

The City Council met in regular session in the Council Chambers on Wednesday, July 11, 2007 at 7:30 p.m.

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

On motion of Mr. Thompson, Seconded by Mr. González, the reading of the minutes on the meeting of June 20, 2007 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Cappabianca, González, Horan-Kunco, Schember, Thompson and Jenkins-Husband. 7.

Copies of the bills under date of June 29, July 6 and July 13, 2007 were given to members of City Council and same adopted by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0., with the exception to NATO Center invoices on which Mrs. Jenkins-Husband abstained.

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1. By Mrs. Jenkins-Husband, Council File Ordinance #15,531, Pending Official File Ordinance #40-2007  
an ordinance appropriating the sum of **\$67,000.00** from unappropriated and unanticipated revenue from Account #002-0000-0000-3641 Contributions (Mercyhurst College) and providing for the expenditure thereof by allocating said funds to Account #002-0963-0000-4160 July 4<sup>th</sup> Celebration.

July 11, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,531 and now known as Pending Official File Ordinance #40-2007 does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,532, Pending Official File Ordinance #41-2007

an ordinance appropriating the sum of **\$85,052.23** from unappropriated and anticipated revenue from Account #231-0613-2007-3337 Insurance Fraud Prevention and providing for the expenditure thereof by allocating said funds to various #231-0613-2007-40xx accounts. (2007 Insurance Fraud Prevention)

July 11, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schember, having read Council File Ordinance #15,532 and now known as Pending Official File Ordinance #41-2007 does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,533, Pending Official File Ordinance #42-2007

an ordinance appropriating the sum of **\$93,242.23** from unappropriated and anticipated revenue from Account #230-0613-2007-3337 Auto Theft Prevention and providing for the expenditure thereof by allocating said funds to various #231-0613-2007-40xx accounts (2007 Auto Theft Prevention)

July 11, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. González, having read Council File Ordinance #15,533 and now known as Pending Official File Ordinance #42-2007, does hereby adopt on Final Passage by Yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,534

an ordinance appropriating the sum of **\$5,000.00** from unappropriated and anticipated revenue from Account 261-0613-2006-3336 Weed & Seed Quality of Life and providing for the expenditure thereof by allocating said funds to Account #261-0613-2006-4033 Operating Supplies.

July 11, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. González, having read Council File Ordinance #15,534, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,535

an ordinance appropriating the sum of **\$6,000.00** from unappropriated and anticipated revenue from Account #222-0613-0000-3304 Federal Forfeiture Revenue and providing for the expenditure thereof by allocating said funds to Account #222-0613-0000-4045 Communications.

July 11, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,535, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

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Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertisement, the City Council proceeded to hold Public Hearings regarding the following requests to amend said Zoning Ordinance commencing at approximately 8:00 p.m. and following in the order so noted:

1. A request for Waterfront Conditional Use approval from BEST and Port Harbor Homes for the development of a single-family dwelling located at **434 East 2<sup>nd</sup> Street**.
  2. A proposal to amend Section 204.20 to include **Commercial Recreation** as a permitted use within the M-2 Zoning District and amend Article 6, Definition for commercial Recreation to add "or Institutional" in relation to the type of facility. (In regard to a request from Cathedral Prep)
  3. A request from Vernon Brown to rezone property located on and around **1909 Franklin Avenue** from R-1 (Low Density Residential District) to C-2 (General Commercial District) for the construction of a retail plaza.
  4. A request for Waterfront Conditional Use approval from Hamot Medical Center for property located on the northwest corner of **West 2<sup>nd</sup> and Peach streets** for construction of a 4 floor Medical Office Building with the possibility of a drive-thru banking facility.
  5. A request for Waterfront Conditional Use approval from John Britton for property located between **Liberty Park and the Park and Ride** along the West Bayfront for the proposed new construction of the Jr's Building (Eating and Drinking Establishment) which will be 160 ft. long and contain restaurant seating for 80 and showroom seating for 300.
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July 11, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, recessed at 11:20 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. City Council reconvened at 11:240 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

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

WHEREAS, the 2005 **Hurricanes Katrina-Rita** and their aftermath wreaked damage unprecedented in the United States, killing and injuring thousands, displacing hundreds of thousands and costing billions in damages; and

WHEREAS, numerous studies including studies by the U. S. Congress and the Government Accounting Office document that federal policies and practices contributed to mismanagement, waste and ineffective administration of recovery efforts especially in communities hardest hit by these storms and their aftermath; and

