsibility of Council's board appointments & reappointments

City Clerk Thompson-Mitchell explained that this Resolution is being presented as a means to streamline the appointment/reappointment process for the city's boards and authorities. She said that as the Mayor appoints to a majority of the city's boards/authorities, it is recommended that the Administration take leadership in maintaining the Mayor's boards list and then forward her final recommendations to Council for action. This would save time and would simplify the process. She said she would continue to maintain the boards that Council solely appoints to but requests to relinquish the responsibility to maintain the Mayor's board appointments/reappointments.

DECISION: A motion was made by Nelson, seconded by Satterlee, to place this item on the 4/1/14 agenda. The motion passed by the following vote: Yeas – Hill-Evans, Nelson, Satterlee – 3; Nays: 0.

2. Bill amending Article 705 Keeping of Animals

Assistant Solicitor Hoyt explained that this amendment is to define Wild Animals.

Helfrich asked why in the definition "animal" was switched to "mammal." A brief discussion ensued on the difference between the two.

MOTION TO AMEND. Helfrich made a motion to remove "mammal" and replace with "animal," which was seconded by Nelson, and passed by the following vote: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans – 5; Nays – 0. The definition will now read: "'Wild Animal' means any animal not normally or ordinarily domesticated; or any feral animal; or any animal not capable of being kept as a household pet."

Alicia Blidgen, resident, discussed feral cats and the problems in her neighborhood with these cats. She said a woman comes into her neighborhood and feeds these cats, which adds to the problem. She urged Council to put an ordinance in place to control the feral cat population.

Councilman Helfrich outlined the penalties and how that would affect those feeding feral cats. Councilman Satterlee said if cats are being fed by someone else on a property owner's premises, the property owner would be fined, not the person actually feeding the cats. Vice President Nixon said he empathizes because he has the same issue with his neighbor feeding stray cats.

DECISION: A motion was made by Satterlee, seconded by Nelson, to place this on the 4/1/15 agenda. The motion passed by the following vote: Yeas - Hill-Evans, Nelson, Satterlee – 3; Nays – 0.

3. Bill amending Article 1113.10 Sidewalk Cafes

Councilman Helfrich outlined his proposed amendments including safe passage along sidewalks for mobility devices as well as increased enforcement of the ordinance as a whole.

Discussion ensued on how to define safe passage for mobility devices, which remains unresolved at this point.

DECISION: A motion was made by Satterlee, seconded by Nelson, to keep this item in committee. The motion passed by the following vote: Yeas – Hill-Evans, Nelson, Satterlee – 3; Nays – 0.

II. Council Comment: None

III. Administration Comment: None

IV. Next Committee Meeting April 23, 2012 at 6:00 p.m. in Council Chambers (committee agenda items due by 12 noon on April 16)

V. Adjournment: 8:42 p.m.

Carol Hill-Evans, President of Council

Dianna L. Thompson-Mitchell, City Clerk