

The City Council met in regular session in the Council Chambers on Wednesday, September 5, 2007 at 9:00 a.m.

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

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of August 15, 2007 were dispensed with and same adopted with copies furnished to the 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 August 24th and 31st and September 7, 2007 were given to 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 of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained.

By Mr. Cappabianca, Council File Ordinance #15,539 and now known as Pending Official File Ordinance #48-2007, entitled
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.

September 5, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,539 and now known as Pending Official File Ordinance #48-2007 does hereby adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,540, entitled
an ordinance appropriating the sum of **\$61,111.00** from unappropriated and anticipated revenue from Account #241-0613-2007-3304 Justice Assistance Grant and providing for the expenditure thereof by allocating said funds to Account #241-0613 - 2007-4078 Machinery & Equipment.

September 5, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schember, having read Council File Ordinance #15,540, 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 #15,541, entitled
an ordinance amending Traffic Code #26-1958 by approving the installation of **Stop Signs** at the following intersections:
West 29th & Chestnut Street, stopping east-west traffic on West 29th
East Grandview Blvd. & Fargo Street, stopping southbound traffic on Fargo
West 15th and Kahkwa Boulevard, stopping east-west traffic on West 15th
Delaware Avenue & Ottawa Avenue, stopping east-west traffic on Ottawa
Delaware Avenue & Grove Drive, stopping east-west traffic on Grove Drive
Delaware Avenue & Woodland Drive, stopping east-west traffic on Woodland
East 44th Street & McClelland Avenue, stopping westbound traffic on East 44th Street

September 5, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. González, having read Council File Ordinance #15,542, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember Thompson and Jenkins-Husband. 7. Nays. 0.

By Cappabianca, Council File Ordinance #15,542, entitled
an ordinance amending Part 1 of the Codified Ordinances (Administrative Code), Article 112 (**Rules of Council**), by adding Section 112.10(e), limiting Councilmanic Committee Report to five (5) minutes.

September 5, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Jones, having read Council File Ordinance #15,542 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. Jones, Council File Ordinance #15,443
an ordinance amending Part 1 of the Codified Ordinances (Administrative Code), Article 112 (Rules of Council), Section 112.01 (Meetings), Subsection 112.01(h) (Regular Meetings) by modifying the current schedule to provide for only two (2) regular Wednesday meetings each month, with the meetings on the first Wednesday of the

month commencing at 9:00 a.m. and the meetings on the third Wednesday of the month commencing at 7:30 p.m.

September 5, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,443 does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Jones, Schember and Thompson. 5. Nays. Horan-Kunco and Jenkins-Husband. 2.

Pursuant to the provisions of Zoning Ordinance #80-2005 and of the proper legal advertising, the City Council proceeded to hold **Public Hearings** regarding requests for Waterfront Conditional Use and/or rezonings of the following properties commencing at **9:30 a.m.**

1. A request to change the classification of property located at **857 East 9th Street**, from M-1 (Light Industrial District) to that of C-1 (Local Business District) for the Erie Federal Credit Union.
2. A request for Waterfront Conditional Use for property at **237-41 West Front Street** for construction of a twelve unit residential structure, proposed by Chris Edgett.
3. A request for Waterfront Conditional Use for property located on western **Presque Isle Bay** for construction of a three-unit condominium on properties owned by Haggerty/Veith. This site is the western-most piece of the Waterfront Commercial Zoning District. Access to proposed structures will be through Niagara Point.
4. A request for **revision to Section 405.10** to require a Petition to Rezone to include the 500 foot radius notification as required for notice prior to a public hearing; revising the definitions of Auto Repair and Service Garage to allow the sale of not more than five (5) vehicles; (current allotment of 4 vehicles is in violation of State Code for Automotive Dealers which requires five) and clarifying Section 205.26 to allow for an addition to infringe into side and rear setback areas.

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

WHEREAS, La Nuova Aurora Society was founded in 19907 to support the needs of the growing Italian community of Erie, Pennsylvania, and

WHEREAS, in this period when fringe benefits and insurance coverage was nil among the immigrant population, La Nuova Aurora Society provided both sick and death benefits for its many members, and

WHEREAS, the club kept alive and fostered the customs and traditions of the immigrants native land, Italy, as well as promoting citizenship and patriotism to this new land, the United states, and

WHEREAS, the small organization went from 72 members in 1911 to become at one time the wealthiest club in the entire Commonwealth and with the decline and fall of all ethnic clubs, through the perseverance and hard work on the part of the membership, continued to stay in existence despite the hard times, and

WHEREAS, the Nuova Aurora is the only remaining Italian-American Club in existence today (2007) in Erie, Pa., and on this occasion of the club's 100th Anniversary, we as representative so the people of the City of Erie, salute you, so

