

AGENDA FOR THE CITY COUNCIL MEETING OF WEDNESDAY, NOVEMBER 4, 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. Truth and Trust - Why Erie Needs a CEMS Ordinance

F. ORDINANCES: FOR FIRST READING:

- 1. Council File Ordinance #15,687
  - an ordinance appropriating the sum of **\$200,000.00** from unappropriated and unanticipated revenue from Account #460-0000-0000-3111 Debt Service Fund Balance and providing for the expenditure thereof by allocating said sum to Account #460-1061-0000-4871 '03 Cell Tower Principal. (The funds being appropriated will be used by the City to pay off the balance on a loan ahead of schedule from PNC Bank as part of the 2008 City of Erie/Water Authority Lease Extension)

G. OLD BUSINESS

Pursuant to the provisions of Zoning Ordinance #80-2005 and of the proper legal advertising, the City Council will proceed to hold a **Public Hearing at 10:00 a.m.** regarding a request submitted by Jim McCormick of Port Harbor Homes in conjunction with the Bayfront Eastside Task Force for construction of a single family dwelling located at **537 West 2<sup>nd</sup> Street** for Waterfront Conditional Use for construction of a single family dwelling.

Resolution approving the request for Waterfront Conditional Use submitted by Jim McCormick of Port Harbor Homes in conjunction with the Bayfront Eastside Task Force for construction of a single family dwelling located at **537 West 2<sup>nd</sup> Street**.

Communication from the City Planning Commission recommending that the request from the Erie Redevelopment Authority and the Erie Parking Authority to close and vacate a public alley located on **West 13th Street between Peach and State Streets**, running north 125.51' and being approximately 30' wide be approved and authorizing and directing the City Solicitor to prepare an ordinance effectuating said change. (The alley will remain open north of the 125.51 foot mark so that it can continue to be used by L. Press and Community Health Net.)

H. NEW BUSINESS

- 1. Resolution sponsored by Councilman Mark Aleksandrowicz extending the Letter of Engagement with **Michael D. Fiorentino, Esq.**, by an additional \$5,000 while he continues to represent City Council in the litigation of the Land Use Appeal of the Zoning Hearing Board's decision to invalidate a portion of the City of Erie's Zoning Ordinance pertaining to Height Restrictions in the M-2 District in a total amount not to exceed \$11,750.00. This is to restore and solidify that portion of the City of Erie Zoning Ordinance with regards to such matters.
- 2. Resolution sponsored by Councilman Mark Aleksandrowicz authorizing and directing the City Solicitor to prepare an ordinance requiring that the City of Erie shall invest all monies received from any future lease agreement extensions or other original lease modifications granted to the Erie City Water Authority into the **City of Erie Water Reserve Fund**, a Capital Fund established for future capital needs and projects only, as prescribed by state statutes.
- 3. Resolution sponsored by Councilwoman Jessica Horan-Kunco endorsing the request submitted by the **Erie Area Council of Governments** (COG) that City Council authorize its representative of the COG to vote in favor of a resolution to actively engage in the expansion of the COG recognizing that it would require the COG member governments to do any or all of the following: (1) develop and execute a program to select, inform and solicit for COG membership non-member governments in Erie County; (2) review and consider amendments and updates to the current bylaws and (3) formulate a formal recommendation on the creation of different membership levels or retain the current method.
- 4. Resolution sponsored by Councilwoman Rubye Jenkins-Husband authorizing and directing the proper City officials to enter into an agreement between the City of Erie and **Kidder Wachter Architecture and Design** for the restoration and preservation of the **Dickson Tavern** in accordance with their proposal submitted pursuant to a Request for Proposals in reference to same as previously published and advertised. The deed shall include covenants with acceptable limitations and provisions that the deed satisfies the City of Erie and the public's interest in this property at its original location. City officials are further authorized to transfer the Dickson Tavern for the consideration of one dollar (\$1.00).

