

AGENDA FOR THE CITY COUNCIL MEETING OF WEDNESDAY, JUNE 3, 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. "Continuous Emissions Monitoring Systems Ordinance".

E. ORDINANCES: FOR FINAL PASSAGE:

1. Council File Ordinance #15,649, Pending Official File Ordinance #25-2009, an ordinance appropriating the sum of **\$3,072.00** from unappropriated and anticipated revenue from Account #261-0613-2008-3336 Weed & Seed Quality of Life and providing for the expenditure thereof by allocating said funds to Account #261-0613-2008-4059 Other Services & Charges. (These funds are for the Tall Team Project, which will be an "Anti-Bullying Training Seminar" to be held in June.)
2. Council File Ordinance #15,650, Pending Official File Ordinance #26-2009, an ordinance appropriating the sum of **\$93,800.00** from unappropriated and anticipated revenue; \$50,000.00 to be received as a Grant from the PA Department of Community and Economic Development; \$38,600.00 received earnings from the Enterprise Zone Revolving Loan Fund and \$5,200.00 program income and providing for the expenditure thereof by allocating said funds to various #316-1216-000-40xx accounts in the Enterprise Zone Program accounts.
3. Council File Ordinance #15,651, Pending Official File Ordinance #27-2009, an ordinance appropriating the sum of **\$350,000.00** from unappropriated and anticipated revenue; \$250,000 to be received as a Grant from the PA Department of Community and Economic Development; \$50,000 to be received from the Erie Redevelopment Authority and \$50,000 from the Erie Downtown Improvement District and providing for the expenditure thereof by allocating said funds to Account #336-1336-0000-4041 Professional Services (\$348,000.00) and 4052 Advertising (\$2,000.00).
4. Council File Ordinance #15,652, Pending Official File Ordinance #28-2009, an ordinance amending Article 934 (**Sewage and Industrial Waste Surcharges**), Sections 934.03 (Abbreviations and Definitions), 934.05 (Pretreatment of Wastewater), 934.07 (Wastewater Discharge Permit Issuance Process), 934.08 (Reporting Requirements) and 935.11 (Publication of Users in Significant Noncompliance) of the Codified Ordinances by streamlining the City's General Pretreatment Regulations as required by the United States Environmental Protection Association.
5. Council File Ordinance #15,653, Pending Official File Ordinance #29-2009, an ordinance renewing an **Erie Downtown Improvement District** (EDID) for the area shown on Exhibit "A" at the request of the Erie Downtown Partnership: An Improvement District Association, a coalition of property owners, business leaders, retailers and local government and institutional representatives as provided by applicable law.

ORDINANCES: FOR FIRST READING:

1. Council File Ordinance #15,654
an ordinance appropriating the sum of \$3,527,557.00 from unappropriated and anticipated revenue to be received from the U.S. Housing and Urban Development (HUD); \$545,459.00 reprogrammed funds from previous Community Development Block Grant (CDBG) years; and \$80,000.00 program income for a total of **\$4,153,016.00** and allocating said funds to various 35th year projects in Account Nos. 501-1227; 1238; 1245; 1251; 1252; 1253; 1255; 1264 and 1283-2009-4xxx.
2. Council File Ordinance #15,655
an ordinance appropriating the sum of **\$1,079,902.00** from unappropriated and anticipated revenue to be received from the U. S. Department of Housing and Urban Development (HUD), Account #505-0000-0000-3305 Federal Operating Grant HUD HOME Projects and providing for the expenditure thereof by allocating said funds to various #505-1239-2009-4xxx accounts.
3. Council File Ordinance #15,656
an ordinance appropriating the sum of **\$156,342.00** from unappropriated and anticipated revenue to be received from the U. S. Department of Housing and Urban Development (HUD), Account #506-0000-0000-3306 HUD Emergency Shelter Services and providing for the expenditure thereof by allocating said funds to various #506-1254-2009-4xxx accounts.
4. Council File Ordinance #15,657
an ordinance amending Article 330 (**Landlord and Rental**), by amending Section 330.02 (Definitions) to add a definition for "conditional approval" and renumbering the definitions section as necessary by amending Section 330.02(1) (Definitions) to clarify the definition of immediate family as including parents, parents-in-law and adult children; by amending Section 330.04(a) (Residential Rental License Required) to add Section 330.04(a)(7) to provide that owner occupied flats and duplexes shall not be subject to the annual fee and will not be inspected provided that other units remain vacant; by amending Section 330.04(a) (Residential Rental License Required) to add Section 330.04(a)(8) to provide that the fee and inspection requirements will be temporarily

suspended for buildings under construction or rehabilitation that have obtained a building permit to perform approved construction; by amending Section 330.05(a) (Exemptions) to clarify that registration and licensing shall not be required of properties by the Housing Authority of the City which are inspected by third parties according to HUD requirement; by amending Section 330.06 (Appeals from Revocation of Conditional Rental Registration or Residential Rental License) to provide that appeals shall be submitted to the Building Code Official for review by the Blighted Property Review Committee/Property Maintenance Appeals Board; and by amending Section 330.09 (Fees) to change the fee deadlines.

