

The City Council met in regular session in the Council Chambers on Wednesday, April 25, 2007 at 7:30 P.M.

Council Members present: Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband 7. Nays. 0.

On motion of Mr. Cappabianca Seconded by Mr. Thompson the reading of the Minutes of the meeting of April 18, 2007 were dispensed with and same adopted with copies furnished to members of City Council by yeas Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Copies of the bills under date of April 27, 2007 were given to City Council and same adopted by yeas except for the NATO Centers on which Mrs. Jenkins-Husband abstained, Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson. 6. Nays. 0. Abstain. 1. Mrs. Husband.

By Mrs. Horan-Kunco, Council File Ordinance #15,517, entitled:

An ordinance appropriating the sum of **\$200,000.00** from unappropriated and anticipated revenue from Account #501-0000-0000-3303 Federal Operating Grant - HUD CDBG/ARC and providing for the expenditure thereof by allocating said funds to Account #501-1201-2006-4569 Technology Incubator.

(This ordinance appropriates \$200,000 to be received as an ARC (Appalachian Regional Commission) Grant from HUD. These funds will be used, along with a federal EDI=Special Project Grant in the amount of \$402,368 and Community Development Block Grant funds in the amount of \$100,000, to renovate the former Boys and Girls Club building at 130 West 8th Street. The mechanical and electrical systems will be replaced and the building will be completely renovated to transform the former recreational facility into a multi-use facility with private office space, advanced computer labs, meeting rooms, a library, and high-speed internet access. The building will also be brought into compliance with the Americans with Disabilities Act.)

April 25, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,517 does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

By Mrs. Horan-Kunco, Council File Ordinance #15,518, entitled:

An ordinance amending Part Five of the Codified Ordinances, Traffic Code, Article 521, Parking Generally, Section 521.11 **Residential Permit Parking** by amending its first sentence to read as follows:

"There is hereby established a Residential Permit Parking Zone consisting of West 25th Street, Peach to Sassafras north and south sides; West 25th Street (Myrtle) west of 334 West 25th Street to Chestnut north and south sides; West 24th Street west of the east property line of 328 West 24th to Chestnut Street, north and south sides; West 23rd Street from the east property line of 324 West 23rd Street to Chestnut north and south sides."

A final sentence shall be added to Section 521.11 to read as follows:

"The appropriate City Department is directed to install "NO PARKING ANYTIME" signs on both the north and south sides of West 23rd Street from the east property line of 324 West 23rd Street east to Myrtle Street; on the north and south sides of West 24th Street from the east property line of 328 West 24th Street east to Myrtle Street, and on the north and south sides of West 25th Street from the east line of 334 West 25th Street east to Myrtle Street."

This change is being made due to construction of the new parking structure for Saint Vincent Hospital and changes in the neighborhood, the residential parking on West 23rd, West 24th and West 25th Streets.

April 25, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. González, having read Council File Ordinance #15,518 does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

To: Erie City Council
From: Andrew Zimmerman
Re: Landlord and Rental Licensing Budget

April 20, 2007

At the request of City Council, the Code Enforcement Office prepared a Request for Proposal (RFP) to review the feasibility of outsourcing the inspections required as part of this ordinance. The RFP as sent to over 100 inspection agencies and a pre-bid meeting was held

As a result of that effort, we received two (2) bid submittals; one from Building Inspection Underwriters (BIU) and the other from AFSCME. We met with both agencies, one on one, to review their submittals. After these meetings it became apparent to the Administration that it was in the City's best interest both financially and administratively to contract with BIU to perform the service of scheduling and conducting inspections. The City will then only be responsible for the overall administration of the program and registration of rental units. This will be accomplished by the hiring of a Rental License Compliance Clerk which will be an AFSCME position.

Building Inspection Underwriters will invoice the city on a per inspection basis. This is a financial benefit over the AFSCME proposal, as AFSCME employees would be paid a salary regardless of the number of inspections completed. Other benefits of the BIU proposal include the scheduling of thousands of inspections and the flexibility of BIU employees to make inspections outside of "normal business hours".