WHEREAS, this mismanagement and waste has resulted in continuing injury, displacement and loss of life as hundreds of thousands of Katrina-Rita survivors are still displaced almost two years later without adequate support services, compensation or restitution especially from the New Orleans area; and

WHEREAS, these federal policies and practices seriously affect local and national economics, drain resources from the country's already stretched public service networks and therefore require a national response that effectively engages communities most affected by these policies most notably those still displaced; and

WHEREAS, all citizens of goodwill have a responsibility to standup for more effective federal action that leads to swift, comprehensive and just restitution and recovery as a matter of basic public welfare and human rights; so

THEREFORE, BE IT RESOLVED, that the City of Erie urges congress and the President to act immediately to ensure comprehensive, equitable and just restitution and recovery for those affected by Katrina-Rita and aftermath including the establishment of an independent commission representative of communities hardest hit to monitor, evaluate and participate in recovery related decision making, establishment of adequate victims compensation, support for the right of residents to return including renters and public housing residents and adequate resources for complete recovery and restitution.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

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

That the City Council does hereby endorse and adopt the **Investment Policy Statement** of the City of Erie Water Authority Reserve Funds (Sinking Fund) as recommended and presented for acceptance by the City of Erie Sinking Fund Committee, as submitted on June 18, 2007.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

President and Members of City Council  
626 State Street, Erie, Pa.  
RE: Rezoning of Property at 857 East 9<sup>th</sup> Street

June 26, 2007

Dear City Council Members:

The Erie Federal Credit Union is purchasing 1,523 acres of property located at 857 East 9<sup>th</sup> Street. We intend to use this property to build a 3,000 square foot branch office facility with drive-thru service.

The property is currently zoned M-1 Light Industrial. We would like to apply for rezoning of the property to C-1 Local Commercial District). The re-zoning initiative is sponsored by Council member James Thompson. This information has been verified with Brenda Sandberg, Zoning Officer for the City of Erie and we have enclosed the \$500.00 application fee.

Thank you for your time and prompt attention to this matter.

Sincerely,  
Norb Kaczmarek

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

That the City Solicitor is authorized and directed to prepare an ordinance amending Zoning Ordinance #80-2005 by changing the classification of property at **857 East 9<sup>th</sup> Street** from M-1 (Light Industrial District) to that of C-1 (Local Business District) and to refer said ordinance to the City Planning Commission for recommendation and report thereon.

(Sponsored by Councilman James Thompson on the initiative of City Council at the request of the Erie Federal Credit Union for the construction of a 3,000 square foot branch office facility with drive-thru service-Accompanied by the requisite filing fee in the sum of \$500.00)

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson, and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

To: President and Members of City Council

July 3, 2007

From: Erika Howland, Community Development Specialist  
Department of Economic & Community Development

Subject: City Council resolution for the July 11, 2007 meeting

#### **Dickson Tavern Auction**

The Department of Economic & Community Development will be representing a resolution authorizing the Mayor and other appropriate City officials to enter into an agreement with an auctioneer to provide for the sale of several hundred antique items belonging to the city of Erie currently stored in the Dickson Tavern. The city of Erie entered into an agreement to sell the property to developer Pat Black who will refurbish the historical building. Prior to that sale or the beginning of renovations, the remaining items in the tavern need to be sold. In total seven local auctioneers were contacted and encouraged to submit proposals. The City of Erie received three proposals and has chosen Rocco's Auction and Appraisal Services, 5041 East Avenue, McKean, Pa. 16426 for services related to conducting a public auction of the contents of Dickson Tavern on August 11, 2007. Mr. Rocco has operated a full time, full service auction company since 1984. He is licensed and bonded as an auctioneer carrying a \$1,000,000.00 liability policy. Mr. Rocco also carries the title of the 2006 Pennsylvania State Bid Calling champion. Total Compensation to be received by Rocco's Auction and Appraisal Services under the agreement, is not to exceed a flat fee of \$500 or 5% of the gross proceeds, whichever is greater. Additionally, Rocco's Auction and Appraisal Services will deduct \$300 for labor and \$850 estimated advertising costs from the gross proceeds providing the city with the remaining net proceeds within ten days following the auction.