5. Resolution sponsored by Councilwoman Rubye Jenkins-Husband requesting that a Study Session be scheduled on Thursday, **November 12th, 2009 at 7:00 p.m.**, to begin a review of legislation on banning the use of hand held phones while driving in the City of Erie.
6. Resolution authorizing the proper City officials to execute the Mandatory Priority Standby Service Agreement between the City of Erie Fire Bureau and **National Fuel Gas Distribution Corporation** for the purpose of the service of essential human needs for firm backup supply service from National Fuel as per agreement.
7. Resolution approving the Letter of Intent for Phase II Capital Improvements of Facilities through PA Act 77 Guaranteed Energy Savings and performance of the Investment Grade Audit (IGA) to **CLT Efficient Technologies Group**, a subsidiary of Constellation Energy Projects & Services Group, 61 Arch Street, Suite 102, Carnegie, Pa. and authorizing and directing the proper City officials to sign said Letter of Intent on behalf of the City. If the IGA program falls within the self-funding parameters of Act 77 and the City does not execute an agreement as prescribed in the Letter of Intent, the City shall pay CLT a withdrawal fee of \$25,000.00 for the engineering design and related costs incurred by CLT. The Letter of Intent shall not be construed as an obligation to execute a Guaranteed Energy Savings Agreement. Following delivery of the IGA report, the City of Erie and CLT will meet to negotiate a definitive Guaranteed Energy Savings Agreement and the City Council shall be asked to approve said agreement before it is executed.
8. Resolution authorizing and directing the appropriate City officials to execute an Easement Agreement with the **Erie Housing Authority** for the installation of underground communication lines crossing several City of Erie rights-of-way.
9. Resolution(s) authorizing the Mayor and appropriate City officials to execute the following agreements between the City of Erie and the following entities to obtain the following grants as noted:
  - a) **BEST**, for a grant in the amount of \$286,666.68, from NSP funds appropriated, to carry out new housing construction activities in the BEST target area, charged to Account #387-1387-0000-4634.
  - b) **Erie Redevelopment Authority**, for a grant in the amount of \$394,114.66, from NSP funds appropriated, to carry out housing rehabilitation, land acquisition and new housing construction activities in targeted areas of the City of Erie, charged to Account #387-1387-0000-4632 (\$21,660.00); #387-1387-0000-4634 (\$318,729.66) and #387-1387-0000-4636 (\$53,725.00)
  - c) **HANDS, Inc.**, for a grant in the amount of \$1,167,738.00 from NSP funds appropriated, to carry out residential rehabilitation and new housing construction activities in targeted areas of the City of Erie, charged to Account #387-1387-0000-4632 (\$831,715.00) and #387-1387-0000-4634 (\$336,023.66)
10. Resolution(s) authorizing and directing the Mayor and other appropriate City officials to execute amendments to agreements previously executed between the city and the following entities noted to provide increases in the following accounts:
  - a) **St. Martin Center** pertaining to the Lead Grant increasing the contract amount by \$13,000 from \$46,510.00 to \$59,510.00, charged to Account #507-1242-2007-4418
  - b) **Applied Systems** pertaining to the Lead Grant, increasing the contract amount by \$23,000.00 from \$67,500.00 to \$90,500.00, charged to Account #507-1242-2007-4423

**TRANSFERS:**

1. In the 2009 Police General Fund, the sum of **\$28,100.00** from Account #002-0613-0000-4056 Repair & Maintenance Services, with \$25,000.00 being transferred to Account #002-0613-0000-4035 Repair & Maintenance Supplies; \$3,000.00 to #4043 Transportation & Seminars and \$100.00 to #4047 Heat, Light & Power.
2. In the 2008 Project Safe Neighborhood Grant, the sum of **\$9,250.11** from various accounts, with \$7,126.67 being transferred to #267-0613-2008-4006 Overtime; \$17.76 to #4016 FICA/Medicare; \$96.47 to #4021 Valic and \$2,009.21 to #4045 Communications.
3. In the LEAD Program, the sum of **\$42,765.00** from various #507-1242-2007 accounts, with \$1,200.00 being transferred to Consumable Items; \$1,600.00 to #4043 Education/Training; \$965.00 to #4056 Repair & Maintenance Services; \$3,000.00 to #4061 General Liability Insurance;

