

The City Council met in regular session in the Council Chambers on Wednesday, August 15, 2007 at 7:30 p.m.

Council Members present: Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. (Mrs. Jenkins-Husband was out of town)

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of August 1, 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 Thompson. 6. Nays. 0.

Copies of the bills under date of August 10th and August 17th were given to City Council and same adopted by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

By Mr. Jones, Council File Ordinance #15,537, Pending Official File Ordinance #46-2007 an ordinance amending Zoning Ordinance #80-2005 by changing the classification of property located at **1909 Franklin Avenue**, from R-1 (Low Density Residential District) to that of C-2 (Local Business District) for the development of business and retail offices.

August 15, 2007. City Council on motion of Mr. Jones, Seconded by Mr. González, having read Council File Ordinance #15,537 and now known as Pending Official File Ordinance #46-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Jones, Schember and Thompson. 5. Nays. Horan-Kunco. 1.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

By Mr. Schember, Council File Ordinance #15,538, Pending Official File Ordinance #47-2007

an ordinance amending Zoning Ordinance #80-2005 by adding Commercial Recreation to the list of Permitted Uses within the M-2 Zoning District and amending Article 6, Definitions for Commercial Recreation to add "or Institutional" in relation to the type of facility. (Regarding a request from Cathedral Prep)

August 15, 2007. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance 15,538 and now known as Pending Official File Ordinance #47-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

By Mr. Cappabianca. Council File Ordinance #15,539

an ordinance appropriating the sum of **\$138.69** from unappropriated and anticipated revenue from Account #241-0613-2005-3611 Justice Assistance Grant 2005 Interest Income Account and providing for the expenditure thereof by allocating said funds to Account #241-0613-2005-4039 Consumable Items, for the purchase of a new Scanner for the Vice Unit of the Police Department.

August 15, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,539, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending the Codified Ordinances of the City of Erie, Part One Administrative Code, Title Three, Article 112 Rules of Council, Section 112.10 Order of Business(e) Committee Reports of Council, by establishing a **five (5) minute time limit on all Council Committee Reports.**

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

Mr. Matthew Pisano, Managing Partner
204 West Sixth Street, Erie, Pa. 16507

August 3, 2007

Dear Mr. Pisano:

Please find the enclosed letter from Mr. Michael Masch, Commonwealth of Pennsylvania Secretary of the Budget, regarding Invest Erie's one million dollar grant request from the Redevelopment Assistance Capital Program.

As stated in the letter, it appears that the materials submitted fail to fully satisfy the Special Conditions of the Grant Agreement. As such, the office of the budget has terminated the RACP grant request for the Parade Street Plaza Project.

Sincerely,
S/ Joseph E. Sinnott, Mayor

Honorable Joseph E. Sinnott
Mayor, City of Erie, 626 State Street, Erie, Pa., 16501

August 2, 2007

Dear Mayor Sinnott:

Please be advised that the Office of the Budget has reviewed the materials recently submitted regarding the possible termination of the \$1,000,000.00 grant from the Redevelopment Assistance Capital Program (RACP) for the Parade Street Plaza Project in the City of Erie.

Unfortunately, the materials submitted to date have failed to fully satisfy the Special Conditions to the Grant Agreement. Therefore, pursuant to Article 13 of the grant agreement, the Office of the Budget is terminating the RACP grant for this project effective immediately. If in the future your ability to execute on this project improves, you may contact the Governor's Office to be considered for a possible re-release of funds.

Sincerely,
S/ Michael J. Masch, Commonwealth of Pennsylvania
Governor's Office, Harrisburg, Pa.

August 15, 2007. City Council receive and enter in the minutes for information.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending the Codified Ordinances of the City of Erie Part One Administrative Code, Title Three, Article 112, Rules of Council, Section 112.01(a) Meetings, by stating that **Council shall hold regular meetings** on the first Wednesday of the month commencing at 9:00 a.m., on the third Wednesday of the month commencing at 7:30 p.m. (and on the fifth Wednesday, of the month commencing at 7:30 p.m., if applicable.)