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

That the Mayor and other appropriate City officials are authorized and directed to enter into an agreement between the City of Erie and **Rocco's Auction and Appraisal Services**, 5041 East Avenue, McKean, Pa., for services related to conducting a public auction of the contents of the **Dickson Tavern** on August 11, 2007. Total compensation to be paid to Rocco's Auction and Appraisal Services under the agreement not to exceed a flat fee on \$500.00 or 5% of the gross proceeds, whichever is greater, in addition to \$300.00 for labor. It is further agreed that the promotional expenses, estimated to be approximately \$850.00 will be the responsibility of the City of Erie. (The City of Erie entered into an agreement to sell the property to developer Pat Black who will refurbish the historical building. Prior to that sale or the beginning of renovations, the remaining items in the tavern need to be sold.

July 11, 2007. City Council adopt by yeas Council Members González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Nays. Mr. Cappabianca. 1.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

#### **Contract for Master Development Plan for Downtown Erie**

The Department of Economic & Community Development will be presenting a resolution authorizing the Mayor and other appropriate City officials to execute an agreement among the City of Erie the Erie Redevelopment Authority, Radnor Property Group, LLC and Fourth River Development, LLC both of 116 Federal Street, Suite 260, Pittsburgh, Pa. 15212. The agreement is for the creation and implementation of a "Master Development Plan" for four target areas within the central business district of the City of Erie. The plan will focus on the Griswold Area, which shall include a timeline, funding plan,

and a plan for the construction of townhouses, mixed use and/or live/work projects. The agreement defines the roles, responsibilities and obligations of each party. The City did issue a request for proposals seeking experienced and qualified developers in December 2006. Additionally, the developers will be reimbursed for any costs incurred while creating the master development plan in an amount not to exceed \$30,000. The reimbursement fund will be paid by the Erie Redevelopment Authority through a PA DCED Housing and Redevelopment Assistance Grant already secured by the Redevelopment Authority.

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

That the Mayor and appropriate City officials are authorized and directed to execute an agreement by and among the City of Erie, the Redevelopment Authority of the City of Erie, **Radnor Property Group and Fourth River Development LLC** (Radnor and Fourth River are to be referred to collectively as "Developer" having offices at 116 Federal Street, Suite 260, Pittsburgh, Pa.) for the creation and implementation of a "Master Development Plan" for four (4) target areas within the General Business District of the City of Erie, collectively described as the "Erie Downtown Revitalization Plan". This agreement defines the roles, responsibilities and obligations of each party. In addition, the City and the Redevelopment Authority further agree to reimburse the "Developer" for expenses incurred by the "Developer" in the creation of the Master Development Plan, in an amount not to exceed \$30,000.00. (The reimbursement funds will be paid by the Erie Redevelopment Authority through a PA DCED Housing and Redevelopment Assistance Grant already secured by the Redevelopment Authority.)

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

Commonwealth of Pennsylvania  
Department of Community and Economic Development  
Center for Local Government Services  
40 North Street - 4<sup>th</sup> Floor Commonwealth Keystone Building, Harrisburg, Pa 17120-0225

June 20, 2007

RE: Annual Report of Municipal Authorities 2006

Dear Monitoring Agency:

Enclosed please find the completed DCED-CLGS-04 for Erie Municipal Airport Authority for fiscal year ended December 31, 20067 and a copy of the audited financial statements for the same period.

Please let me know if you have questions or require additional information at this time.

Sincerely,  
S/ Sheilah Bruno, Chief Financial Officer

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

That the Annual Report of Municipal Authorities and the audited financial statements as submitted to the Department of Economic and Community Development for the **Erie Airport Authority** for the year 2006 are hereby received by City Council and ordered placed on file in the Department of Accounts, Finance and Budget.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

To: David González, City Council Liaison  
From: Jason W. Sayers, P. E., Assistant City Engineer  
Re: Easement Agreements - 1313 State Street; 263 West 18<sup>th</sup> Street, 29 West 5<sup>th</sup> Street

July 2, 2007

Resolution to execute the following three (3) Easement Agreements will be presented to City Council at their Wednesday, July 11, 2007 meeting:

\* Between the City of Erie and Heidi Corporation, owner of 1313 State Street, for the construction of an identification sign. The sign will protrude 2.5 feet into the State Street right-of-way and will be located 13.5 feet above the sidewalk

\* Between the City of Erie and Julius Yacobozzi, owner of 263 West 18<sup>th</sup> Street, for the construction of two (2) entrances, including an accessible ramp. Both entrances will protrude 3 feet into the Myrtle Street right-of-way. An adequate width of sidewalk will remain for pedestrian travel.

