

The City Council met in regular session in the Council Chambers on Wednesday, March 21, 2007 at 7:30 p.m.

Council Members present: Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6.

On motion of Mr. González, Seconded by Mr. Jones, the reading of the minutes of the meeting of March 14, 2007 were dispensed with and same adopted with copies furnished to member of City Council by yeas Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

Copies of the bills under date of March 23, 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 the NATO Centers on which Mrs. Jenkins-Husband abstained for voting.

By Mr. González, Council File Ordinance #15,511, Pending Official File Ordinance #20-2007,

an ordinance amending the Business and Taxation Code of the City of Erie, Article 330, **Landlord Licensing**, by clarifying the exemption for Housing Authority Property.

March 21, 2007. City Council on motion of Mr. González, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,511 and now known as Pending Official File Ordinance #20-2007, does hereby adopt on Final Passage by yeas Council Members González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 5. Nays. Mr. Cappabianca. 1.

March 21, 2007. Signed by the President. Attested by the City Clerk.

Pursuant to the provisions of Zoning Ordinance 80-2005 and the proper legal advertising, the City Council proceeded to hold a Public Hearing regarding a request from GEIDC to rezone property located on **East 10th Street and Gilson Avenue**, known as Lot #2, being 2.294 acres in area, from RLB (Residential Limited Business District) to that of M-1 (Light Industrial District) at **8:00 p.m.**

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

WHEREAS, the City Council wishes to pay special tribute to the Gannon University Women's Basketball Team, for completing their most successful season in Gannon Women's Basketball history by capturing their first Great Lakes Intercollegiate Athletic Conference Championship and then advanced to their fifth NCAA national tournament and defeated defending National Champion Grand Valley State in the first round, and

WHEREAS, the Gannon University Women's Basketball Team received no less than ten league individual honors such as Coach of the Year, Cleve Wright, Player of the Year Christina Jackson, three All-GLIAC all-stars being Casey England, Ashley Lowdermilk and Christina Jackson and accomplished team honors with a ten game win streak, finished with a record of 25 wins against only six losses, beat GLIAC record of 15-2 and tied a school record of 13-1 at home record, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this commendation is hereby presented to Coach of the Year Cleve Wright and we extend to the team our congratulations on their excellent season and best wishes and good luck in the years to come.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson
RESOLVED, by the Council of the City of Erie, That

WHEREAS, the City Council of the City of Erie wishes to honor the 2006-2007 **Mercyhurst College Women's Hockey Team** upon winning their fifth straight College Hockey American League Championship while holding the current single season school record of thirty-two wins, finishing the season with a home record of 15-1-2, ranking first in Division I NCAA College Women's Hockey for eleven weeks, making their third appearance in the NCAA Tournament, and will host their first ever NCAA play-off game, and

WHEREAS, the Mercyhurst College Women's Hockey Team has accomplished these goals and record statistics with hard work, sacrifice and conscientious dedication to the sport thus placing Mercyhurst College as one of the premier Women's Hockey programs in the nation while bringing in some of the best women's hockey players in America as well as those from Canada, Sweden and Finland to our Flagship City, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this commendation is hereby presented to the Mercyhurst College Women's Hockey Team and their outstanding Coach of the Year Michael Sisti and we extend to them our personal best wishes for great success in the years to come.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the allocation of **\$3,000.00** in the 2008 Budget for matching funds for the **McClelland Park Master Plan** is hereby requested by City Council, as proposed in the initial grant proposal request.

March 21, 2007. City Council adopt by yes Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the formation of the City Council's **LERTA Committee**, LERTA Co-Chairs Jessica Horan-Kunco, Rubye Jenkins-Husband; and Committee member James Thompson is hereby confirmed by City Council.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the correspondence from PA Department of Transportation Engineering District 1-0 informing the City that both railroad locations of **Downing and Greengarden** will have "surfaces upgraded to concrete crossings" with all work planned to be completed during the 2007 construction season for both locations is hereby received by City Council, "as a project initiative by Rubye Jenkins-Husband, on behalf of the citizens of Erie."

