

AGENDA FOR THE CITY COUNCIL MEETING OF WEDNESDAY, DECEMBER 2, 2009 AT 9:00 A. M.

- A. Roll Call**
- B. Silent Meditation**
- C. Approval of the Minutes/Bills**
- D. Citizens to be Heard**

Randy Barnes, 109 Walten Point, re. "Erie-A Major Source of Hazardous Air Pollution"
James Canfield, 4240 West 38th Street, re. the "Landlord Rental Ordinance"

E. ORDINANCES: FOR FINAL PASSAGE:

1. Council File Ordinance #15,688, Pending Official File Ordinance #64-2009
an ordinance approving the plan of the **Erie Sewer Authority** for the issuance in an aggregate amount not to exceed **\$15,625,000.00 Sewer Revenue Bonds**, Series of 2010 and setting forth the amount, interest rates and maturity dates of the bonds; authorizing the authority to proceed with the plan of financing; and to do all other acts necessary to carry out the provisions of the ordinance which is to become effective immediately upon final passage.
2. Council File Ordinance #15,691, Pending Official File Ordinance #65-2009
an ordinance closing and vacating a public alley located on **West 13th Street between Peach and State Streets**, running north 125.51' and being approximately 30' wide at the request of the Redevelopment Authority and the Erie Parking Authority. (The alley will remain open north of the 125.51 footmark so that it can continue to be used by L. Press and Community Health Net.)
3. Council File Ordinance #15,692, Pending Official File Ordinance #66-2009
an ordinance requiring that the City of Erie shall invest into the **City of Erie Water Reserve Capital Fund** all monies received from any future lease agreement extensions or other original lease modifications granted to the Erie City Water Authority.

ORDINANCES: FOR FIRST READING:

1. Council File Ordinance #15,693
an ordinance appropriating the sum of **\$6,500.00** from unappropriated and anticipated revenue from Account #215-0613-0000-3342 Police Drug & Vice Account and providing for the expenditure thereof by allocating said funds to Account #215-0613-0000-4078 Machinery & Equipment.
2. Council File Ordinance #15,694
an ordinance amending the Streets, Utilities and Public Services Code of the City of Erie, Article 951, **Residential Refuse**, by increasing the annual fee from \$155.00 to \$192.00 per year for each dwelling containing not more than four dwelling units. The \$192.00 collection fee shall be assessed against each dwelling unit.
3. Council File Ordinance 15,695
an ordinance amending the **Sewer Rental Ordinance** of the City of Erie, Article 933, Section 933.02 by increasing the Meter Quantity Charges to read as follows:
"The sewer meter rate schedule applicable to all users, in addition to a service charge of twelve dollars (\$12.00) per bill, shall be as follows:

Meter Quantity Charges	Rate per
100 Cubic Feet Per Quarter	100 Cubic Feet
First 70	\$ (1.85) \$2.20
Next 4,930	\$ (1.75) \$2.10
All over 5,000	\$ (1.55) \$2.00

F. OLD BUSINESS

Pursuant to the provisions of Zoning Ordinance #80-2005 and of the proper legal advertising, the City Council at approximately 10:00 a.m. will proceed to hold **Public Hearings regarding:**

1. A request from Gannon University to rezone property located on the south side of **West 3rd Street** to the north side of **West 5th Street** and between the west line of **Peach Street** and the east line of **Sassafras Street** from RLB (Limited Residential Business) to C-3 (Central Business District).
2. A request from Gannon University to amend the City of Erie Zoning Code to allow **dormitories** as a permitted use in C-3 (Central Business District).

In conjunction with the above Public Hearings:

1. Pursuant to the provisions of Zoning Ordinance #80-2005 and of a Public Hearing held Wednesday, December 2, 2009, a resolution authorizing and directing the City Solicitor to prepare an ordinance rezoning property located on the south side of **West 3rd Street** to the north side of **West 5th Street** and between the west line of Peach Street and the east line of Sassafras Street from RLB (Residential Limited Business) to that of C-3 (Central Business District) as requested by Gannon University.
2. Pursuant to the provisions of Zoning Ordinance #80-2005 and of a Public Hearing held Wednesday, December 2, 2009, a resolution authorizing and directing the City Solicitor to prepare an ordinance amending Section 204.17 of the Zoning Code, being C-3 (Central Business District) by allowing **dormitories** as a permitted use in **C-3 (Central Business Districts)**.

PUBLIC HEARING:

Pursuant to legal notice, City Council will hold a Public Hearing at approximately 10:30 a.m. in regard to adding a new Article 739 to the General Offenses Code, Part 7, Prohibition of Driving while using Hand-Held Mobile Phones

Following the above noted Public Hearing, City Council is expected to take action on the following ordinance pursuant to a resolution approved by City Council on November 18, 2009:

1. Council File Ordinance #15,696
an ordinance amending the General Offenses Code of the City of Erie, Part 7, by adding a new Article 739 **Prohibition of Driving while using Hand-Held Mobile Phones** in the City of Erie and providing Penalties for violations thereof.

