

The City Council met in regular session in the Council Chambers on Wednesday, February 7, 2007 at 9:00 a.m.

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

On motion of Mr. Schember, Seconded by Mr. González, the reading of the minutes of the meeting of January 24, 2007 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

Copies of the bills under date of February 9, 2007 were given to City Council and same adopted by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0., with the exception of invoices to CDBG projects on which Mr. González and Mrs. Jenkins-Husband abstained from voting.

Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertising, at approximately 10:00 a.m. City Council proceeded to hold a Public Hearing relative to a request from the Erie-Western PA Port Authority for the construction of a concession stand and restroom facilities at Liberty Park which is in a WC Zoning District.

By Mrs. Jenkins-Husband, Council File Ordinance #15,497, Pending Official File Ordinance #6-2007,

an ordinance amending Part Three of the Codified Ordinance of the City of Erie, Title Five (Article 511 Taxes) by amending Article 378, Section .02 (Imposition of Tax) and Section .03 (Rate of Tax) by deleting the requirement that the three percent (3%) **Amusement Tax** shall be imposed for only those admissions in excess of \$5.00.

February 7, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Schember, having read Council File Ordinance #15,497, and now known as Pending Official File Ordinance #6-2007, does hereby adopt on Final Passage by yeas Council Members González, Horan-Kunco, Jones, Schember, and Jenkins-Husband. 5. Nays. Mr. Cappabianca. 1.

February 7 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File Ordinance #15,498, Pending Official File Ordinance #7-2007,

an ordinance appropriating the sum of **\$402,368.00** from unappropriated and anticipated revenue to be received from the U.S. Department of Housing and Urban Development for the EDI-Special Project Grant (Technology Incubator).

February 7, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,498, and now known as Pending Official File Ordinance #7-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

February 7, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,499

an ordinance amending Article 1503, Uniform Construction Code, Section 1503.21, Standards, to adopt and incorporate by reference the **International Property Maintenance Code 2006**.

February 7, 2007. City Council on motion of Mr. Jones, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,499 does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Jones, Council File Ordinance #15,500

an ordinance amending Article 1503, Uniform Construction Code, Section 1502.77, Examinations, to allow the **International Code Council** to perform testing for journeyman and master plumbers.

February 7, 2007. City Council on motion of Mr. Jones, Seconded by Mr. González, having read Council File Ordinance #15,500, does hereby adopt on First Reading by yeas Council Members González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 5. Nays. Mr. Cappabianca. 1.

February 7, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,501

an ordinance amending the Codified Ordinances of the City of Erie, Part One (Administrative Code), Title Seven (Employment Provisions, Pensions), Article 147 (**Police Employees' Pension Plan**), Section 147.01 (Definitions), Subsection 147.01(q) (Final Pay) by amending the definition of "Final Payment" to meet the requirements for qualification of the Pension Plan under the Internal Revenue Code and eliminating Subsection 147.10 (Partial Lump Sum Distribution Option) in accordance with the repealer adopted by City Council on December 20, 2006.

February 7, 2007. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance #15,501, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Schember, Council File Ordinance #15,502

an ordinance amending the Codified Ordinances of the City of Erie, Part One (Administrative Code), Title Seven (Employment Provisions; Pensions), Article 149 (**Firefighters' Pension Fund**), Section 149.01 (Definitions), Subsection 149.01(o) (Final Pay) by amending the definition of "Final Pay" to meet the requirements for qualification of the Pension Fund under the Internal Revenue Code and eliminating Subsection 149.09 (Partial Lump Sum Distribution Option) in accordance with the repealer adopted by City Council on December 20, 2006.

February 7, 2007. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,502, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Schember, Council File Ordinance #15,503

an ordinance amending Codified Ordinances of the City of Erie, Part One (Administrative Code), Title Seven (Employment Provisions; Pensions), Article 145 (**Officers' and Employees' Retirement System**), Section 145.02 (Definitions), Subsection 145.02(o) (Final Pay) by amending the definition of "Final Pay" to meet the requirements for qualification of the Retirement System under the Internal Revenue Code.

February 7, 2007. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,503, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,504

an ordinance appropriating the sum of **\$4,563.36** from unappropriated and unanticipated revenue from Account #002-0000-0000-3672 Fire Training Reimbursement from the NWP AERG Region 2 **Terrorism Task Force** for reimbursement for fire training and providing for the expenditure thereof from the General Fund by allocating said amount to Account #002-0639-0000-4043 Education & Training.