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to enter into an agreement with **Strategic Marketing Solutions International LLC** (SMSI) for professional services in providing the City golf department with free marketing advice and also to sell advertising in the Erie corporate community on behalf of the golf department. SMSI will be paid a commission of 15% of all sales initiatives that result in new revenues for the City golf department. New sales initiatives are defined as advertising, merchandising and revenue streams that are not currently being used by the golf department. SMSI's marketing initiatives will be directed by the City golf department.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized to execute an agreement between the City of Erie and **Gary B. Singer**, 170 Forest Garden Drive, Boardman, Ohio 44512, to provide Consulting Services to assist the City with the submission of a Lead Hazard Control Grant for a total compensation not exceeding \$15,000.00.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González,

Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to file a Renewal Application with the Pennsylvania Liquor Control Board for the purpose of **exempting** the areas identified as Zone 1 (Cranberry Street to Parade Street, north edge of Second Street to the Water's Edge) and Zone 2 (Holland Street to Peach Street, Fourteenth Street north to the northern edge of Second Street) on the map attached as Exhibit A from the Board's regulations regarding **amplified music** being heard off-premises. City Council authorized the initial application by resolution of March 8, 2006. This Renewal Application shall be for a 2 year period if the Board approves. The City will enforce its own Noise Control Ordinance, Article 705 of the Codified Ordinances.

March 21, 2007. After a short discussion of the foregoing issue, a motion was made by Mr. Cappabianca, Seconded by Mr. Schember to TABLE the foregoing resolution which FAILED TO ADOPT by yeas Council Members Cappabianca, Jones and Schember. 3. Nays. Council Members González, Horan-Kunco and Jenkins-Husband. 3.

March 21, 2007. Action was then taken on the original motion which FAILED TO ADOPT by yeas Council Members Cappabianca, Jones and Schember. 3. Nays. Council Members González, Horan-Kunco and Jenkins-Husband. 3.

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

That the proper City officials are authorized and directed officials to file a County Aid Application for the reimbursement of **Liquid Fuels Tax** monies for 2007 in the sum of \$158,182.00.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

THE ERIE PARKING AUTHORITY
For the Year Ended December 31, 2006 required Supplementary Information

As management of the Erie Parking Authority, we offer readers of the Authority's financial statements this overview and analysis of the Authority's financial performance during the fiscal year ending December for 31, 2006.

Financial Highlights

- * The Authority's gross operating income for 2006 was \$5.1 million. Projected revenue for 2005 was estimated at \$4.92 million. Actual income for 2005 was \$5.30 million.
- * The Authority's expenditures in 2006 were \$5.19 million. This includes operating expenses of \$2.6 million, including payments to the City of Erie of \$500,000 and debt service payments of \$2.56 million. Expenditures for 2005 were \$5.03 million, which included the debt service payment of \$2.32 million and operating expenses of \$2.7 million, including payments to the City of Erie of \$500,000.
- * The Authority's gross income decreased in 2006 by 4.4%. This decrease is mainly attributable to the closing of D-Garage for renovation work. The garage remained fully closed from May thru November. The facility was reopened for partial use in December with the project's final completion anticipated for early March of 2007.

Overview of the Financial Statement

This annual report includes management's discussion and analysis report and the independent auditor's report.

Significant Events

As previously discussed in the 2004 and 2005 financial reports, the City of Erie enacted a 15% parking tax in 2004 which the Board of Directors decided not to implement. As the alternative, a one year municipal services agreement was negotiated with the City requiring the Authority to pay the City \$375,000. Additionally, due to the financial difficulties of the City, the Authority paid the city \$298,426 in lieu of real estate taxes for the year 2004. Again in 2005, another municipal services agreement was negotiated in lieu of implementing the parking tax. It was agreed that the Authority make a payment of \$500,000 to the City. In 2006, a new agreement was negotiated requiring the Authority to make annual payments of \$500,000 for a three year period. As a condition of the agreement, the city is obligated to sign any future bond issues as a guarantor for the three year period. Management will continue to monitor both income and expenses for the year 2007.

The Authority continues to update the quality of the meter program with the annual replacement of older mechanical meters with electronic digital meters. In 2006, an additional 20 electronic meters were purchased.

Facility improvements continue to remain at the forefront of the Authority's future initiatives. As previously mentioned, the D garage, located between West 8th and West 9th Streets, Peach to Sassafras Street, underwent major renovation work beginning in May at a cost of \$3.3 million. It is anticipated that additional renovation work will be scheduled for the M-1 and K-1 garages in 2007.

As per the Trust Indenture, annual inspections are conducted by the Authority's consultant for all the facilities. The annual inspection report is available for review in the Authority's main office.