We are currently anticipating a total of 8,000 rental units, which will be required to participate in this licensing program. This number is a reduction to our original estimate of \$13,500. This estimate was based upon the anticipation of inclusion of housing units that are regulated by other governmental agencies. Prior to the second reading the ordinance was revised to exclude these dwelling units which include Section 8, HUD and PHFA housing.

The registration of 8,000 dwelling units will generate an annual income of \$320,000. An ordinance for the allocation of these funds will be on your agenda for April 25, 2007. We are requesting the following budget for May-December 2007:

4011 Salaries	\$20,200	4039 Consumables	\$ 3,000
4016 FICA	1,550	4045 Communication	700
4017 Pension	3,000	4046 Postage	6,800
4018 Group Insurance	9,000	4056 Repair/Maint.	1,000
4020 Workers Comp.	2,000	4059 Other Services	270,000
4021 Deferred Comp.	250		
4031 Office Supplies	2,000		
4033 Operations. Supplies	500		

We expect the city to retain \$50,000 of the total \$320,000 budget allocation for the hiring of a rental License compliance clerk and other associated office expenditures. The remaining \$270,000 will be allocated to BIU for their inspection services. Because BIU will be paid per inspection, there is no budgetary problem created if the number of registered units falls below our estimates, as this is a revenue neutral program.

We respectfully request your support on Wednesday, for the budget presented above outsourcing the Landlord and Rental Licensing Inspections. If you have any questions prior to the meeting, please feel free to contact me at 870-1470.

By Mr. Jones, Council File Ordinance #15,519, entitled:

An ordinance appropriating the sum of **\$320,000.00** from unappropriated and anticipated revenue to be received from the registration of rental units as required by Ordinance 73-2006, the Landlord Licensing Ordinance from Account #002-0000-0000-3223 Revenue and providing for the expenditure thereof by allocating said funds to various #002-0205-0000-40xx accounts.

April 25, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance #15,519, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson. 6. Nays. 1. Mrs. Jenkins-Husband.

Dear Elected Officials:

The Northwestern Pennsylvania Area Labor Federation respectfully requests this letter and the accompanying two resolutions be copies and given to the supervisors/council members for their review and entered as part of your agenda for your next meeting.

We believe every election and every office is important because the decisions made in every level of government impacts the lives of our members. We would appreciate it if all our elected officials would review and encourage your colleagues to support these resolutions.

We know you can not directly effect change on these issues but if enough municipalities pass these resolutions and copies are sent to us and to the offices and committees listed, you will influence our legislators at the state and federal level to move on legislation concerning these issues. We will encourage a few of our members residing in your community to attend your next meeting. Thanks you for taking this under consideration.

The following resolutions were tabled at the Council meeting of April 18th:

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

A resolution urging the Congress of the United States to reject the extension of "fast track" trade legislation to maintain regulatory authority of states and to allow consultation with representatives of the state and local government and industry regarding trade issues.

WHEREAS, the United States Trade Representative (USTR) negotiates on behalf of the United States with other nations to enter into trade agreements that are purportedly to help the United States; and

WHEREAS, past free trade agreements and policies, including NAFTA (North American Free Trade Agreement) and CAFTA (Central America Free Trade Agreement) have been detrimental to industries and to many companies and employees in the Commonwealth of Pennsylvania; and

WHEREAS, "Fast Track" trade legislation authority is due to expire on July 1, 2007 and the Bush administration and the USTR are urging its reauthorization; and

WHEREAS, the Commonwealth of Pennsylvania has lost more than 185,000 manufacturing jobs under free trade agreements entered into by the United States; and

WHEREAS, an extension of current Federal international trade policies likely will result in further loss of viability of companies and, as a result, more jobs in the Commonwealth of Pennsylvania, and

WHEREAS, foreign nations have engaged in a wide range of unfair trade practices, including manipulation of currency, subsidization of industries and dumping of below-cost subsidized products into the United States markets; and

WHEREAS, manufacturers in the Commonwealth of Pennsylvania cannot compete with foreign countries and companies who pay a fraction of the wages paid to Pennsylvania employees, who pay no pensions and who are not required to comply with safety and environmental regulations; and

WHEREAS, the Congress of the United States has consistently recognized, respected and preserved the states' powers to protect their health, welfare and environment; and

