

The City Council met in regular session in the Council Chambers on Wednesday, November 7, 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 October 17, 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 March 30, 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 from voting.

By Mrs. Horan-Kunco, Council File Ordinance #15,551, Pending Official File Ordinance #58-2007,

an ordinance appropriating the sum of **\$3,000,000.00** from unappropriated and anticipated revenue from Account #507-0000-0000-3307 Federal Operating Grant HUD and providing for the expenditure thereof by allocating said funds to various #507-1242-2007-44xx Lead Hazard Control - Administration and Lead Hazard Control Projects.

November 7, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,551 and now known as Pending Official File Ordinance #58-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, and Thompson. 6. Nays. 0. (Mrs. Jenkins-Husband abstaining.)

November 7, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,552, Pending Official File Ordinance #59-2007,

An ordinance appropriating the sum of **\$95,200.00** from unappropriated and anticipated revenue (FEMA 2007 Assistance to Firefighters Grant Application) and providing for the expenditure thereof by allocating said funds to Account #002-0639-0000-4024 Tool Allowance & Uniform Benefits (for turn-out gear)

November 7, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance #15,552 and now known as Pending Official File Ordinance #59-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

November 7, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,553, Pending Official File Ordinance #60-2007,

an ordinance appropriating the sum of **\$13,000.00** from unappropriated and anticipated revenue from Account #215-0613-0000-3342 Police Drug & Vice PA Opr. Acct. and providing for the expenditure thereof by allocating said funds to Account #215-0613-0000-4078 Machinery & Equipment.

November 7, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,553 and now known as Pending Official File Ordinance #60-2007, does hereby adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

November 7, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,554, Pending Official File Ordinance #61-2007, an ordinance amending the Business and Taxation Code of the City of Erie, Article 330, **Landlord Licensing**, by establishing a zoning amnesty for properties actually used a rental units at the time of this ordinance adoption, specifically amending Section 330.03, Subsection (b) (4) to read:

"All existing dwelling units in compliance with this Section on December 31, 2007, shall be permitted to operate at a density listed on such Registration even if such density is not in strict compliance with Section 205 of the City of Erie Zoning Ordinance. Any registrations or density changes submitted after December 31, 2007 shall be required to be reviewed and approved by the City of Erie Zoning Office prior to their occupancy."

November 7, 2007. After a lengthy discussion, motion was made by Mr. Cappabianca, Seconded by Mr. Schember, TABLED the foregoing ordinance by yeas Council members Cappabianca, González, Horan-Kunco, Schember and Jenkins-Husband. 5. Nays. Jones and Thompson. 2.

By Mr. Thompson, Council File Ordinance #15,555

an ordinance approving the sale of property located in **Ravine Park** and repealing all prior ordinances or any part thereof which conflict with the provisions of the ordinance.

November 7, 2007. After a lengthy discussion, the foregoing ordinance was withdrawn at the request of City Council.

By Mr. Thompson, Council File Ordinance #15,556

an ordinance amending the Codified Ordinances of the City of Erie, Part One (Administrative Code), Title Seven (Employment Provisions; Pension, Article 145 (**Officers' and Employees' Retirement System**), Section 145.13 (Controlling Provisions of the Internal Revenue Code), Sub-Section 145.13 (m) Direct Rollover) and Subsection 145.13 (n) EGTRAA - Required Rollover Provisions) by amending said subsections in their entirety by expanding the method of financing the purchase of service credit.

November 7, 2007. City Council on motion of Mr. Thompson Seconded by Mr. Schember, having read Council File Ordinance #15,556, 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. Thompson, Seconded by Mr. Schember, Resolved, etc.,

That pursuant to Public Hearing held before the City Council on October 17, 2007 and the provisions of Zoning Ordinance the request from the Erie-Western Pennsylvania Port Authority for Waterfront Conditional Use for the construction of a Restroom/Concession Stand Facility to be located at the **East Avenue Boat Launch** is hereby approved.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the communication from the City Planning Commission recommending approval of a request from Verizon Wireless for Waterfront Conditional Use for the installation of **cellular antenna equipment** on the Bicentennial Tower located on Dobbins Landing be approved and

Be It Further Resolved, that the City Clerk is authorized and directed to advertise notice of a Public Hearing concerning the said request to be held before City Council in the Council Chambers, Municipal Building, on Wednesday, **November 21, 2007** at approximately **10:00 a.m.**

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the City Traffic Engineer is respectfully requested to study the feasibility of relocating the Stop Signs at **West 16th and Poplar Streets** stopping traffic on Poplar at West 16th Street, traveling westward and to report her findings thereon to the City Council.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

Ron Komorek
626 State Street, Erie, Pa. 16501

September 14, 2007

Dear Ron:

To follow up on the letter set to you in August (enclosed), regarding a new SEC regulation eliminating non-discretionary fee-based brokerage accounts, we have enclosed new documentation to establish a non-discretionary fee-based advisory account. Please note that the fee rate for the proposed non-discretionary advisory account will be the same rate applied previously to your non-discretionary fee-based brokerage account.

