

AGENDA FOR THE CITY COUNCIL MEETING OF WEDNESDAY, JUNE 18, 2008 AT 7:30 P. M.

- A. Roll Call
- B. Silent Meditation/Pledge of Allegiance
- C. Approval of the Minutes/Bills
- D. Citizens to the Heard:

**Randy Barnes**, 109 Walten Point, re. "Public Protection and Zoning"  
**Beverly Potts**, 605 Elm Court, re. Opposition to the Tire Plant  
**Tom Fuhrman**, President, Lake Erie Region Conservancy, 501 East 38<sup>th</sup> Street, re. Trees  
**Harry Edwards**, 9149 Sidehill Road, North East, Pa. and **Joseph P. Keane**, 5604 Primavera Drive, Mentor, Ohio, re. Statue for Colonel John Boyd

E. **ORDINANCES: FOR FINAL PASSAGE:**

1. Council File Ordinance #15,587, Pending Official File Ordinance #25-2008 an ordinance appropriating the sum of **\$698.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions and providing for the expenditure thereof by allocating said sum to Account #259-1219-0000-4552 Summer Recreation Program.
2. Council File Ordinance #15,588, Pending Official File ordinance #26-2008 an ordinance appropriating the sum of **\$157,142.00** from unappropriated and anticipated revenue from Account #506-0000-0000-3306 Federal Operating Grant - HUD Emergency Shelter Services and providing for the expenditure thereof by allocating said funds to various #506-1254-2008-4xxx accounts.
3. Council File Ordinance #15,589, Pending Official File Ordinance #27-2008 an ordinance appropriating the sum of **\$971,094.00** from unappropriated and anticipated revenue from Account #505-0000-0000-3305 Federal Operating Grant-HUD HOME Program and allocating said funds to various #505-1239-2008-4xxx accounts for HOME (MO8) Projects.
4. Council File Ordinance #15,590, Pending Official File Ordinance #28-2008 an ordinance appropriating the sum of \$3,511,461.00 from unappropriated and anticipated revenue to be received from HUD; \$71,538.00 reprogrammed funds from previous Community Development Block Grant (CDBG) and \$30,000.00 program income (Miscellaneous Sources) for a total of **\$3,612,999.00** for the following 34<sup>th</sup> year projects and allocating said funds to Account #501-1227-1238-1245-1251-1252-1253-1255 and 1264.
5. Council File Ordinance #15,591, Pending Official File Ordinance #29-2008 **an ordinance rezoning property located at the** southeast corner of West 26<sup>th</sup> and **Cherry Streets** from C-4 (Traditional Neighborhood Commercial) and R-2 (Medium Density Residential District) to C-2 (General Commercial District) as requested by Lakeview Resale Company (owners Gerald and Carolyn Munsch), for used car sales.
6. Council File Ordinance #15,592, Pending Official File Ordinance #30-2008 an ordinance amending the **Business Regulation and Taxation Code** of the City of Erie, Article 381, Local Economic Revitalization Tax Assistance (LERTA), by revising the application fee for the Job Creation Abatement, defining the employment threshold for a job and setting the scope of the Appeal Board and terms of members.

**ORDINANCES: FOR FIRST READING:**

1. Council File Ordinance #15,593 an ordinance appropriating the sum of **\$5,000.00** from unappropriated and unanticipated revenue from Account #002-0000-0000-3338 PA DCED Grant - Fire Department and providing for the expenditure thereof by allocating said sum to Account #002-0639-0000-4033 Operating Supplies.
2. Council File Ordinance #15,594 an ordinance appropriating the sum of **\$85,052.23** from unappropriated and anticipated revenue from Account #231-0613-2008-3337 Insurance Fraud Prevention and providing for the expenditure thereof by allocating said sum to Account 231-0613-2008-40xx accounts.
3. Council File Ordinance #15,595 an ordinance appropriating the sum of **\$93,242.23** from unappropriated and anticipated revenue from Account #230-0613-2008-3337 Auto Theft Prevention and providing for the expenditure thereof by allocating said funds to Account #230-0613-2008-40xx accounts.
4. Council File Ordinance #15,596 an ordinance appropriating the sum of **\$107,928.00** 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 #261-0613-2008-40xx accounts.
5. Council File Ordinance #15,597 an ordinance amending Part One (Administrative Code), Title Nine (Commissions), Article 165 (Urban Forest Committee) by amending Article 165.07 (Permits Required) to add Subsection (e) (Fees) to provide for a fifty dollar (\$50.00) administrative fee for every tree removal application and to provide for a fee waiver in the case of hazardous tree removals as determined by the City Arborist; by amending Article 165.12 (a) (Noncompliance; City to do the work, cost a lien) to provide that the costs for tree replacement undertaken by the City shall not exceed four