F. OLD BUSINESS

1. Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertisement, the City Council will proceed to hold a **Public Hearing at 10:00 a.m.** regarding a request on the initiative of City Council to amend the Zoning Ordinance by (1) adding a new Section 305.51 **Licensed Massage Therapy** which requires a degree or certificate of all persons performing therapeutic massage techniques and grandfathering existing practitioners, as provided by new Pennsylvania legislation and amending the definitional provision of the ordinance accordingly; (2) amending Section 305.16 **Fraternalities, Sororities and Dormitories** to provide that one off-street parking space shall be required for each 4 residential occupants; (3) amend the Definition of Dormitory by reducing from five to four the minimum number of persons qualifying for a Dormitory, deleting reference to cooking and eating areas and excluding single and two-family dwellings and (4) amending Section 305.45(b) by establishing a 15 square footage maximum of directional or **panel communications antennas**.
2. The following resolutions were Tabled at the City Council Meeting of May 20, 2009 for reconsideration on June 3, 2009:
Resolutions authorizing and directing the proper City officials to execute a contract to the following companies for City Towing Services for the Bureau of Police:
 1. **Eddie's Collectibles**, 1039 West 18th Street, Erie, Pa.
 2. **McMillens Towing**, 513-519 East 18th Street, Erie, Pa.
3. The following resolutions were Tabled at the City Council meeting of May 20, 2009 for reconsideration at the meeting of June 3, 2009:
Resolutions approving the following proposed Repository Sales to the individuals noted for the sum of \$250.00 each:
 1. Michael Neal, for purchase of **228 Parade Street**, #(18) 050-014.0-202.00
 2. Svetlana Kostenko of SK Investment Solutions LLC, for purchase of Lot 2, 40 x 140 in the **Norwood Subdivision**, #(18)51.030.0-209.00
 3. Svetlana Kostenko of SK Investment Solutions LLC, for purchase of Lot 1, 40 x 140 in the **Norwood Subdivision** #(18)051.030.0-208.00
 4. Serena Small of S & E Platinum Enterprises, LLC for the purchase of **550 East 14th Street**, 26.27 x 105 (#15) 020-028.0-234.0
 5. Serena Small of S & E Platinum Enterprises, LLC, for the purchase of **313 Poplar Street**, 31 x 145 #(17) 040-021.1-126.00

G. NEW BUSINESS

1. Resolution sponsored by Councilwoman Jessica Horan-Kunco authorizing and directing the City Purchasing Agent to issue a purchase order to **Merrill Lynch**, 510 Cranberry Street, Erie, Pa., for Consulting Services in developing an Investment Policy Statement covering the investments of the Water Reserve Fund in the amount of \$3,500.00, charged to the Water Reserve Account.
2. Resolution sponsored by Councilwoman Jessica Horan-Kunco entering into a Letter of Engagement with **Michael D. Fiorentino, Esq.**, of Mid-Atlantic Law to file an appeal in the Erie County Court of Common Pleas on behalf of Erie City Council of the Zoning Hearing Board's ruling regarding the validity challenge by ERE of the Zoning Ordinance for its alleged exclusion of power plants, rendered on May 6, 2009. The attorney fees and expenses are not to exceed \$6,570.00 and the attorney agrees to come back to Council if he meets that threshold before proceeding further.
3. Resolution authorizing and directing the proper City officials to execute an Easement Agreement between the City of Erie and Rosewood Apartments, Inc., **1002 East Lake Road**, Index #14-1036-121, in compliance with the City Engineer's metes and bounds description locating multiple awnings in the East Lake Road right-of-way.

4. Resolution authorizing and directing the proper City officials to execute an Easement Agreement between the City of Erie and Titus House, Inc, owner of **725-729 French Street**, Index #14-1004-110, in compliance with the City Engineer's metes and bounds description locating a single awning in the French Street right-of-way.
5. Resolution authorizing Change Order #1 on the contract of **United Survey, Inc.,** 25145 Broadway Avenue, Oakwood Village, OH, for the 2008 Cured-in-Place Pipe Relining Project, Bid #1624-08, as recommended and concurred with by the Bureau of Engineering, adding the sum of \$11,866.50 for various additional (or deleted) work, increasing the original contract price of \$234,297.00 to \$246,163.50.