August 15, 2007. City Council adopt by yeas Council Members, Cappabianca, González, Jones, Schember and Thompson. 6. Nays. Horan-Kunco. 1.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

NOTE: Language bracketed in parentheses was eliminated by consensus of Council in the Caucus meeting before the meeting was in session.

By Mr. Thompson, Seconded by

That the proper officials of the City Administration are respectfully requested to consider **re-installing the protective grate** that once covered the entrance to the Mill Creek Tube located on West 30th Street east of Glenwood Park Avenue for the safety of citizens.

August 15, 2007. The foregoing resolution was withdrawn at the request of the sponsor.

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

That the City Traffic Engineer is respectfully requested to study the feasibility of establishing the intersection of **West Grandview Blvd. and Greengarden Blvd.** as a four-way "Stop" Intersection (presently a two-way "Stop" intersection stopping traffic traveling in a north/south direction) and report her findings thereon back to City Council.

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

To: Council President Rubye Jenkins-Husband and Council Members August 11, 2007
From: Kim Green, Director, Economic and Community Development, City of Erie
Re: 1208 West 17th Street, (Item #5 under New Business this week)

This property was declared blighted by the Blighted Property Review Committee on March 9, 2005. The City had demolished a structure located on this lot back in 1999. Taxes had not been paid in the last five years. Normally as part of the Blighted Property Process, this lot would be among those on which the ERA would file to take by eminent domain.

They were prepared to do this but were waiting for their July 1 CDBG allocation for the funds to cover the legal costs involved in filing the eminent domain taking. Typically once that is done ERA comes to Council and asks that the taxes and liens be waived and then they advertise it for possible redevelopment at a reduced value. This approach gets the property back on the tax rolls and gets the property redeveloped.

In this particular case, there was a business owner next door that had tolerated the awful condition of this property for many years. He wanted to bid on it once the ERA had taken it through the legal process as outlined above but he was anxious to get moving on it and get it cleaned up. He contacted both me and John Elliott from the ERA and asked if there was anyway he could contact the owner to see if he could purchase it directly from the owner for a small price. There is nothing to prevent him from doing this, but the blight declaration stays with the property until the new owner gets it cleaned up. He asked if he paid the taxes for the past five years and brought those current, if the City would consider waiving the demolition lien (which at this point was highly inflated due to interest and penalties that had accrued.) After speaking with the Mayor, it was our feeling that it would be better to get this property cleaned up and back on the tax rolls, avoid the legal costs that would be paid for with CDBG funds for the eminent domain taking and forego the loss of all taxes and liens that would likely be removed once ERA took the property. We told Mr. Jones (the new buyer) that we would support waiving the demo lien if he would purchase the property and pay the back taxes. Mr. Jones has done that. In fact he even went ahead and paid the demolition lien in hopes that Council would see his commitment to removing the blight conditions that exist. We are asking that Council abate the demo lien in this case, as taxes have been paid in full by the new owner.

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

That the proper City officials are authorized to abate the demolition lien which was paid in full on July 27, 2007 against property commonly known as **1208 West 17th Street**, identified as Index #(16) 031-030.0-213.00 by the Erie County Tax Claim Bureau as the City has obtained a purchaser of the property willing to pay all delinquent taxes in consideration of abating the lien.

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

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

That a two year contract for approximately 99,000 mcf of natural gas for the Wastewater Treatment Plant, the Erie Zoo, and various City accounts is hereby awarded to **Vineyard Oil & Gas**, 10299 West Main Road, North East, Pa., for the quoted price of \$.55 cents per D/th plus the daily NYMEX price until August 31, 2008 and \$.60 cents per D/th plus the daily NYMEX price until August 31, 2009. The NYMEX price shall fluctuate during the course of the contract and the delivery price shall remain as quoted. This is the low quote of 4 licensed suppliers. (See attached quotes) and

Be It Resolved, that His Honor the Mayor and the City Controller are authorized and directed to execute said contract on behalf of the City of Erie and that the City Council does hereby ratify and confirm the said transaction which is to be charged to Budget Code Number "4047".

