

**AGENDA FOR THE CITY COUNCIL MEETING OF WEDNESDAY May 3, 2023
AT 9:00 A.M.**

- A. Roll Call**
- B. Silent Meditation**
- C. Approval of Minutes/Bills
Presentation:**

- D. Repository Sales:
Public Comments:**

E. ORDINANCES: FOR FINAL PASSAGE

1. Council File No. 16,344 Pending Official File Ordinance No. 19-2023

An ordinance appropriating the sum of \$21,336.44 of program income generated through the Community Development Block Grant for the following CDBG (CD21) projects.
2. Council File No. 16,345 Pending Official File Ordinance No. 20-2023

An ordinance appropriating the sum of \$1,147.44 of program income generated through the Community Development Block Grant for the following CDBG (CD21) projects
3. Council File No. 16,346 Pending Official File Ordinance No. 21-2023

An ordinance appropriating the sum of \$135,496.00 from un-appropriated and un-anticipated revenue for the expenditure thereof. Contribution from FEDERAL OPERATING GRANT for a one (1) year expense for Fire Inspector.
4. Council File No. 16,347 Pending Official File Ordinance No. 22-2023

An ordinance amending Article 533 Bicycle Licensing and Operation Ordinance by repealing Sections 533.02, 533.03, 533.06, 533.07, 533.08 and 533.09 in their entirety.

ORDINANCES: FOR FIRST READING

1. Council File No. 16,348

An ordinance appropriating the sum of \$3,500,000.00 from un-appropriated and un-anticipated revenue for the expenditure thereof for the State Street [Streetscape](#) Project. Funding is from the Redevelopment Assistance Capital Program (RACP) Grant.
2. Council File No. 16,349

An ordinance amending 1129.09 (a) of the Quality of Life Ticketing Ordinance to amend and restate fines and penalties.
3. Council File No. 16,350

An ordinance amending Article 330, Sections 330.02, 330.03, 330.07 and 330.11 to incorporate Short Term Rentals into its rental registration and licensing program; to revise the registration period, fees, and insurance requirements for all residential rentals; and to establish fines for failure to register.

OLD BUSINESS

1. Pursuant to a [Public Hearing](#) being held on Wednesday, May 3, 2023 at approximately 9:30 AM in City Council Chambers, 626 Street, Erie, PA 16501 relative to the rezoning request from **Vendetti Brothers** Associates to rezone three parcels identified as [18051073010300, 18051074010100 & 18051074010200], located south of East 33rd St between McClelland Avenue and Bird Drive, from C-2 (General Commercial) to R-1 (Low Density Residential) accompanied by the pre requisite filing fee of \$500.00. It is further recommended to rezone parcel 18051073010700, located in the same block, from C-3 to C-2 to correct a previous zoning map error. The C-3 district is reserved for the downtown central business district only. The rezoning of the parcel will also be a logical extension of the surrounding adjacent C-2 district. This correction/rezoning has also been discussed with the property owner, who has agreed it is appropriate.