WHEREAS, it is vital that the Federal Government not agree to proposals in the current trade negotiations that might in any way preempt or undercut this reserved state authority; and

WHEREAS, proposed trade negotiations should not, in the name of promoting increased international trade, give sufficient regard for existing federal and state regulatory tax and subsidy policies and social, economic and environmental values those policies promote; and

WHEREAS, statutes and regulations which state and local governments have validly adopted, that are plainly constitutional and within their province to adopt and that reflect locally appropriate responses to the needs of their citizens, should not be over ridden by Federal decision solely in the interest of increased trade; and

WHEREAS, States are concerned about retaining a proper scope for state regulatory authority in actual trade commitments with the United States trading partners, and

WHEREAS, it is crucial to maintain the principle that the United States may request, but not require, states to alter their regulatory regimes in areas over which the states hold constitutional authority; and

WHEREAS, if trade legislation is fast-tracked, there will be little opportunity for states to have the improper position reversed; and

WHEREAS, it is essential the USTR take steps to enhance the level of consultation with the states during negotiations on any trade commitments; so

THEREFORE BE IT RESOLVED, that the City Council of the City of Erie urges the Congress to reject the extension of "fast track" trade legislation and to replace it with a new model for trade that maintains the regulatory authority of the states and allows consultation with representatives of state and local governments and industry regarding trade issues; and

RESOLVED, that this new process for developing and implementing trade agreements include a mechanism for ensuring the prior informed consent of state legislatures before states are bound to the non-tariff terms of any trade agreement that affects state regulatory authority so as to ensure that the USTR respects the decisions made by states; and

RESOLVED, that copies of this resolution be transmitted to the President of the United States, to the chairmen and ranking members of the United States Senate Finance Committee, the Ways and Means Committee of the United States House of Representatives, the Subcommittee on International Trade of the United States House of Representatives and to the Pennsylvania Congressional Delegation.

April 25, 2007. City Council, adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

EMPLOYEE FREE CHOICE ACT

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internally recognized by the 1948 Universal declaration of Human Rights as a fundamental human right; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, states in which more people are union members are states with higher wages, better benefits and better schools; and

WHEREAS, union workers receive better wages and benefits, with union works earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance and are four times more likely to have access to a guaranteed defined-benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 3 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian-American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly wit workers after forming a union by dragging out first contract bargaining for up to two years to 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form unions and most violations of workers' freedom to choose a union occur behind closed doors with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases adnd job safety standards disappear; and

WHEREAS, a workers' fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the U. S. Congress in order to restore workers' freedom to join a union;

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

WHEREAS, the Employee Free Choice Act will safeguard workers' ability to make their own decision with these abuses, provide for first contract mediation and arbitration; and establish meaningful penalties when employers violate workers' rights.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Erie supports the employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a workers' freedom to choose a union.

THEREFORE, BE IT FURTHER RESOLVED, that we urge Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union.

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

To: President and Members of City Council April 20, 2007
From: Randy DeSanto, Fiscal Administrator
Department of Economic & Community Development
Subject: City Council Resolution for the April 25, 2007 meeting

2007 Annual Plan (HUD Grant Programs)

The Department of Economic and Community Development will be presenting a resolution approving the Annual Plan and authorizing the Mayor and other appropriate city officials to submit the city's application for the FY2007 Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs. The Department of economic and community development has prepared an Annual Plan for FY2007 funding which identifies the housing needs of low and moderate income households, homeless families and individuals and others with special needs. The Draft Annual Plan was put on public display on February 26, 2007, and the city held a public hearing on the Annual. Plan so the comments of various agencies, groups and citizens could be taken into consideration in the preparation of the final documents. The Annual Plan must be approved and submitted to HUD for a 45-day review prior to the July 1 start of our new program year.

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

WHEREAS, under Title 1 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 Programs 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 Shelter Grants Program contained in the Steward B. McKinney Homeless Assistance Amendments Act of 1988, 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 and shelter rehabilitation for homeless persons; and

WHEREAS, the U. S. Department of HUD ha advised the city that FY2007 Entitlements are as follows: CDBG, \$3,647,122; HOME \$1,003,723; and ESG \$156,934; and

WHEREAS, in addition to the entitlement funds, the city expects to receive \$20,000 in program income, and \$720,381 in reprogramming funds; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2007 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 Annual Plan for 2007 was on public display since February 26, 2007, and the city held a Public Hearing on said Annual Plan and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document; and

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 Annual Plan for the FY2007 DBG, HOME and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said 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 the 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 as willingness to make available a grant to carry out the CDBG Program in the amount of \$3,647,122, HOME in the amount of \$1,033,723 and ESG in the amount of \$156,934 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 Steward B. McKinney Homeless Assistance 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.