hundred dollars \$400.00, by amending Article 165.15 (Penalty), as follows: (1) by including a fine of not more than three hundred dollars (\$300.00) for violation of Article 165.07 (c) (Removal and Replacement Permit) for failing to obtain a tree removal and replacement permit, (2) by increasing the fine for violation of Article 165.10 (abuse or mutilation of trees or plants) based on the size of the damaged tree, (3) by deleting references to the "Committee" and the "City Arborist" for purposes of clarifying that only police officers may issue summary offense citations for violation to municipal ordinances pursuant to the Pennsylvania Rules of Criminal Procedure, and (4) by renumbering the "Penalty" provision from Article 165.15 to Article 165.99. (Sponsored by Councilwoman Rubye Jenkins-Husband)

**F. OLD BUSINESS**

**G. NEW BUSINESS**

1. Resolution sponsored by Councilman James Thompson, tributing the Erie School District 8<sup>th</sup> Grade class of **JoAnna Connell Elementary School Academic Sports League Team** upon winning for the third consecutive year, the Northwest District competition and Pennsylvania Regional Championships while competing against thirteen other elementary schools and will travel to San Antonio, Texas on June 26-29 to compete against the Texas State champions.

2. Resolution sponsored by Councilman Patrick S. Cappabianca respectfully requesting the **Department of Environmental Protection (DEP)** to monitor the following carcinogens that will be emitted from the proposed Tire to Energy Plant on a regular basis in order to insure the health, safety and welfare of our citizens and in order to insure our citizens that Erie air will be of the finest quality to protect their health:

Acenaphthene	Nickel	Methane
Acenaphthylene	Phenol	Antimony
Arsenic	Stryene	Arsenic
Benz(a)anthracane	1,1,2 Trichloroethane	Barium
Benzene	Trichloroethylene	Beryllium
Benzo(a)pyrene	Particulate Matter	Cadmium
Benzo(b)flouranthene	(Total)	Chromium VI
Benzylchloride	Particulate Matter	Mercury
Butadiene	smaller than 10	Selenium
Carbon Tetrachloride	microns (PM 10)	Silver
Chloroform	Particulate Matter	Thallium
Chrominum	smaller than 2.5	Zinc
Chrysene	microns (PM 2.5)	Ammonia
Coal Tar Pitch	Nitrogen Oxides (Nox)	Dioxins & furans
1,2 Dichloropropane-	Nitrous Oxide (N20)	Polycyclic Aromatic
Dibenz(a,b) anthracene	Hydrogen Sulfide (H2S)	Hydrocarbons
Ethylene dichloride	Sulfuric Acid (H2S04)	(PAHs)
Hexachloroethane	Hydrofluoric Acid (HF)	Volatile Organic
Lead	Hydrochloric Acid (HCl)	Compounds (VOCs)
Methylene chloride	Hydrogen Cyanide	

And further, ordering copies of this resolution forwarded to Governor Edward Rendell, Secretary of the DEP Kathleen McGinty, Senator Jane Earll, Representatives of the Erie Delegation: Patrick Harkins, Flo Fabrizio, John Hornaman, John Evans and Curt Sonney, County Executive Mark DiVecchio, the Erie County Board of Health, Dr. Peter Lund/ Pennsylvania Medical Society.

3. Resolution sponsored by Councilman Patrick S. Cappabianca respectfully requesting the **Environmental Protection Agency (EPA)** to conduct a study of the mission of the proposed Tire to Energy Plant to insure our citizens that the emissions from said plant have no harmful or perilous effect on Lake Erie or the flower, fauna or fish or animal life of our community and that the EPA do a further study of the emissions not covered by the DEP so there is no harmful effect on the health of our citizenry, and further ordering copies of this resolution to President George W. Bush, EPA Administrator Stephen L. Johnson, Senators Specter and Casey and Congressman English.

4. Resolution sponsored by Councilman Patrick S. Cappabianca respectfully requesting the City Traffic Engineer to study the feasibility of establishing a time limit parking zone **within the circle** (drive around) area located at the foot of State Street south of Dobbins Landing to alleviate the parking situation in this area and submit her recommendations back to City Council.

5. Resolution sponsored by Councilman Thompson respectfully requesting the **City Planning Commission** to study the feasibility of amending the City Zoning Code and review the definitions of family, the number of unrelated individuals living together, require limited parking permits and overnight restrictions, create a student rooming house program, establish overlay zones, deed restrictions on the number of student homes permitted in residential districts, etc. due the numerous complaints from residents

regarding landlords renting apartments and houses to local college students in residential zoned neighborhoods near college campuses, and to refer their findings thereon with recommendations back to City Council within a timely manner.

