

The City Council met in regular session in the Council Chambers on Wednesday, January 3, 2007 at 9:00 a.m.

Council Members present: Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. (Mr. González was absent)

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of December 20, 2006 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

Copies of the bills under date of January 5, 2007 were given to City Council and same adopted by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

By Mr. Thompson, Seconded by Mr. Schember, Resolved, etc.,
That Rubye Jenkins-Husband, is hereby appointed President of City Council for the year 2007.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,492, Pending Official File Ordinance #1-2007, entitled
an ordinance amending Official Ordinance #80-2005, known as the Zoning Ordinance of the City of Erie, by changing the classification of property owned by **Frontier Lumber Company** and adjoining their existing facility located at **763 East 5th Street**, from R-2 (Medium Density Residential District) to M-1 (Light Industrial District), pursuant to Public Hearing held December 6, 2006 and the recommendation of the City Planning Commission.

January 3, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. González, having read Council File Ordinance #15,492 and now known as Pending Official File Ordinance #1-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President/ Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,493, Pending Official File Ordinance #2-2007
an ordinance amending Official Ordinance #26-1958 known as the Traffic Code of the City of Erie, by providing for **Stop Signs** on East 19th Street at Camphausen Avenue and East 20th and Camphausen Avenue, stopping traffic on East 19th Street, as sponsored by Council President Rubye Jenkins-Husband.

January 3, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,493 and now known as Pending Official File Ordinance #2-2007, does hereby adopt on First Reading by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,494, entitled
an ordinance appropriating the sum of **\$40,136.00** from unappropriated and anticipated revenue from Account #241-0613-2006-3304 Justice Assistance Grant and providing of the expenditure thereof by allocating said sum to #241-0613-2006-4078 Machinery & Equipment.

January 3, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schember, having read Council File Ordinance #15,494, does hereby adopt on First Reading by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,495, entitled
an ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the **Codified Ordinances** of Erie, Pennsylvania

January 3, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15495, does hereby adopt on First Reading by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertising, the City Council will proceed to hold a Public Hearing at 9:30 a.m. regarding a request to allow for the development of **multi-family dwellings** in **C-3 Zoning Districts** to a density of one dwelling unit for every 1,000 square feet of building site.

Honorable Mayor, Council President and Members of City Council

December 20, 2006

The City of Erie Planning Commission at its regular meeting held December 19, 2006 reviewed a request from The Erie-Western Pennsylvania Port Authority for the construction of a Concession stand and restroom facilities at Liberty Park. Liberty Park is in the WC Zoning District and therefore requires Conditional Use Approval for the project.

Mr. Schreckengost, Executive Director of the Port Authority, gave a description of the project and answered several questions from the Board. The following points were noted:

- * Construction shall begin in the fall of 2007, opening for the 2008 season
- * The structure shall only be open during events at Liberty Park
- * The structure is fully handicapped accessible
- * A portion of the refreshment area will be available for rental during events held at Liberty Park
- * Only down lighting will be used
- * The restroom facilities will have all automatic fixtures installed
- * The "tent", including all poles located over the structure will be removable
- * This structure should eliminate the need for porta-johns
- * If possible, the structure shall be extended so that both concession deck areas are the same size
- * The structure has been located in the most advantageous area of Liberty Park
- * The project was approved by the Design Review Committee without any recommendations for changes.

On a motion from Mr. Meyers, Seconded by Mr. Collins, the project was recommended for approval noting compliance with Section 306 of the City of Erie Zoning Ordinance.

Motion Carried

By Mr. Jones, Seconded by Mr. Thompson, Resolved, etc.,

That the communication from the City Planning Commission recommending that the request from the Erie Western Pennsylvania Port Authority to allow for construction of a Concession Stand and Restroom Facilities at **Liberty Park** which is in the WC-Zoning District and therefore requires a Conditional Use Approval for the project is hereby approved and

Be It Further Resolved, that the City Clerk is authorized and directed to advertise notice of a Public Hearing to be held before City Council in the Council Chambers, Municipal Building, on Wednesday, **February 7, 2007 at 9:30 a.m.** concerning the said request.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

January 3, 2007. Signed by the President. Attested by the City Clerk.

Rubye Jenkins-Husband, President
Erie City Council, 626 State Street, Erie, Pa. 16501

December 19, 2007

Dear Councilwoman Jenkins-Husband:

The following are the individuals that we would like to nominate for appointment to the Erie Municipal Park Authority for another five year term expiring December 31, 2011.