THEREFORE, BE IT RESOLVED, that the Council of the City of Erie, pay special tribute to La Nuova Aurora Society for all the good accomplishments among not only Italian Americans but all the people of this community and

BE IT FURTHER RESOLVED, that a copy of this tribute be placed in the archives of the City of Erie.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

Whereas, the City Administration officials are respectfully requested to evaluate the **Airport Board composition** whereby the County could have appointed seats in addition to the City Council airport board appointments, and

Whereas, the airport is in need of funding support to complete the needed safety and rehab runway extension project, so

Therefore, the City Administration is respectfully requested to begin a formal dialogue with City and County officials and after careful review of appointee seats and appointee qualifications, to submit its findings and recommendations in a study session with City Council.

September 5, 2007. Before the vote was taken on the foregoing motion, the following language was proposed by Mrs. Horan-Kunco, Seconded by Mr. Thompson to amend the above resolution as presented:

That the City Administration is respectfully requested to study other models of authority board appointments including the Erie Municipal Airport Authority to evaluate board composition and begin a dialogue with County officials and after careful review of appointee seats and appointee qualifications, to submit its findings and recommendations in a study session with City Council.

September 5, 2007. City Council adopt, as amended, by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That the members of Erie City Council wish to record their opposition to Senator Jane Earll's pending legislation to change the governance of the **Erie Municipal Airport Authority** by expanding the membership of the Board with the majority of the appointments being made by the County Executive.

Be It Further Resolved, that the City Clerk is authorized and directed to forward copies of this resolution to State Senator Jane Earll and to State Representatives Fabrizio, Harkins, Hornaman, Evans and Sonney.

September 5, 2007. Before the vote was taken on the above resolution, the following amendment was proposed:

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

Whereas, this resolution shall not be construed to indicate that the Erie City Council is opposed to beginning a constructive dialogue with both City and County officials to discuss the issue of regionalism in appointments to authorities.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Schember and Thompson. 5. Nays. Jones and Jenkins-Husband. 2.

September 5, 2007. City Council adopt, as amended, by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to prepare an Easement Agreement between the City of Erie and **Rehrig Properties II, LLC**, owner of 1706 and 1720 West 20th Street, Index Nos. (16) 3124-201 and (16) 3124-202, in compliance with the Consulting Engineer's metes and bounds description locating a storm water detention pipe in the West 20th Street right-of-way.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an agreement with Erie County for the purpose of approval, adoption and placement in immediate effect for the **Hazard Mitigation Plan** of Erie County.

September 5, 2007. The foregoing resolution was withdrawn from consideration at the request of City Council until the September 15th meeting of City Council.

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

That the proper City officials are authorized and directed to enter into an agreement with **Rocco's Auctions and Appraisals**, 6101 West Road, McKean, Pa., to conduct a public auction on September 19, 2007, at the City of Erie Municipal Garage for the purpose of selling obsolete equipment, vehicles and miscellaneous parts from the City of Erie, Water Authority, Parking Authority and other governmental agencies. (Lowest of three Auctioneers solicited)

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to seek the best price by auction of a **1992 Chevrolet Astro Van** (126,000 miles) from the police inventory which is unserviceable due to excessive mileage and in need of repairs that are not warranted because of it's general condition.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That Mayor and City Controller are authorized and directed to execute a contract between the City of Erie and **Five Star International**, 6100 Wattsburg Road, Erie, Pa., for a Core Charge, Air Brake Spring Kit, Synthetic Transmission Fluid, LCD Panel Assembly, and Walking Beams for the Municipal Garage for the sum of \$14,462.59.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction that is to be charged to Budget Code #002-0719-0000-4035.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.
September 5, 2007. Signed by the President. Attested by the City Clerk.

