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# City Council Meeting February 6, 2023

**DATE AND TIME:** Monday, February 6, 2023, 06:00 PM

## **Members Present:**

Mayor Mike Fuesser  
Mayor Pro Tem Ed Brown  
Councilmember Matthew Hickey  
Councilmember Marion Ramsey

Councilmember Stephanie Jarrett  
Councilmember Charles Brewer  
Councilmember Kellie Harrold

## **Staff Present:**

City Manager Dalton Pierce  
Municipal Clerk Amy Craig  
Finance Director Barbara Denny  
Fire Chief Mike Regal

Community Events Director Becky Mestas  
Code Enforcement Officer Shane Linder  
Planning Assistant Ashley Putnam

## **Participants:**

Attorney Mac Brice

## **Others Present:**

(See Sign-in Sheet)

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### **1. WELCOME AND CALL TO ORDER**

Mayor Mike Fuesser

- Mayor called the meeting to order at 6:00 pm

### **2. PRAYER**

Mayor Pro Tem Ed Brown

### **3. PLEDGE OF ALLEGIANCE**

Mayor Mike Fuesser

### **4. PRESENTATIONS**

#### **4.1. Retirement of Finance Director Barbara Denny**

City Manager Pierce gave a brief presentation for Barbara Denny, as she will retire on Friday, February 10, 2023, from the City of York. Mr. Pierce reviewed Ms. Denny's job duties as Finance Director, her prestigious achievements throughout her career, and her plans for the future.

#### **4.2. New Employees – Ashley Putnam and Shane Linder**

City Manager Pierce introduced two new employees, Ashley Putnam and Shane Linder to the City of York. Ashley serves as the Business License/Assistant Planner and Shane Linder serves as the Code Enforcement Officer.

### **5. PUBLIC HEARINGS**

#### **5.1 Ordinance 23-686, Amending Appendix A, Wine Bars**

*\*\*No public comments were made\*\**

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## 6. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

*\*\*No public comments were made\*\**

## 7. CITY MANAGER'S REPORT

### 7.1. YPD – Safety and Security/Access Equipment – ARPA Funds

City Manager Pierce stated that A3 Communications will provide York Police Department with safety and security access equipment through the state's contract. According to our procurement code, the City is not required to solicit three bids since it is on state contract. The quote came in at \$20,914.20. A3 Communications is the security provider at York school districts, so this will allow the School Resource Officers to have compatible security access.

### 7.2. MOU – Larson Road Industrial Park

City Manager Pierce stated that the City signed the MOU agreement last week. ESP Associates, the engineer of record for York Electric Cooperative, will manage and construct the road with new water and sewer. As work proceeds, ESP Associates will invoice York Electric Cooperative and, in turn, York Electric Cooperative will invoice the City of York. The City has received \$540,000 from York Electric Cooperative's RDA funds and \$28,000 from Central Electric Power Cooperative. The City's matching funds of \$300,000 will be paid with Capacity Fees. Once completed, the City will annex the road into their general maintenance. ESP Associates will be submitting preliminary site plans soon.

### 7.3. City Hall Public Restrooms

City Manager Pierce stated that the men's public restroom facilities at City Hall have not been functioning. Quotes have been collected to repair the toilets and bring them up to code and within ADA compliance, in addition to installing faucets. Doan Sun gave a quote of \$5,780, and with the repairs being necessary for public use, City Manager Pierce requested that Council invoke the waiver of Article 3 of Section 2-361, the policies, procedures, and guidelines may be waived in the case of emergency purchases. Councilmember Hickey made a Motion to use Section 2-361 to approve the budget for the City's public restroom repairs. Councilmember Ramsey Seconded the Motion, and with no Discussion, the Motion was approved unanimously.

## 8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

### 8.1. Council Meeting, January 3, 2023, Council Work Session, January 17, 2023.

Councilmember Jarrett made a Motion to approve the Minutes as written, which was Seconded by Councilmember Ramsey. The Motion passed unanimously.