TRANSFERS:

1. In the HOME Program, the sum of **\$20,889.12** from Account #505-1239-2007-4539 MLK CHDO Operating to #505-1239-2007-4403 BEST CHDO Operating.
2. In the HOME Program, the sum of **\$30,000.29** from Account #505-1239-2004-4533 MLK Homebuyer/New Construction to #505-1239-2004-4422 MLK Homebuyer.
3. In the HOME Program, the sum of **\$22,346.00** from #505-1240-2004-4537 MLK Homebuyer to #505-1240-2004-4400 BEST Homebuyer.
4. The sum of **\$75,000.00** in the HOME Program from Account #505-1239-2008-4486 HANDS/New Construction (Little Italy) to #505-1239-2008-4500 HANDS/811 Rental.
5. The sum of **\$300,000.00** from Account #505-1239-2005-4533 MLK Homebuyer/New Construction with \$150,000.00 being transferred to Account 505-1239-2005-4557 St. Martin Homebuyer and \$150,000.00 to #505-1239-2005-4582 ERA Rehab.
6. The sum of **\$450,000.00** in the HOME Program: \$150,000.00 from Account #505-1239-2006-4572 St. Martin Homebuyer (W&S) and \$300,000.00 from #505-1239-2006-4486 HANDS/New Construction, with \$150,000.00 to #505-1239-2006-4557 St. Martin Homebuyer; \$194,250.00 to #4497 HANDS/New Construction and \$105,750.00 to #4483 HANDS/811 Rental II.

CONTRACTS:

Resolutions authorizing and directing the Mayor and City Controller to execute contracts between the City of Erie and

1. **Urban Engineers of Erie, Inc.,** 1319 Sassafras Street, Erie, Pa., for professional Design Services for the Streetscape Master Plan and Final Design of Union Station Opportunity Zone Streetscape Urban RFP No. 2009.102 for a sum not to exceed \$347,000.00.
2. **The A.N.N.A. Shelter,** 1555 East 10th Street, Erie, Pa., for supplying Animal Shelter Services according to Bid #6300, for the Bureau of Police at a total cost of \$25,000.00 per year for two (2) years.
3. **North Eastern Uniforms & Equipment, Inc.,** 2305 West 12th Street, Erie, Pa., for Work Uniform Items per proposal #6294-2009 for the Bureau of Police at unit prices.
4. **North Eastern Uniforms & Equipment, Inc.,** 2305 West 12th Street, Erie, Pa., for supplying all Uniforms and Equipment per proposal #6295-2009 for two (2) years for the Bureau of Fire at unit prices.

PURCHASE ORDERS:

Resolutions authorizing and directing the City Purchasing Agent to issue purchase orders to the following individuals and/or companies:

1. **West Payment Center,** P. O. Box 6292, Carol Stream, IL, for assorted Law Books for the City Solicitor's Office in the sum of \$2,554.00.
2. **Spring City,** %LaFace & McGovern Associates, Inc., 5330 Enterprise Blvd., P. O. Box 515, Bethel Park, PA, for a Light Pole for State Street for the Bureau of Traffic Engineering for the sum of \$4,107.00.
3. **TransAxle,** P. O. Box 2132, Cinnaminson, NJ, for a Refuse Compactor Transmission (less core exchange) for the Municipal Garage at a total cost of \$3,869.75.
4. **American Agip,** 539 Marwood Road, Cabot, Pa., for Automotive Fluids and Oils, for the Municipal Garage for the sum of \$3,963.76.
5. **Ace Viking,** 2222 East 30th Street, Erie, Pa., for a Replacement Baldor VS Inverter Drive for the Bureau of Sewers for the sum of \$2,600.00.
6. **IRR Supply Centers, Inc.,** 1108 West 12th Street, Erie, Pa. for a replacement Pump, Base and Couplless Motor for the Bureau of Sewers for the sum of \$3,889.20.
7. **HACH/American Sigma,** 5600 Lindberg Drive, Loveland, CO, for a replacement Refrigerated Composite Sampler for the Bureau of Sewers in the sum of \$4,541.54. (State contract)

H. COMMITTEE REPORTS**I. ADJOURNMENT****NOTE:**

1. A City Council Study Session has been scheduled for Thursday, **June 4, 2009** at **6:30 p.m.** to discuss the status of the **CEMS Ordinance.**