Peter O. Smith; Michael Bergquist; John Hilbert; Sandy Smith; Harvey H. Barber
Thank you.

Sincerely,
ERIE ZOOLOGICAL SOCIETY
S/ James P. Rhea
President and CEO

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That Peter O. Smith; Michael Bergquist; John Hilbert; Sandy Smith and Harvey Barber are hereby nominated for re-appointment to the **Erie Municipal Park Authority** for 5 year terms of office expiring December 31, 2011.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Schember, Resolved, etc.,

That **Ms. Adrienne McCullum Dixon**, 2513 Harrison Street, Erie, Pa., is hereby re-appointed to a second term on the Erie Sewer Authority, expiring December 31, 2011.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

James Klemm, City Clerk
City of Erie

November 29, 2006

Re: Erie Sewer Authority Vacancy

Dear Mr. Klemm:

The purpose of this letter is to advise you that there is a vacancy in the membership of the Erie Sewer Authority due to the resignation of Timothy Pearson, a copy of which is attached hereto. We would ask you to please take the appropriate steps to have the vacancy filled by City Council. Thank you for your cooperation.

By Mr. Thompson, Seconded by Mr. Schember, Resolved, etc.,

That **David O. Matthews**, 4284 Neptune Drive, Erie, Pa., is hereby appointed to the **Erie Sewer Authority** to fill the unexpired term of Timothy Pearson (resigned) to expire December 31, 2007.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That **Lisa Cappabianca**, 1016 State Street, Erie, Pa., is appointed to the **Erie Municipal Airport Authority**, for a five (5) year term expiring on December 31, 2011. (Replacing Attorney Larry Meredith whose second term has expired and cannot be reappointed to a third consecutive term by provisions of Official Ordinance #78-2004)

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the authorizing the issuance of a **Tax and Revenue Anticipation Note, Series 2007** with the terms set forth in the foregoing and attached certificate and transmittal; approving a form of the Note; authorizing designated officers to execute and deliver the Note; authorizing and directing the filing of proceedings with the Department of Community and Economic Development; providing for the payment and security of the Note; making certain federal income tax covenants in respect of the Note; accepting the proposal of Northwest Savings Bank for the purchase of the Note and repealing inconsistent resolutions, at an 4.45% interest rate with a maturity date of June 29, 2007 in the sum of **\$4,000,000.00**.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the **Bond** of City Treasurer Susan DiVecchio submitted by The Cincinnati Insurance Company in the amount of \$2,000,000 for the period beginning January 4, 2007 and ending January 4, 2008 is hereby received by City Council and referred to the Office of the City Solicitor.

January 3, 2007. City Council adopt by yeas Council Members, Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the proper officials of the City of Erie are authorized to execute a Quit Claim Deed for the sale of the city-owned property located at **431 East 25th Street**, Erie, Pa., Erie County Assessment Index #(18) 05001901800, to **Daumone T. Marion** for the sum of **\$2,500.00**, the payment of all real estate taxes due and owing and payment of the municipal lien(s) of record. Purchaser shall also be responsible for payment of all transfer taxes and recording costs. The City of Erie has no public use for this property and incurs the cost of City, County and School real estate taxes.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the proper officials of the City of Erie are authorized to enter into a revised PILOT Agreement with the **Village at Luther Square**, the terms in which provide for payment of delinquent assessments; a payment based on 35% assessed value and extension of the Agreement through 2011. All other taxing bodies have agreed to the revised agreement.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the proper officials of the City of Erie are authorized to execute a Quit Claim Deed for the sale of the city-owned property located at **626 East 5th Street**, Erie County Assessment Index #(14) 010020023600 to the **Bayfront East Side Taskforce (BEST)**. BEST shall acquire title to the property from the City of Erie via Quit Claim Deed and subject to all liens, mortgages and encumbrances on the subject property. Further, BEST shall demolish the structure at their own expense within six (6) months of acquisition of the property from the City of Erie. Erie City Council hereby waives payment from BEST for the City of Erie real estate taxes due and owing for the years 2005 and 2006. The City of Erie has no public use for this property and incurs the cost of City, County and School real estate taxes. (Subject to Expand not making any claim on the delinquent tax.)