The enclosed new account documents include a Non-Discretionary Advisory Agreement and a fee appendix for your signature.

If you would like to discuss this further please give me a call and I will be happy to discuss any questions you might have regarding the proposed change in your account.

Important Notice regarding your Morgan Stanley Private Wealth Management Fee-Based Brokerage Account

We are writing to describe an upcoming change to your Morgan Stanley Private Wealth Management fee-based brokerage account. Your fee-based brokerage account is a brokerage account with a pricing structure that has allowed you to pay an annual fee based on the assets in your account (paid quarterly in arrears), rather than commissions on individual trades.

As a result of a recent decision by the United States Court of Appeals, as of October 1, 2007, financial services firms will no longer be able to offer fee-based brokerage accounts. The ruling affects all financial services firms, not just Morgan Stanley.

The decision related to the SEC's authority to adopt a rule exempting fee-based brokerage accounts from the Investment Advisors Act of 1940. The decision did not relate to the merits of fee-based brokerage accounts. Morgan Stanley and the other firms were not parties to the litigation and were not in a position to prevent the outcome. This means that after October 1, we must discontinue the asset-based pricing feature of your fee-based brokerage account.

Please be assured that you will still be able to maintain your account with us. When your fee-based brokerage account agreement terminates on October 1, your underlying brokerage account (such as your securities account or Individual Retirement Account (IRA)) will automatically remain in place and no action is necessary to maintain brokerage services.

We encourage you to speak with your Investment Representative about how the change in pricing Structure will affect you. This also provides a good opportunity to discuss our full range of account programs and what may be best for you.

Morgan Stanley offers a number of different advisory programs, including a new non-discretionary advisory program. These advisory programs have pricing arrangements similar to that of your current fee-based brokerage account, but with different features and restrictions.

Change in the Pricing Structure

After October 1, 2007, instead of paying an annual asset-based fee, you will pay transaction-based commissions, mark-up/mark-downs and/or fees. You will continue to be able to trade stocks, bond and mutual funds. After October 1, 2007, the final fee related to your fee-based brokerage account will be processed in accordance with your standing instructions. We will, of course, waive any termination fees associated with the removal of this pricing feature.

Morgan Stanley is dedicated to making this change, which has affected the entire financial services industry, as easy and as seamless as possible for our valued clients. Again, we encourage you to speak with your Investment Representative for more information.

We thank you for your business and welcome the opportunity to serve you now and in the future.

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

WHEREAS, the City Council has adopted a new Investment Policy for the Sinking Fund Committee to follow for the investment of the Water Reserve Funds, by resolution dated July 11, 2007, and

WHEREAS, the Sinking Fund Committee has proceeded to redirect some of the invested funds to gain a better return and increase the principal amount of the fund, which will not require authorization to execute new agreements with our investment entities, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that the proper City officials are authorized and directed to execute a Non-Discretionary Advisory Agreement and Fixed Fee Appendix with **Morgan Stanley** and a Subscription Agreement with a new investment partner, **Select Invest ARV Plus 1.25 XLP**.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

Greg Karle, Property Tax Solicitor
City Hall, 626 State Street, Erie, Pa.,

October 16, 2007

Dear Mr. Karle:

My name is Aubrey Favors. I own a house at 1541 Fairmont Parkway that is due to be sold at the end of the month. We recently received a tax letter showing the taxes are due by the end of the year at the penalty rate. My wife (Wanda) talked to Sue DiVecchio to find out why the taxes were being forwarded to us during the penalty phase. For the 15 years that we lived in the house we always paid our taxes thru the bank early. We were told simply that the taxes had not been forwarded and we would have to appeal before three boards (City, County and School) to resolve this issue.

I work in the evenings and my wife works during the day and cares for our 18 year son born with severe mental delays. This for us is not possible. We would have gladly paid our taxes on time had we been forwarded the bill when due. The house is a part of a bridge loan which we have been paying the bank on since September of 2006. We assume that our bank had been escrowing the taxes and paying them as in the past. When we did not receive a bill in 2006, we assumed it was paid.

I would like to pay this bill without penalty before I sell the property on Fairmont. I would have paid this bill on time had I been forwarded the tax bill. I talked to Rubye Jenkins-Husband and she suggested I talk to you. If you can help me to get a corrected bill, I would like to pay this bill this week. Thanking you in advance for your help in this matter.