G. NEW BUSINESS

1. A resolution sponsored by Council member Witherspoon reappointing **Doug Armstrong** of 741 Tyndall Ave Erie, PA 16511 to the Bureau of Code Enforcement Board of Appeals. Mr. Armstrong's term will expire December 31, 2026.
2. A resolution sponsored by Council President Nelson appointing **Stephen Herbstritt** of 316 Cherry St. Erie, PA 16502 to the Bureau of Code Enforcement Board of Appeals to replace Robert Herbstritt who has resigned. Mr. Herbstritt's term will expire December 31, 2027.
3. A resolution sponsored by Council member Flores appointing **Matt Hodinko** of 7335 Old Perry Highway Erie, PA 16509 as an alternate to the Bureau of Code Enforcement Board of Appeals to replace Al Naylor who has resigned. Mr. Hodinko's term will expire December 31, 2027.
4. A resolution sponsored by Council member Flores reappointing **Dave Comstock** of 5678 Harborgreen Rd. Erie, PA 16510 to the Bureau of Code Enforcement Stationary Steam Engineers Board of License Examiners. Mr. Comstock's term will expire December 31, 2025.
5. A resolution sponsored by Council President Nelson reappointing **Mike Brasington** of 1225 Old State Rd. Waterford, PA 16441 to the Bureau of Code Enforcement Stationary Steam Board of Appeals. Mr. Brasington's term will expire December 31, 2027.
6. A resolution sponsored by Council member Flores reappointing **Dennis Auer** of 3121 Old French Rd, Erie PA 16504 to the Bureau of Code Enforcement Stationary Steam Engineers Board of License Examiners. Mr. Auer's term will expire December 31, 2026.
7. A resolution sponsored by Council member Witherspoon reappointing **Jason Berneski** of 7874 Prospect Station Rd. Westfield, NY to the Bureau of Code Enforcement Stationary Steam Engineers Board of License Examiners. Mr. Berneski's term will expire December 31, 2025.
8. A resolution sponsored by Council member Witherspoon reappointing **Bob Godfrey** of 3828 North Creek Road, Girard PA 16417 to the Bureau of Code Enforcement Stationary Steam Engineers Board of License Examiners. Mr. Godfrey's term will expire December 31, 2026.
9. A resolution sponsored by Council President Nelson reappointing **Tobie McKeen** of 34 Harley Ave Albion, PA 16401 to the Bureau of Code Enforcement Stationary Steam Engineers Board of License Examiners. Mr. McKeen's term will expire December 31, 2027.
10. A resolution sponsored by Council member Witherspoon reappointing **Matthew Rose** of 100 Erie Insurance Place, Erie, PA 16530 to the Bureau of Code Enforcement Board of Appeals. Mr. Rose's term will expire December 31, 2025.
11. A resolution sponsored by Council President Nelson reappointing **David Steele** of 1319 Sassafras Street, Erie, PA 16501 to the Bureau of Code Enforcement Board of Appeals. Mr. Steele's term will expire December 31, 2025.
12. A resolution sponsored by Council member Flores reappointing **Dean Wilson** of 2323 Edinboro Road, Unit GH26 Erie, PA 16509 to the Bureau of Code Enforcement Board of Appeals. Mr. Wilson's term will expire December 31, 2026.
13. A resolution sponsored by Council member Witherspoon reappointing **David Woods** to the Bureau of Code Enforcement Board of Appeals. Mr. Wood's term will expire December 31, 2026.
14. A resolution authorizing and directing that American Rescue Act Revenue Replacement funds in the amount of **\$600,000.00** be allocated to to purchase vehicles for **Police and Code Enforcement**.
15. A resolution that the copy in accordance with Section 207 of the Pennsylvania Municipalities Planning Code that the Financial Statements of the City Planning Commission is hereby received by the City Council and ordered placed on file in the Office of Accounts, Finance and Budget.
16. A resolution that the copy of the **Erie Regional Airport Authority** Financial Statements and Supplementary information years ended December 31, 2022 and 2021 is hereby received by the City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