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,

That the Mayor and other appropriate City officials are authorized to submit an application to the Environmental Protection Agency (EPA) for a **Targeted Grant to Reduce Childhood Lead Poisoning** in the amount of **\$100,000** for a Lead Awareness and Clean-Right Outreach Program. The Mayor and other appropriate City officials are further authorized to execute a Cooperation Agreement between the City of Erie and the St. Martin's Center whereby the City of Erie will make funds available for the Clean-Right Program.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,

That the Mayor and other appropriate City officials are authorized and directed to submit an application to the Commonwealth of Pennsylvania on behalf of the **Lake Erie Arboretum** at Frontier Park (LEAF) for a Redevelopment Assistance Capital Program (RACP) grant in the sum of **\$750,000** for further development of the Lake Erie Arboretum at Frontier Park. The Mayor and other appropriate City officials are further authorized to execute a Cooperation Agreement between the City of Erie and LEAF whereby the City of Erie will make the grant funds available to LEAF to carry out the Frontier Park project.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Seconded by Mr. Schember, Resolved, etc.,

That the proper City officials are authorized to pay **The TASA Group**, for professional services rendered concerning the Erie/Millcreek Sewer System, in the amount of **\$16,518.00** which represents the balance due and owing under invoice #151454 dated December 15, 2006. This amount is to be paid from the Bureau of Sewers Account #007-0771-0000-4041.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the City Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Hagan Business Machines**, P. O. Box 1247, Erie, Pa., for the Annual Maintenance Agreement for the Toshiba E-Studio 35 Copier/Printer/Fax Machine located in the Police Central Operations Department for the Bureau of Police of the City of Erie at a total cost of \$2,222.00. (Coverage is from 12/12/2006 to 12/12/2007 for parts, labor, drum, toner, wicks, oil and waste bottles)

2. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for Repair Services in installing a Sanitary Manhole at 502 West 6th Street (Material Costs only) for the sum of \$2,775.41, for the Bureau of Sewers.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.
January 3, 2007. Signed by the President. Attested by the City Clerk.

James Klemm, City Clerk`
Erie City Hall, 626 State Street, Erie, Pa. 16501
Re: Board Appointment

December 28, 2006

Dear Jim:

I am nominating James Marnen for appointment to the Erie County Convention Center Authority. Please place this on Council's next agenda. Mr. Marnen's appointment is a 4 year term effective January 11, 2007 thru December 31, 2010.

Thank you for your attention to this matter.

Sincerely,
s/ Joseph E. Sinnott, Mayor

By Mr. Cappabianca, Seconded by Mr. Thompson, Resolved, etc.,

That the communication received from Mayor Joseph Sinnott nominating **James Marnen** for appointment to the **Erie County Convention Center Authority** for a four (4) year term effective January 1, 2007 thru December 31, 2010, is hereby received and confirmed. (Replacing Michael J. Koehler whose term has expired)

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

January 3, 2007. Signed by the President. Attested by the City Clerk.

James Klemm, City Clerk
Erie City Hall, 626 State Street, Erie, Pa. 16501

December 28, 2006

Re: Board Appointment

Dear Jim:

Please be advised that I have made the following appointment to the **Erie-Western Pennsylvania Port Authority Board:**

David DiCarlo has been appointed to 3 year term effective January 1, 2007 thru December 31, 2009.

If you have any questions please do not hesitate to contact me.

Sincerely,
s/ Joseph E. Sinnott, Mayor

January 3, 2007. City Council receive and order placed on file.

James Klemm, City Clerk
Erie City Hall, 626 State Street, Erie, Pa., 16501

December 28, 2006

Re: Board Appointment

Dear Jim:

Please be advised that I have appointed Gary Antalek to the Planning Commission to replace Don Meyers. His appointment begins on January 1, 2007.

If you have any questions in this matter, please do not hesitate to contact me.

Sincerely,
s/ Joseph E. Sinnott, Mayor

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the communication from Mayor Joseph Sinnott notifying City Council that he has appointed **Gary Antalek** to the **Planning Commission** for a four year term beginning January 1, 2007 and ending December 31, 2010 is hereby received and confirmed by City Council.

January 3, 2007. City Council adopt by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

January 3, 2007. Signed by the President. Attested by the City Clerk.

January 3, 2007. City Council on motion of Mr. Thompson, Seconded by Mr.

Schember, adjourned at 9:50 a.m. by yeas Council Members Cappabianca, Horan-Kunco,

Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. 0.

President of City Council

Attest:

City Clerk