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

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, CDBG XXXII-3 (F06) Project:

TRANSFERRED FROM			TRANSFERRED TO		
Amount	Account	Title	Amount	Account	Title
\$3,978.72	501-1255-2006-4047	Heat, Light	\$279.72	501-1255-2006-4033	Optg. Supplies
		Power & Water	3,699.00	501-1255-2006-4056	Repair
			\$ 3,978.72		Maint.Services

(This transfer is being requested to pay for repairs to the Rodger Young Pool and for chlorine for the pool)

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

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

That the following amount is hereby transferred in the 2006 Weed and Seed Quality of Life Grant:

TRANSFERRED FROM			TRANSFERRED TO		
Amount	Account	Title	Amount	Account	Title
\$ 206.59	261-0613-2006-4016	Fica/Med.,	\$ 2,716.77	261-0613-2006-4006	Overtime
		Taxes			
803.77	"	4021 Valic			
1,706.41	"	4059 Other Services & Charges			
\$ 2,716.77					

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute contracts with 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. **Russell Standard Corp.**, Drawer W. Fairview, Pa., lowest of three bids received for the 2007 Proposed Milling and Asphalt Resurfacing of various City Streets and the installation of Concrete Curb Ramps II for the sum of \$543,037.90.
2. **Mayer Brothers Construction Co.**, 1902 Cherry Street, Erie, Pa. for the 2007 Curb Ramps Project II, they being the lowest of two bidders in the amount of \$308,540.40.
3. **Environmental Resources**, P. O. Box 786. W238 N2968 Rocky Point Road, Pewaukee, WI, for emergency purchase of Cornershaft Assemblies Headworks Grit Chamber, for the Bureau of Sewers at a total cost of \$18,440.00.

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

By Mr. González, Seconded by Mr. Jones, 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. **Traffic Products, LLC**, 397 Lancaster Avenue, Malvern, Pa., for a traffic signal controller, power supply and MMU (conflict monitor) that are needed to maintain the signal system on 12th Street, for the sum of \$4,024.00.
2. **Atlantic Irrigation Specialties**, 111 Lafayette Avenue, N. White Plains, NY, for Global Service 24 hour Plan which provides service and technical support for the automatic irrigation systems at Downing and J.C. Martin Golf Course, for the sum of \$4,620.00.
3. **Pool Doctor**, 1903 West 8th Street, Suite 284, Erie, Pa., for Bulk Chlorine, Pump System and Misc. parts for Rodger Young Pool, for the Department of Economic and Community Development, for the sum of \$5,385.84.
4. **Kingview Enterprises, Inc.**, P. O. Box 2, Lakewood, NY, for the Demolition of 1031 Raspberry Street, Index #3051-231, for the Department of Economic and Community Development, for the sum of \$8,500.00.
5. **B. J. Muirhead Co.**, 115 Mid County Drive, Orchard Park, NY, for a Boiler Feed Pump for the Bureau of Sewers, for the sum of \$4,304.75.
6. **Liquid Analytical Resources, LLC**, Phoenix Park, Two Shaker Road, Suite D212, Shirley, MA, for a DO and PH Probe for the Bureau of Sewers for the sum of \$5,255.00. (This probe is used by the lab to record information that is necessary for the NPDES permit. Liquid Analytical Resources, LLC is the lower of the two quotes received. It will be paid for out of the Wastewater Treatment Plant's 4033 Operating Supplies Account at a cost of \$5,255 and \$100.00 shipping charge for a total of \$5,355.00.)

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

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

That the communications submitted pursuant to Act 339, listing the names, positions and salaries of the employees of various City of Erie **Authorities** for the first six months of 2007 are hereby received by City Council and ordered placed on file in the Office of Accounts, Finance and Budget:

Erie Airport Authority	Erie Metropolitan Transit Authority
Erie Housing Authority	Erie-Western PA Port Authority
Erie Parking Authority	Erie Park Authority (Zoological Society)
Erie Water Authority	Erie Convention Center Authority
Erie Redevelopment Authority	

August 15, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

August 15, 2007. Signed by the Acting President. Attested by the Acting City Clerk.

August 15, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 9:30 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson. 6. Nays. 0.

Attest:

(Acting) President of Council

(Acting) City Clerk