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson. 6. Nays. 0. Abstain 1. Mrs. Jenkins-Husband.

April 25, 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 execute an agreement between the City of Erie and **HANDS, Inc.**, whereby the City will make available to HANDS, INC., from HOME Program funds appropriated, a grant in the amount of \$69,600.45 to carry out the homeownership program as described in the FY2003 Annual Plan to #505-1239-2003-4495.

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

TO: President and Members of City Council April 29, 2007
FROM: Debra Smith, Grant Administrator
RE: Resolution for the Approval to Transfer Funds

This resolution authorizes the transfer of \$69,600.45 from HANDS-New Construction/Rehabilitation to HANDS Homeownership in the Home Investment Partnership account. These funds are being moved from the New Construction/Rehabilitation because funds went directly to the homebuyer. The HANDS Homeownership fund will be used to acquire a home, rehabilitate the home and then sell it to an income-qualified homebuyer.

If you have any questions, please feel free to contact me a 870-1274.

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

That the following amounts are hereby transferred in the Department of Economic and Community Development, HOME Program:

<u>TRANSFERRED FROM</u>			<u>TRANSFERRED TO</u>		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$69,600.45	505-1239-2003-4506	HANDS-New Construction	\$69,600.45	505-1239-2003-4495	HANDS-Homeownership

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

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

That the City Purchasing Agent is authorized and directed to issue a purchase order to **Aries Industries**, 550 Elizabeth Street, Waukesha, WI 53186-4575, for a flat pack pan and tilt camera for the Sewers/Collection Bureau at a total cost of \$15,500.00.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged against Budget Code #007-0771-0000-4078.

(For the purchase of a new Aries Sewer Camera to replace the camera currently used to record sewer lines.)

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

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

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

1. **Pa Department of Community and Economic Development**, 400 North Street, 4th Floor, Harrisburg, Pa., for 534 Permits at \$4.00 each for Code Enforcement for the sum of \$2,136.00.
2. **R. S. Cruise Sand and Gravel, Inc**, P. O. Box 1066, Ravenna, Ohio, for ten loads of Replenishment Infield Mix to be used at nine City of Erie Parks for the sum of \$4,772.50.
3. **A. R. Beatty**, 5251 Kuhl Road, Erie, Pa. For Parts and Labor to repair Streets Vehicle #1266 for the sum of \$3,917.82.
4. **William T. Spaeder Co.**, 1602 East 18th Street, Box 10066, Erie, Pa., for Replacement of a Stainless Steel Rail and Grit Chamber, for the WWTP for the sum of \$2,266.91.
5. **All-Pak Corporate One West**, 1195 Washington Pike, Bridgeville, PA., for sample bottles and lids/industrial pretreatment, for the WWTP for the sum of \$2,533.11.
6. **Modern Industries, Inc., Free-Col Laboratories**, P. O. Box 399, Erie, Pa., for required semi-annual priority Pollutant SCA for the WWTP for the sum of \$2,738.25.
7. **Great Lakes and St. Lawrence Cities, % David A. Ulrich, E.D., 177 North State Street, Suite 800, Chicago, IL., for Membership Dues for the WWTP for the sum of \$5,000.00.**
8. **Niagara Machines, Inc., 325 West Front Street, Erie, Pa., for Replacement Chain Links for the WWTP for the sum of \$5,400.00.**
9. **William T. Spaeder Co., 1602 East 18th Street, Box 10066, Erie, Pa., for Replacement of two Gaskets and Low Pressure Air Line for the WWTP for the sum of \$8,150.00.**

April 25, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

April 25, 2007. Signed by the President. Attested by the City Clerk.

April 25, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, adjourned at 9:20 A.M. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

President of City Council

Attest:

City Clerk