February 7, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. González, having read council File Ordinance #15,504, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,505

an ordinance appropriating the sum of **\$14,000.00** from unappropriated and unanticipated revenue from Account #015-0000-0000-3641 Contributions (from the Sisters of Mercy and Sam's Club Foundation) for the purchase of fire prevention supplies and equipment for the Bureau of Fire, the purchase of law enforcement equipment for the Bureau of Police and for Winter Maintenance Equipment for the Bureau of Streets, and providing for the expenditure thereof by allocating said sums to Account #015-0613 (0639 and 0713) 0000-4078 Machinery & Equipment.

February 7, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. González, having read Council File Ordinance #15,505, does hereby adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mr. Schember, Council File Ordinance #15,506

an ordinance appropriating the cash balance of **\$67,535.74** from unappropriated 2003 Recycling Grant monies from Account #263-0731-2006-3334 DEP Recycling Grant-PA OPR GNT Environmental Resources and providing for the expenditure thereof by allocating said sum to Account #263-0731-2006-4078 Machinery and Equipment.

February 7, 2007. City Council on motion of Mr. Schember, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,506, does hereby adopt on First reading by yeas Council Members Cappabianca, González Horan-Kunco. Jones, Schember and Jenkins-Husband. 6. Nays. 0.

By Mrs. Jenkins-Husband, Seconded by Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson, Resolved, etc.,

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to **Erie Veteran's Hospital** and **their patients** in honor of **National Salute to Hospitalized Veteran's Week**, which is being held on February 11-17,2007, and

WHEREAS, the main purpose of this salute is to pay tribute and express appreciation to hospitalized veterans, increase community awareness of the role of the medical center and encourage the community to visit hospitalized veterans who have given so much for their country, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this commendation is hereby presented to the official representatives of the Erie Veterans' Administration Medical Center along with our sincere thanks of the entire staff for their assistance and aid given to the patients and honor the veterans of all past and current conflicts who seek assistance from the Medical Center and extend to them our grateful appreciation for their personal sacrifice of the cause of freedom in America.

February 7, 2007. City council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

February 7, 2007. Signed by the President. Attested by the City Clerk.

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

That **Mr. Shantel Hilliard** is appointed to the **Erie City Water Authority**, for a term of five (5) years, expiring on the first Monday of January 2012 (replacing Ann DeMarco whose term has expired).

February 7, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0

February 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the communication from the **Greater Erie Industrial Development Corporation** requesting the rezoning of a parcel of property known as Lot #2, being 1.294 acres in area located on **East 10th Street and east of Gilson Avenue** on the initiative of City Council, is hereby received by City Council and the City Solicitor is authorized and directed to prepare an ordinance amending Zoning Ordinance #80-2005 by changing the above described area from RLB (Residential Limited Business District) to that of M-1 (Light Industrial District) and after preparation to refer same to the City Planning Commission for recommendation and report thereon.

February 7, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

February 7, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco,

That the enterprise Zone Loan review Committee approval of the following loan be formally ratified:

	Amount	Term
Jave Technologies, L. P.	\$144,000.00	15 years

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Loan fund and loan repayments. this loan will be charged against Account Number 310-0000-0000-1007. The interest rate is fixed at 5.% per annum. A one time Loan processing fee of \$720.00 (based on 1/2 of 1.0% of the amount financed) will be assessed to the client. This funding is contingent upon County of Erie Redevelopment Authority Revolving Loan financing of \$144,000 and National City Bank, N.A., financing of \$63,000. We will share a first mortgage lien on industrial property at 1527 East Lake Road.

City Council further directs that the proper City officials are authorized to sign the necessary documents and agreements effectuating same.

February 7, 2007. The foregoing resolution was withdrawn from consideration by City Council until this property purchase is rezoned.

By Mrs. Horan-Kunco,

That the proper City officials are authorized and directed to approve payment of the Annual Membership Investment to the **Erie Regional Chamber and Growth Partnership**, 208 East Bayfront Parkway, Suite 100, Erie, Pa., for 2007 in the amount of **\$25,000** for the Economic and Community Development Department,

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged to #002-0859-0000-4059.