17. Resolved, by the Council of the City of Erie,
WHEREAS, under the Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of [Housing and Urban Development](#) is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs; and,
WHEREAS, under the HOME Investment Partnerships Program created by the National Affordable Housing Act of 1990 (NAHA) and amended by the Housing and Community Development Act of 1991, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; and
WHEREAS, under the Emergency Solutions Grants Program contained in the McKinney-Vento Homeless Act, as amended by the Homeless Emergency and Rapid Transaction Act of 2009, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to grantees and nonprofit agencies which provide essential services, operations, homeless prevention, rapid re-housing and shelter rehabilitation for homeless persons; and
WHEREAS, The U. S. Department of HUD has advised the City of the FY2023 Entitlements, we have been advised as follows: CDBG, \$3,040,237; HOME, \$933,497; and ESG \$273,428; and
WHEREAS, in addition to the entitlement funds, the City expects to receive \$5,000 in program income for CDBG; and
WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared the Fourth Annual Plan for the FY2023 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals, and others with special needs; and
WHEREAS, the draft Fourth Annual Plan for 2023 was on public display since March 17, 2023, and the City held four Public Hearings on said Fourth Annual Plan, and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document; and
NOW, THEREFORE, be it resolved by the Council of the City of Erie, Pennsylvania, and it is hereby resolved by the authority of the same, as follows:
SECTION 1: That the Fourth Annual Plan for the FY2023 CDBG, HOME, and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Fourth Annual Plan with the minutes of this meeting.
SECTION 2: That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status, or national origin and other assurances as set forth under the certifications.
SECTION 3: That the Mayor, on behalf of the city of Erie, is authorized to file an application for financial assistance with the U. S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$3,040,237, HOME in the amount of \$933,497, and ESG in the amount of \$273,428 and is further authorized to act as an authorized representative of the City of Erie to sign any and all documents in regard to these programs.
SECTION 4: That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the McKinney-Vento Homeless Act, and also any supplemental or revised data which the U. S. Department of HUD may request in connection with the review of this application.
18. A resolution authorizing and directing the Proper City Officials to enter into an [Agreement](#) with **Erie Water Works**. Erie Water Works is proposing to make improvements to its water distribution system by abandoning or replacing lead service lines. The Agreement will allow the projects' degradation fees to be reduced to 50% of the amounts set forth in Article 901.06(c).
19. A [resolution authorizing](#) and directing the Proper City Officials to execute an **Easement Agreement** between the City of Erie and the Erie Downtown Development Corporation, 508 State St., and 22 North Park Row, Erie, PA 16501, for the installation of a thirty-eight foot (38") long temporary dining area that will protrude eight feet (8') into the public right-of-way on the west side of State Street, between North Park Row and West 5th Street, in compliance with the attached City Engineer's meets and bounds description and exhibit.

20. A resolution authorizing and directing the Mayor and other appropriate City Officials to execute the necessary [agreements](#) between the City of Erie and the following sub-recipients where by the City will make available funding to carry out the designated activities as reflected in the amended **FY19 CDBG CARES** plan.
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|--------------------------------------|--------------|
| 511-5138-2019-4750 St. Martin Center | \$100,000.00 |
| 511-5014-2019-4750 BTW Center | \$ 93,000.00 |
21. A resolution authorizing and directing the Mayor and other appropriate City Officials to execute the necessary agreements between the City of Erie and the following sub-recipients where by the City will make available funding to carry out the designated activities as reflected in the amended **FY19 ESG CARES** plan.
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|---------------------------------------|-------------|
| 516-5128-2019-4750 St Patrick's Haven | \$ 4,950.00 |
| 516-5130-2019-4750 City Mission | \$32,173.01 |

H. TRANSFERS

That the following amounts be transferred in the **Dep't. of Property and Maintenance/Communications**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 12,500.00	002-0205-0000-4011	Salaries	\$ 12,500.00	002-0202-0000-4033	Operating Supplies

That the following amounts be transferred in the **Community Development Block Grant**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 10,000.00	501-1251-2018-4011	Salaries	\$ 10,000.00	501-1251-2018-4041	Professional Services

That the following amounts be transferred in the **CDBG Cares**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 52,664.00	511-5015-2019-4750	MLK Center	\$ 100,000.00	511-5138-2019-4750	St. Martin Center
58,351.92	511-5119-2019-4750	UECDC	93,000.00	511-5014-2019-4750	BTW Center
20,663.88	511-1256-2019-4656	Special Econ. Dev.	13,200.00	511-1251-2019-4102	ECD-Admin.
13,200.00	511-1251-2019-4059	Other Services/Charges			
22,326.66	511-5016-2019-4750	JFK Center			
37,628.54	511-5045-20194750	US Comm. For R&I			
1,365.00	511-5126-2019-4750	Community of Caring			
\$ 206,200.00			\$ 206,200.00		