During the year, the Authority retained the services of Desman and Associates to conduct parking feasibility studies at Hamot Hospital and a surface parking lot located at the corner of West 5th and Peach Streets. With respect to Hamot Hospital, the study indicated that a new 400 space garage could be feasible as long as the hospital is willing to participate in some form the revenue guarantee to the Authority. The other study conducted at West 5th and Peach Streets clearly indicates that a projected 300 space garage would not be feasible for the Authority to undertake. Additionally, the Authority continues to discuss the possible operation of a recently constructed 800 space parking garage would not be feasible for the Authority to undertake. Additionally, the Authority continues to discuss the possible operation of a recently constructed 800 space parking garage at St. Vincent Hospital. The garage, built by the

hospital, was part of significant expansion project, which also included an 85,000 square foot medical office building. It is anticipated that some form of an operation agreement could be negotiated in the early part of 2007.

The City of Erie has been provided with an excellent parking program and everyone associated with the Erie Parking Authority can be proud of the role that he or she has played in making this program a success.

Request for Information

This report is designed to provide a general overview of the Authority's finances for all those with interest. questions concerning any of the information provided in this report or request for additional information should be addressed to the Executive Director Raymond c. Massing. The Erie Parking Authority, 25 East 10th Street, 2nd

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

That the Financial Statements and Reports for the year ending December 31, 2006 for the **Erie Parking Authority** as compiled by Root, Spitznas & Smiley, Inc. are hereby received by City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an agreement with **Hugh J. Schultz**, 6697 Tow Road, P. O. Box 922, Fairview, Pa., for Lawn Maintenance and Weed Control for various Park areas per Bid #6140 for a period of seven months per year beginning April 2007 (April thru October 31, 2007) at \$8,500.00 per month for the Bureau of Parks and Recreation of the City of Erie and His Honor the Mayor and City controller are hereby authorized and directed to execute this agreement on behalf of the city.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged against Budget Code #002-0725=0000-4056.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

By Mr. González, Seconded by Mr. Cappabianca, 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. **RHOMAR Industries, Inc.**, 2107 Rockhurst, Springfield, MO, for 55 gallons each of Enviro-Slide and Neutro-Wash and 3 gallons of Applicator for the Bureau of Streets for the sum of \$3,104.05.
2. **Potters Industries, Inc.**, P. O. Box 840, Valley Forge, PA, for 16,000 lbs. of Fiberglass Beads for the Bureau of Streets, Paint and Sign Division. for the sum of \$6,080.00.
3. **Five Star International**, 6100 Wattsburg Road, Erie, Pa. for the replacement of one Transmission for a 1994 International compactor of the Public Works Department, Bureau of Municipal Garage for the sum of \$3,929.26.
4. **Erie Bearings Co.**, P. O. Box 10307, Erie, Pa. for the Emergency Purchase of two (2) East Primary Long Board Collector Drives for the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$5,086.53.

March 21, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

March 21, 2007. Signed by the President. Attested by the City Clerk.

City Controller Casimir Kwitowski, notified members of City Council that he has submitted the filing of the 2006 pension reports to the Department of the Auditor General which will be kept on file in the Office of the City Clerk.

Members of City Council

March 27, 2007

In accordance with Council File No, 13,913, Official Ordinance No. 66-1989 amending Part One (Administrative Code) revising article 113 (Mayor) by adding 113.11 requiring the Mayor or designee of the Mayor to comply with all requirements of Pennsylvania Act 205 of 194 and to communicate with Council regarding these requirement annually.

The City Controllers has functioned as the coordinator of the Pension Plans reporting and filing requirements.

This letter is to notify you of the processing and filing of this year's pension reports for the Act 1988-147 Form AG-PF 64 The Special Ad Hoc Municipal Police & Firefighter Post Retirement Adjustment From AG-PF 490 Certification for Reimbursement (Act 88-1147 and the Form A-PF 385 filing and certification for Non-Uniformed Employee Retirement Fund, Firemen's Pension Fund and Police Pension Fund were forwarded by certified mail on March 21, 2007 to the

Department of the Auditor General, Municipal Pensions & Fire Relief Programs Unit
1205 State Office Building, 300 Liberty Avenue, Pittsburgh, Pa 15222

All reports were submitted by the filing deadlines. Copies of all reports are on file in the Controller's Office and the Clerk's Office.

I request that this report be made a matter of Council record at the March 21st, 2007 Council meeting.

My office would be happy to provide any member of Council with further information. Please feel free to call me if I call be of assistance.

Respectfully submitted,
Casimir J. Kwitowski, City Controller

March 21, 2007. City Council receive for information and order placed on file in the Office of the City Clerk.

March 21, 2007. City Council on motion of Mr. González, Seconded by Mr. Jones, Adjourned at 9:33 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0.

Attest:

President of City Council

City Clerk