February 7, 2007. The foregoing resolution was withdrawn from consideration by City Council until a presentation can be scheduled with Mr. Jake Rouch, Executive Director of the Erie Regional Chamber and Growth Partnership regarding this work on behalf of the City of Erie.

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

That the proper City officials are authorized and directed to enter into an Agreement with **Attorney Sumner Nichols II** for legal services for the Zoning Hearing Board from January 1, 2007 through December 31, 2007 for the sum of **\$1,200 per month**, not to exceed 10 hours per month, to be charged to Account #002-0205-0000-4041.

February 7, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

February 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an agreement with **Ann McDonald** for Stenographic Services for both the Zoning Hearing Board and the Building Code Board of Appeals from January 1, 2007 to December 31, 2007. The Zoning Hearing Board will meet the 4th Tuesday of each month commencing at 1:00 p.m. until its conclusion. The Building Code Board of Appeals will meet the first Thursday of each month commencing at 1:00 p.m. until its conclusion.

The fee for each regularly scheduled meeting shall be **\$135.00 per hour** for up to 5 hours, with special meetings at \$27.00 per hour (portal to portal). Original transcript per page to be billed at \$25.00 per original page and copies of transcript per page to be \$2.50 per original page and copies of transcript per page to be billed at \$1.75 per copy page. Evening hours will be billed at \$85.00 for the first hour and a half and \$40.00 per hour thereafter.

February 7, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

February 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and the following companies and/or individuals 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. **Sidley Truck Center**, 3900 Depot Road, Erie, Pa., for a Replacement Engine for Refuse Vehicle #921 for the Refuse Department at a total cost of \$18,834.59.

2. **Free-Col Laboratories**, 11618 Cotton Road, Meadville, Pa., for providing all Laboratory Testing of effluents, sludge, etc., required for all the NPDES permits at the Wastewater Treatment Plant, a resolution extending their contract for an additional year at the same unit pricing with an additional cost of sample pickup or delivery at \$7.50 per request.

3. **Process and Data Automation**, 3025 French Street, Erie, Pa., to provide on-going support for the Wastewater Treatment Plant's Computer System at the rate of \$75.00 per hour and not to exceed \$25,000 effective till December 31, 2007.

4. **Polydyne, Inc.**, 1 Chemical Plant Road, Riceboro, GA, for extending the current contract for providing DAF Polymer per Bid #6200 for an additional year at the same rates per current contract which will now expire on January 9, 2008.

February 7, 2007. City Council adopt by yeas Council Members, Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

February 7 2007. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Thompson, 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. **Stephen R. Chatman**, Interim Erie Weed and Seed Coordinator, for providing professional services and operations for the "Weed and Seed" Program, 1401 Wallace Street, for the City of Erie, Bureau of Police not to exceed the amount of \$3,200.00.

2. **Building Inspections Underwriters, Inc.**, 4538 Peach Street, Erie, Pa., for Plumbing Inspections performed from 10/1/06 to 11/30/06 for the Code Enforcement Department of the City of Erie at a total cost of \$6,390.61.

3. **Eagle Radio Technologies**, 1367 East 2nd Street, Jamestown, NY, for the purchase of three (3) Hand Held Radios for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,341.50.

4. **Hach Company**, P. O. Box 608, Loveland, CO, for the purchase of a Hach Spectrophotometer DR800 for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,510.10.

5. **William T. Spaeder Co.**, 1602 East 18th Street, Erie, Pa., for Emergency Repairs at the Cranch Avenue Lift Station for the Bureau of Sewers at a total cost of \$6,557.93.

6. **Rochester Midland Corporation**, 333 Hollenbeck Street, Rochester, NY, for furnishing and delivering of Chemicals to be used in the various water treatment systems at the Wastewater Treatment Plant for the Bureau of Sewers during the year 2007 through the end of the year 2008 at a total cost of \$8,950.00 per year.

February 7, 2007. City Council adopt all items except #2 by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson, and Jenkins-Husband. 6. Nays. 0. (Item #2 to Building Inspections Underwriters, Inc., was withdrawn by the Administration as it had been previously approved off-contract.)

February 7, 2007. Signed by the President. Attested by the City Clerk.

February 7, 2007. City Council on motion of Mr. Schember, Seconded by Mr. González, adjourned at 11:47 a.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

Attest:

President of City Council

City Clerk