## 9. MONTHLY FINANCIAL REPORT

9.1. Finance Director Barbara Denny discussed the finances for the end of December. She explained that this time of year never looks good because the property taxes are not received until January. The negative balance in the General Fund will reverse itself in January once the property taxes are received. Ms. Denny stated that the auditors have arrived, and she presented a letter of engagement from the auditors for the Mayor and the City Manager to sign.

## 10. OLD BUSINESS

### 10.1. ORDINANCES:

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Second Reading Ordinance 23-686, Amending Appendix A, Wine Bars  
Councilmember Jarrett made a Motion to approve the Second Reading of Ordinance 23-686, Amending Appendix A, Wine Bars, which was Seconded by Councilmember Hickey. During Discussion, City Manager Pierce clarified that the restrictions were removed from the Ordinance after the First Reading of Ordinance 23-686, Amending Appendix A, Wine Bars. With no other Discussion, the Motion was approved 6-1, with Mayor Pro Tem Brown voting in opposition.

## 10.2 DISCUSSIONS:

- **Demolition Project – 5 and 9 Springdale Drive**  
City Manager Pierce explained that property owner of the two derelict structures, Martin Foster, is waiting to collect money from a settlement and at that time, he will address what he plans to do with the two properties. Mr. Foster plans to have the settlement money this month. While decisions are being made regarding the two properties, Code Enforcement has placed caution tape around the two properties. Council stated that Mr. Foster has had more than enough time to handle these derelict structures. Also, there was Discussion about whether the City could deed the property, in which Attorney Mac Brice advised that the tax sale on the properties would void the deed. Council stressed that they are wanting to move forward with these properties because they feel Mr. Foster is only trying to buy time, which he has been doing for over a year. Council questioned if daily fees could be imposed to Mr. Foster while the City waits on him to make a decision. Also, Council further discussed that there is no way to recoup the money with the tax sale. In addition, if a new buyer takes possession after the tax sale, then the process would begin with whoever owns the properties at that time.
- **Ordinance 22-681, Moratorium**  
City Manager Pierce stated that the Moratorium is in place until March, which is 180 days since it was enacted in September 2022, and it has a 90-day extension built into the Ordinance. Planning has already advertised for a Public Hearing, to take place on March 7, 2023, for whether Council chooses to extend or end the Moratorium. An update for the Moratorium was provided that stated the Planning Commission is in need of additional time and wishes to have the 3 months extension to facilitate its work and enable Council to have time to review the Planning Commission's recommendations. If desired, the Planning staff will provide an Ordinance to accomplish the necessary extension.

## 11. NEW BUSINESS

### 11.1 SPECIAL EVENTS:

- Events Coordinator Becky Mestas gave a summary of the following special events applications on the 2023 calendar:

**March for the Heart 5k** – This is a City hosted event that is run by Tender Hearts and raises awareness and funds for their organization. The event will take place on March 18, 2023, and a new route has been proposed. The new route will showcase the downtown area. York Police Department is onboard with the new route.

**Silver in the City** – The 6<sup>th</sup> annual Silver in the City will take place on April 20 through April 23, 2023. 65 airstreams will come in on Thursday evening and set up at York Place. They will parade into town Friday morning and park at Yorkville Marketplace and Dickerson Motors for the weekend. There will be celebration music, DJs, and entertainment on Saturday.

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**Will Frederick Memorial 5k Run for the Kids** – On Saturday, April 29, 2023, Lifeway is hosting a 5k to raise funds for scholarships for children, students, and community enrichment efforts. The 5k is in honor of Will Frederick, who passed away in 2018 due to complications from surgery. The 5k is a way to continue the work that he started.

**Cinco de Mayo** – This is the City's 2<sup>nd</sup> annual Cinco de Mayo celebration, which will take place on Friday, May 5, 2023. The City will provide live music, and the focus will be on the downtown area. The City is expecting a fun time for the community.

**Summer Concert Series** – The City's Summer Concert Series typically falls on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of June, July, and August, but Events Coordinator proposed a kickoff at City Market on May 25<sup>th</sup> and to potentially move to City Park.