6. Resolution authorizing and directing the Mayor and appropriate City officials to execute the necessary agreements with twenty-nine (29) subrecipients to carry out the **Community Development Block Grant (FY 2008) Projects** as noted:

Community Housing Resource Board - \$ 5,889  
 GEIDC-Brownfield Coordinator - \$30,000  
 GEIDC - IP Site - \$175,000  
 Erie Senior Center - AAA - \$22,000  
 Hispanic American Council - \$25,000  
 Economic Development Corporation - \$30,000  
 BTW Center - HR - \$60,000  
 ERA -Facade Renovation - \$55,000  
 GECAC - Homemaker Services - \$7,000  
 St. Paul Neighborhood Clinic - \$7,000  
 Trinity Community Center - HR - \$15,000  
 JFK Center - HR - \$60,000  
 MLK Center - HR - \$60,000  
 Gannon - Retail Development Services - \$65,000  
 St. Martin Center - \$40,000  
 ERA - Blighted Property - \$35,000  
 ERA - Disposition - \$35,000  
 ERA - Housing Rehabilitation - \$180,000  
 ERA - Acquisition - \$70,000  
 ERA - Relocation - \$30,000  
 ERA - Home - \$45,000  
 ERA - Parade Street Façade - \$50,000  
 ERA - NRSA Rehabilitation - \$180,000  
 American Red Cross - Summer Rec - \$9,000  
 BTW Center - Summer Rec - \$8,000  
 Boys & Girls Club - Summer Rec - \$8,000  
 Trinity Community Center - Summer Rec - \$7,000  
 JFK Center - Summer Rec - \$5,000  
 MLK Center - Summer Rec - \$5,000

7. Resolution authorizing and directing the Mayor and other appropriate City officials to execute the necessary agreement with subrecipients to carry out the following **HOME (FY 2008) Projects**:

BEST - Rental, 231 Parade Street- \$90,000  
 HANDS - New construction rental (Little Italy) - \$75,000  
 HANDS - HANDS - 811 Rental - \$180,000  
 HANDS - CHDO Operating - \$48,552  
 Zoey Meadows - \$110,438  
 ERA - Rehabilitation - \$300,000  
 ERA - NRSA Homebuyer - \$70,000

8. Resolution authorizing and directing the Mayor and appropriate City officials to execute the necessary agreement with subrecipients to carry out the following **Emergency Shelter Grant (FY 2008) Projects**:

Bridge House - \$ 16,653	SafeNet - \$16,653
Community of Caring - \$14,275	The Refuge - \$16,653
Community Shelter Services - \$32,712	Snider House - \$2,973
City Mission - \$16,653	TLC - \$3,569
Mercy Center for Women - \$16,059	St. Patrick's Haven - \$13,085

**CONTRACTS:**

1. **Guzik Concrete and Masonry**, 35713 Shelley Lane, Union City, Pa., for the proposed Sidewalk and Curb Replacement 2008 at various locations for the sum of \$20,424.00.
2. **David Milano Construction**, 1827 West 36<sup>th</sup> Street, Erie, Pa., for Storm Drain & Sanitary Sewer Repairs at various locations for the sum of \$23,498.50 (Material Costs Only) for the Bureau of Sewers/Wastewater Treatment Plant.

**PURCHASE ORDERS:**

1. **F. Taylor Tree Service**, 9353 Route 20, Ripley, NY, for raking, placing topsoil, leveling and grading areas of Perry Square to prepare for hydro seeding for the sum of \$4,900.00.
2. **Groff Tractor & Equipment**, 1010 Pittsburgh Road, Valencia, Pa., for an Electric Repair Kit for the Milling Machine for the Bureau of Sewers in the sum of \$2,999.54 plus shipping.

3. **Electrical Repair Technology**, 5323 Woodside Drive, Erie, Pa., for repairs to #3 W Return Activated Sludge Pump for the Bureau of Sewers for the sum of \$2,500.00.
4. **Miller Pump Supply**, 9910 Peach Street, Waterford, Pa., for a replacement Pump and Parts for the Greengarden Lift Station for the Bureau of Sewers for the sum of \$2,711.06. (Only Qualified Supplier)

**H. COMMITTEE REPORTS**

**I. ADJOURNMENT**

**NOTE:**

- (1) City Council will meet in **Study Session on Thursday June 19, 2008 at 6:00 p.m.** to review Park Development Plans for Perry Square, Bayview, Griswold, Columbus and McClelland Parks and will then meet with Mr. John Elliott, Director of RACE to discuss a preliminary resolution to approve a study committee for the 5<sup>th</sup> and Peach Street mixed use project.
- (2) City Council's Continuous Emissions Monitoring Committee will meet on **Tuesday, June 24, 2008 at 6:00 p.m.** in the Council Chambers. Representatives from EPA and DEP are expected to be in attendance.