That the following amounts be transferred in the **ESG Cares**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 4,790.58	516-5017-2019-4750	GECAC	\$ 4,950.00	516-5128-2019-4750	St. Patrick's Haven
17,395.92	516-5114-2019-4750	SafeNet-Hosp. House	32,173.01	516-5130-2019-4750	City Mission
7,582.94	516-5126-2019-4750	Community of Caring			
1,206.82	516-5131-2019-4750	The Refuge			
1,550.00	516-5129-2019-4750	The Upper Room			
4,596.75	516-5132-2019-4750	Mercy Center			
\$ 37,123.01			\$ 37,123.01		

I. CONTRACTS

1. **F.N.B. Equipment Finance**, One North Shore Center, 12 Federal Street, Pittsburgh, PA 15212 for a five (5) year lease agreement for five (5) 2023 Chevrolet Traverse AWD Vehicles for the Bureau of Police, First payment of \$37,748.13 due upon delivery and four (4) annual payments @ \$37,748.13 each, at a total cost of **\$188,740.65**.

2. **Hamot Health Foundation**, 302 French Street, Erie, PA 16507 for the following technical services not to exceed \$10,000.00, which will cover fiscal year 2018. The City of Erie's share is **\$10,000.00** for a "[Supportive Housing Plan](#)" for people experiencing homelessness.
3. **APGN, Inc.**, 1270 Michele-Bohec Blainville, WC Canada J7C554 for the repair and re-install of the blower core at the [Wastewater](#) Treatment Plant at a total amount of **\$24,930.00**.

J. PURCHASE ORDERS

1. **B&H Photo**, PO Box 28072, New York, NY 10087-8072 for ten (10) Nikon Cameras, flashes, memory cards, ion batteries, release cords and Pelican Cases; and three (3) Vanguard Alta Pro Tripods, for the Bureau of [Police](#) at a total cost of **\$42,333.80**.
2. **B&H Photo**, PO Box 28072, New York, NY 10087-8072 for [cameras](#) and equipment for the Communications Department at a total cost of **\$11,299.35**.
3. **Uniform Outfitters**, 1596 West 38th Street, Erie, PA 16508, for the purchase of Bullet [Proof Vests](#) for Code Enforcement Officers for the Bureau of Code Enforcement at a total cost of **\$8,225.00**.
4. **Playground Concepts**, 13004 East Canal Drive, Conneaut Lake, PA 16316 for playground fiber chips from Risk Management for the Bureau of [Parks](#) at a total cost of **\$17,290.00**.
5. **J Thomas Tree Service**, PO Box 9367, Erie, PA 16505 for emergency tree removal of one fallen tree and one leaning tree at 5009 Gordon Lane for the Department of [Shade Tree](#) at a total cost of **\$2,970.00**.
6. **Alliance Technical Group DBA Alliance Source Testing**, Decatur, AL 35601 for a two (2) year contract for the Annual CEMS quarterly audits at the [Wastewater](#) Treatment Plant at a total amount of **\$16,800.00**. **Year 1**
7. **HACH Co. Inc.**, 2207 Collections Center Drive, Chicago, IL 60693 for a purchase of lab supplies at the [Wastewater](#) Treatment Plant at a total amount of **\$2,381.03**.
8. **JWC Environmental**, 2850 S Red Hill Avenue, Suite 125 Santa Ana. CA 92705 for the purchase of three (3) Drive Assemblies for the Muffin Monster Grinders at the [Wastewater](#) Treatment Plant at a total amount of **\$8,170.98**.

K. COMMITTEE REPORTS

L. ADJOURNMENT

Residents can watch the live stream on the City of Erie's YouTube Page (@CityofEriePennsylvania); the City of Erie's Website, Public Access TV Channel 1021, Facebook and after the meeting has concluded, on all social media platforms.