**York Summerfest** – York Summerfest will have its 40<sup>th</sup> anniversary on August 26, 2023. The 5k will take place on Friday evening, August 25, 2023, instead of Saturday morning. This will require a special permit to be approved because it is a separate event.

Councilmember Hickey made a Motion to approve the Special Events as presented, which was Seconded by Councilmember Jarrett. In Discussion, Council inquired about the cease-and-desist order for "Summerfest." City Attorney Mac Brice explained that York has a 5-year license that is being used and Events Coordinator Becky Mestas stated that the logo has been updated to say "York Summerfest." With no other Discussion, the Motion was approved unanimously.

## 11.2 Discussions:

- **NAACP – RFA Redistricting**  
City Manager Pierce requested comments or feedback from Council about RFA and NAACP's redistricting proposal. The mayor would like to see this get to the public as soon as possible for their input. Council expressed that NAACP's proposal was more comprehensive and suggested only minor revisions. Mr. Pierce stated that he will formalize the document and submit it back to NAACP and RFA with the minor suggestions from Council that were brought up during the meeting. Council and the City Manager would like to have NAACP and RFA return and address what can or cannot be accounted for, so a proposal can be prepared for the public.

## 11.3 Bids & Solicitations:

- **Complex Bathrooms**  
The City solicited bids for two restrooms located at the York Recreation Complex (Main Tower). The work was budgeted in the Impact Fees for \$40,000. Pack Men Contracting bid \$17,999, which allowed for extra work to be done. The extra work would include installing sinks, baby changing station, and improvements. The contractor bid \$19,310, in addition to \$17,999, which totals \$37,309. The amount still comes under budget and includes a broader scope of work. The contract for the original for the original bid will be signed, and then process a change order for the contract total.  
Brewer -Motion to approve and award the contract for the bathrooms at the Rec Complex to Pack Men Contracting, including the change order, for the total amount of \$37,309, which was Seconded by Ramsey. In Discussion, it was confirmed that all bids are costs not to exceed. With no other Discussion, the Motion was approved unanimously.
- **Planning Software**

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The Planning Department solicited bids for new Planning Software. Two responses were received which are Evolve InfoVision for the first year at \$38,100, with recurring annual costs of \$18,100 and GeoCivics for the first year is \$127,000, with recurring annual costs of \$22,000. After reviewing the RFPs, the Planning staff recommends Evolve InfoVision.

Councilmember Brewer made a Motion to accept the bid for Evolve InfoVision Software for the one-year cost of \$38,100, years 1-5 total of \$110,500, and recurring annual costs of \$18,100, which was Seconded by Mayor Pro Tem Brown. In Discussion, Councilmembers questioned if everything would be covered since there is a big price difference between the companies. Mr. Pierce confirmed that it had everything staff would need. He further explained that the software was capable of shortening turnaround time between staff members, plus, as a web-based program, it would be convenient for the staff to be in the field. With no other Discussion, the Motion was adopted unanimously.

## 12. MAYOR'S REPORT

Mayor Fuesser stated that Saturday, April 15, 2023, at 8:00am, The City will have a litter pick up day. The National Junior Reserve Officers Training Corps from York Comprehensive High School will be assisting with the City with this community project. The Mayor encouraged anyone that would like to join in cleaning up the area, to feel free to do so.

## 13. EXECUTIVE SESSION

### 13.1 To Discuss Personal Matter Related to Municipal Judge

Councilmember Ramsey made a Motion to go into Executive Session to Discuss Personal Matter Related to Municipal Judge, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously.

Councilmember Ramsey made a Motion to exit Executive Session, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously.

## 14. UPON RETURNING TO OPEN SESSION, COUNCIL MAY TAKE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

*\*\*No action taken\*\**

## 15. ADJOURN

Councilmember Hickey made a Motion to Adjourn, which was Seconded by Mayor Pro Tem Brown. The Motion was adopted unanimously. The meeting Adjourned at 7:06 pm.

Respectfully Submitted,



Amy Craig  
Municipal Clerk