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

That the City Purchasing Agent is authorized and directed to issue a purchase order 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 transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Safe Kids Erie Area**, 606 West 2nd Street, Erie, Pa., for 14 Smoke Detectors for hearing and visual special needs residences for the Bureau of Fire, for the sum of \$2,000.00. (Grant matched by Safe Kids)
2. **SunGard Pentamation**, 3 West Broad Street, Bethlehem, Pa., for Pentamation Plus Upgrade Services for the Bureau of Computer Services for the sum of \$3,600.00.
3. **SunGard Pentamation**, 3 West Broad Street, Bethlehem, Pa., for Pentamation Plus Upgrade Services for the Bureau of Computer Services for the sum of \$4,360.00.
4. **Ronald Talarico, Esq.**, 2150 Koppers Building, Pittsburgh, Pa., for professional services regarding an Arbitration Hearing (fire company closure) for the Bureau of Fire for the sum of \$2,533.10.
5. **Five Star International**, P. O. Box 64006, Baltimore, MD, for a Transmission to Repair Streets #1265 for the Bureau of Streets, for the sum of \$9,930.30.
6. **Cleveland Valve and Gauge**, 4755 West 150th Street, Cleveland, Ohio, for the Emergency Repair of two (2) Incinerator Waste Heat Boiler Valves at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$3,000.00.
7. **Eccentric Pumps**, P. O. Box 1900159, Atlanta, Georgia, for the purchase of a Ferric Chloride Feed Pump for the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$3,923.26.
8. **William T. Spaeder**, 1602 East 18th Street, P.O 10066, Erie, Pa. for the Removal and Weighing of #2 Chlorine Evaporator for the Bureau of Sewers at a total cost of \$4,625.00.
9. **Scobell Company**, 1356 East 12th Street, Erie, Pa., for the Replacement of two Valves on the Chiller System at the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$5,180.37.
10. **William T. Spaeder**, 1602 East 18th Street, P. O. Box 10086, Erie, Pa., for the Installation of a Skimmer Beach Plate in Flotation Tank #2 for the Bureau of Sewers for the sum of \$9,850.00.
11. **Borger Rotary Lobe Pumps**, 740 NE Harding Street, Minneapolis, MN, for the purchase of a new Rotary Lobe Thickened Sludge Pump for the Wastewater Treatment Plan for the Bureau of Sewers for the sum of \$9,900.00.
12. **Winkle Electric**, 4727 Pittsburgh Avenue, Erie, Pa., for the Renewal of the Service and Technical Support Agreement for the Software that controls all plant operations at the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$6,180.80 per year for a period of three years.
13. **Five Star International**, P. O. Box 64006, Baltimore, MD, for Walking Beams and Core Charge for Refuse 1361 for the Municipal Garage for the sum of \$2,726.54.

September 5, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.
September 5, 2007. Signed by the President. Attested by the City Clerk.

Mayor Joseph Sinnott attended the City Council Meeting of September 5, 2007 to present the Mid-Year Report:

MID-YEAR REPORT 2007

In the first 18 months of this administration significant inroads have been made towards restoring stability in the city's financial health. To the credit of each of the department heads and their dedicated and capable staffs, each department has individually taken on the challenges that face the city from their department's perspective. As a result, all aspects of city government have begun an evolution toward greater efficiency and effective operation, for the wellbeing of the community and the benefit of the City Of Erie taxpayers. This metamorphosis was necessitated by the threat of Act 47 at the close of 2005, a fate that has befallen many other cities in the commonwealth. We have not yet escaped the shadows of Act 47 intervention, but with none of the cities who have entered the program reporting positive experiences from the process, we are resolved to continue our quest to fashion our own remedies and make the changes necessary to restore stability to the City of Erie operations and finances.

Through the efforts of the administration and council, we were able to reverse the trend of deficit spending that had plagued the city for each of the 4 years prior to this administration taking office. Through hard decisions and the continued pursuit of unprecedented efficiency, the City of Erie became a minimally profitable operation in the calendar year of 2006.

Through the first 6 months of 2007, I am proud to report that these trends are continuing. As was demonstrated during the 2007 budget process, this administration is committed to making government spending efficient and prudent for the highest benefit of our taxpayers. The budget presented in the fall of 2006 was a bare bones budget with no frills or extras, concentrating on the core competencies that the city should provide to its citizenry. The numbers in this mid-year report show that we are staying within the parameters of this budget and achieving another year of financial success. Every department is scrutinizing their spending, tightening their belts and developing new and innovative ways to do more with less.

We are continuing to pursue the items set forth in the early intervention plan along with making systemic changes to the city operation to make it economically viable for the long term. Our goal is to create a better way of doing business for a governmental entity that will set the standard for successful municipalities and create a roadmap for other cities to escape their financial difficulties.

This is the mission that each of the department heads in this administration has been charged with. Our directors and bureau chiefs have taken a leadership role in finding ways to make their departments operate with less, while not compromising the services and safety provided to our citizens. We are succeeding in this mission. In time, with the ongoing support of city council and the cooperation of the employees, we can re-stabilize the city and continue to move our operation in a positive direction.

September 5, 2007. City Council receive and order placed on file in the Office of the City Clerk, by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband.

September 5, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Jones, adjourned at 12:31 p.m. by yeas Council Members Cappabianca, Horan-Kunco, Jones, Thompson and Jenkins-Husband. 5. Nays. 0. (Mr. González left the meeting at 12:05 p.m. and Mr. Schember at 12:10 p.m.)

Attest:

President of City Council

City Clerk