\* Between the City of Erie and Thomas Dworzanski, owner of 29 West 5<sup>th</sup> Street, for the construction of a stair/landing assembly and an awning. The assembly and awning will protrude 4 feet into the West 5<sup>th</sup> Street right-of-way. An adequate width of sidewalk will remain for pedestrian travel

The City Engineer's office has reviewed the proposals and finds them acceptable. Please contact me at 870-13907 if you have any questions.

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

That the proper City officials are authorized to execute an Easement Agreement between **Heidi Corporation**, owner of 1313 State Street, for the construction of an identification sign "Adult Mart", which will protrude 2.5 feet into the State Street right-of-way and will be located 13.5 feet above the sidewalk, in compliance with the attached City Engineer's metes and bounds description.

July 11, 2007. The foregoing resolution was withdrawn from consideration at the request of City Council.

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

That the proper City officials are hereby authorized and directed to execute an Easement Agreement between the City of Erie and **Julius and Cornelia Yacobozzi**, owner of 263 West 18th Street, for the construction of two (2) entrances, including a handicap accessible ramp, with both entrances protruding 3 feet into the Myrtle Street right-of-way. (An adequate width of sidewalk will remain for pedestrian travel), in compliance with the attached City Engineer's metes and bounds description.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are hereby authorized and directed to execute an Easement Agreement between the City of Erie and **Thomas Dworzanski**, owner of 29 West 5<sup>th</sup> Street, for the construction of a stair/landing assembly and an awning, which will protrude 4 feet into the West 5<sup>th</sup> Street right-of-way. (An adequate width of sidewalk will remain for pedestrian travel), in compliance with the attached City Engineer's metes and bounds description.

July 11, 2007. The foregoing resolution was withdrawn from consideration at the request of City Council.

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

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and 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. **Tom Tushak, Inc.**, 328 Mechanic Street, Girard, Pa., for Fire Alarm Box Base Removal and Sidewalk Replacement at various areas of the city, for the sum of \$5,780.00.

2. **Mayer Bros. Construction Co.**, 1902 Cherry Street, Erie, Pa., for 2007 Curb Ramps-1, for the sum of \$289,877.05, they being the lowest of two bids received.

3. **McCormick Structural Systems, Inc.**, 1345 West 12<sup>th</sup> Street, Erie, Pa., for the demolition of three properties at a total cost of \$17,200.00; they being the lowest of two bidders:

669 Hess Avenue, Index #2202-236 \$8,200.00

932 West 26<sup>th</sup> Street (Front), Index #6028-133 - \$7,200.00

3. 932 West 26<sup>th</sup> Street (Rear), Index #6028-133 - \$1,800.00

**Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, Pa., for printing of the 2007 Summer Parks and Recreation Guide for the sum of \$3,855.00. (Funds to be drawn from the Summer Recreation Program, Account #259-1219-2007-4552)

4. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, Pa., for Printing and Distribution of the 2007 Summer Parks and Recreation Guide for the sum of \$7,464.00. (Funds to be drawn from the Pennsylvania DEP, Act 101 Recycling Grant, Account #263-0731-2005-4041)

5. **Bitting**, P. O. Box 6445, Harrisburg, Pa. for Engineered Wood Fiber to maintain Safety Zones in City Parks, for the sum of \$5,835.00.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Horan-Kunco, 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 charge dot the respective Budget Code Numbers, viz

1. **McCormick Structural Systems**, 1345 West 12<sup>th</sup> Street, Erie, Pa., for the Demolition of 328 Wilson Street, Index #2028-110, of the Department of Economic and Community Development for the sum of \$5,700.00; lowest of two bids.

2. **Five Star International**, P. O. Box 64006, Baltimore, MD, for an Engine to repair Streets Vehicle #784 for the Bureau of Streets for the sum of \$6,350.00.

3. **Endress Hauser % Fortberg Scientific**, 12446 Plaza Drive, Cleveland, Ohio, for four (4) Chart Recorders for Life Station, for the Bureau of Sewers at a total cost of \$7,177.08 (\$1,756.77 each

4. **Robinson Pipe Cleaning Company**, P. O. Box 396, Eighty Four, Pa, for the Emergency Cleaning of a 30 inch sewer line for the Bureau of Sewers for the sum of \$6,363.00.

July 11, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

July 11, 2007. Signed by the President. Attested by the Acting City Clerk.

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July 11, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. González, adjourned at 12:50 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Attest:

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President of City Council

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(Acting) City Clerk