G. NEW BUSINESS

1. Resolution sponsored by Councilwoman Jessica Horan-Kunco, amending Resolution #127-146E, adopted on October 7, 2009, which approved a new Investment Policy for the City of Erie Water Reserve Fund, by removing any reference to **Alternative Investments**, as recommended by our city auditors McGill, Power & Bell, in accordance with the provisions of the Third Class City Code.
2. Resolution sponsored by Councilwoman Jessica Horan-Kunco authorizing and directing the proper City officials to execute an agreement with **Merrill Lynch** for **Consulting Services** relative to the investment policy adopted by City Council on October 7, 2009 concerning the Water Reserve Fund of the City of Erie in the sum of \$5,000.00/year which is to be charged to the Water Reserve Fund.
3. Resolution sponsored by Councilwoman Jessica Horan-Kunco respectfully requesting the City Planning Commission review our proposed **Urban Solar Farm Amendment** to the City Zoning Ordinance and refer their recommendations to City Council.
4. Resolution sponsored by Councilwoman Jessica Horan-Kunco appointing **Ms. Lisa Austin** to the City of Erie Zoning Hearing Board for a five (5) year term expiring on December 31, 2014.
5. Resolution sponsored by Councilman James Thompson appointing **Mike Hornyak**, 233 East 27th Street, to the City of Erie Zoning Hearing Board replacing Dale Niemenski (resigned), with said term expiring on December 31, 2010.
6. Resolution authorizing and directing the proper City officials to enter into a Professional Services Agreement between the City of Erie and **Stephen R. Chatman** for his continued service as Site Coordinator/Project Manager in connection with the administration of the **Erie Weed and Seed Initiative** in the amount of \$81,412.20. The Revenue source will be \$46,412.20 from the City of Erie General Fund and \$35,000.00 from PA Weed and Seed. This contract includes a provision for a bi-weekly payment of \$2,366.62 for a total of \$61,532.20 to be paid by the City of Erie commencing January 1, 2010 for the term of one year ending December 31, 2010.
7. Resolution authorizing and directing the Mayor and other appropriate City officials to amend the agreement between the City of Erie and **St. Martin Center** pertaining to the Homebuyer Program, increasing the contract amount by \$150,000.00 from \$88,264.00 to \$238,264.00.
8. Resolution authorizing and directing the proper City officials to execute an Easement Agreement between the City of Erie and **Francisco Reyes**, 1029 East 29th Street, owner of **1027 East Avenue**, Index #(15) 2046-224, locating an awning in the East Avenue right-of-way, in compliance with the City Engineer's metes and bounds description.

TRANSFERS:

1. In the Office of Personnel, the sum of **\$1,032.46** from #002-0521-0000-4059 Other Services & Charges, with \$663.24 to #002-0513-0000-4041 Professional Services, \$162.25 to 4052 Advertising; \$60.00 to #4043 Education & Training; \$89.82 to 4031 Office Supplies and \$57.15 to 4046 Postage.
2. In the Office of General Government & Police, the sum of **\$400,000.00** from #002-0963-0000-4098 Salary/Wage Contingency, with \$229,437.87 to #002-0613-0000-4011 Salaries; \$2,951.39 to 4016 FICA-Medicare; \$4,102.66 to 4021 Deferred Compensation and \$163,508.08 to 4006 Overtime.
3. In the Department of Public Works, the sum of **\$600.00** from #002-0725-0000-4043 Transportation & Seminars to #002-0725-0000-4006 Overtime.

4. In the Department of Public Works, Golf, the sum of **\$750.00** from #009-0728-0000-4041 Professional Services to 4059 Other Services & Charges.
5. The sum of \$14,260.00 from Seasonal Wages #002-0713-0000-4013 and \$1,500.00 from \$002-0715-0000-4013 Seasonal Wages, with \$15,760.00 being transferred to Account #002-0725-0000-4013.
6. The sum of **\$16,400.00** from Account #002-0719-0000-4033 Operating Supplies, with \$1,500.00 being transferred to #4006 Overtime Wages and \$1,400.00 to 4059 Other Services & Charges.

CONTRACT EXTENSION:

1. Resolution extending a contract with **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for providing emergency Sewer Repairs (Bid #1564-04) for an additional year at the same rates per current contract which now will expire December 31, 2010.

CONTRACTS:

1. **David Milano Construction**, 1827 West 36th Street, Erie, Pa. for performing Repair Services at the Storm Drain at the Compost Site for the Bureau of Sewers for the sum of \$116,466.25 (Material Costs Only) for the Wastewater Treatment Plant.

PURCHASE ORDERS:

1. **Northwest Restoration, Inc.**, 4460 Phyllis Drive, Erie, Pa., for Moving of the Statue of Eben Brewer from Perry Square to Griswold Park for the Parks and Recreation Department for \$5,000.00.
2. **Ed Shults Chevrolet**, 300 Fluvanna Avenue, Jamestown, NY, for a 2007 Crown Victoria Police Cruiser for the Bureau of Police for the sum of \$5,200.00.
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4. **Walter H. Drane Company**, Tower East - Suite 420, 20600 Chagrin Boulevard, Cleveland, Ohio, for 25 sets of Erie Codified Ordinances and one D-ROM, for the Office of City Council, for the sum of \$3,000.00.
5. **Champion Bolt**, P. O. Box 6291, Erie, Pa., for Plow Bolts needed for the 2009-2010 Winter Season for the Bureau of Streets at a cost of \$2,865.00.
6. **ELTECH Security Systems**, 3608 Mt. Royal Blvd., Alison Park, Pa., for the emergency purchase of a Programmed Digital Video Camera, for the Security System at the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$4,675.43.
7. **Northwest Restoration, Inc.**, 4460 Phyllis Drive, Erie, Pa., for the proposed Deck Joint Repairs to the McBride Viaduct (East Avenue Bridge) for the sum of \$3,850.00.

H. COMMITTEE REPORTS

I. ADJOURNMENT