Aubrey L. Favors
5822 Southland Drive, Erie, Pa. 16509
Re: 1541 Fairmont Parkway, Delinquent 2007 real estate taxes

October 16, 2007

Dear Mr. Favors:

Greg Karle, Esquire, City Solicitor, has reviewed your correspondence with regard to the above and thank you for same.

You are hereby advised to contact your mortgage company to inquire: 1) whether or not the real estate taxes for this parcel have been escrowed for 2007 taxes, and; 2) whether the company has submitted payment to the City Treasurer for the 2007 taxes. If

they have escrowed and submitted payment in full, you must obtain some form of confirmation from the company to be submitted to the City Treasurer in order to receive the credit and clear the delinquency from your account. Alternatively, you may have the company submit that information directly to the City Treasurer, with a copy of same forwarded to you for your information and file. The City Treasurer may be reached directly at 814/870-1210 or by fax at 814/870-1288.

Once you have established whether the monies have been escrowed, or not, by your mortgage company, please contact me immediately at 814/870-1233 to discuss the matter of payment and the possibility of a waiver of the penalty assessed. Please take note that if you make full payment of the principal, interest and penalty prior to contacting me, the ability to seek a waiver of an accrued penalty will be lost.

If the taxes are not being escrowed, it is your responsibility to make full payment as soon as reasonably possible to the City Treasurer, 626 State Street, Room 105, Erie, Pa. 16501. Attorney Karle advises that the City can work with you insofar as the penalties assessed on the overdue 2007 real estate taxes, depending on the circumstances of the delinquency. I will wait to hear back from you in this regard.

Sincerely,
S/ Julie Wasielewski, Paralegal

To: Rubye Jenkins-Husband, City Council President
Susan DiVecchio, City Treasurer
From: Julie Wasielewski, Paralegal
Re: 1541 Fairmont Parkway/Delinquent 2007 real estate taxes
Present Owner: Mr. & Mrs. Aubrey Favors
October 24, 2007

Dear Ms. Jenkins-Husband and Ms. DiVecchio:

As you are aware, Aubrey Favors, owner of the property located at 1541 Fairmont, has requested the City of Erie waive the penalty incurred on the 2007 real estate taxes due and owing for the parcel. Each of you were copied my October 16, 2007 correspondence to Mr. Favors in response to his written request received of our office that same date. He advised that he had spoken to both of you in this regard.

Apparently, Mr. & Mrs. Favors were under the mistaken belief that the mortgage company was escrowing their real estate taxes as they had in the past. The Favors' entered into a "bridge loan" with the company in September 2006 and, as a result, the miscommunication with regard to the escrows. Mr. Favors further advises that he is ready and willing to pay the 2007 taxes in full, with any accrued interest to date, but, requests a waiver of the penalty under the circumstances as he has explained.

I have reviewed this matter with Solicitor Karle. Mr. Karle has no objection to the penalty waiver in this instance, however, as you both know, the authority for such a waiver rests with Erie City Council and/or the City Treasurer. Therefore, the Solicitor suggests this matter be reviewed and duly considered between yourselves. Thereafter, should you both be in agreement with regard to Mr. Favors' request for a penalty waiver, a resolution should then be prepared and presented to City Council for consideration of the requested waiver.

By copy of this memo to Mr. & Mrs. Favors I am advising them of this matter being referred back to the City Treasurer and the City Council for consideration and action.

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

That based upon the opinion of the City Solicitor's Office, the request of Mr. & Mrs. Anthony Favors to abate the penalties only, on property taxes for their residence at **1541 Fairmont Parkway** for the year 2007 is hereby approved.

November 7, 2007. The foregoing resolution was withdrawn at the request of the sponsor.

Erie City Council
626 State Street, Erie, Pa. 16501

May 29, 2007

Members of Council:

Last summer we attempted numerous times to find out how to become eligible for tax-exemption status for the parking lots of our church. We contacted the tax collector, the assessment office and other government sources. We were unable to make any progress and were under the impression that things were taken care of. When we received our tax bills for this year, we called again to find out why we were not exempt.

They informed us at that time that we needed to file an application for tax-exempt status. We are in that process now and they suggested that we contact you and ask for tax relief for this year's taxes. Enclosed you will find a copy of our tax bill and our application for exempt status. If you are not able to grant our church tax relief, would it be possible to at least forgive the penalty. Thank you for your consideration of this matter.

s/ Pastor Mark Warnshuis, Associate Pastor
Garden Heights Baptist Church

To: Rubye Jenkins-Husband
From: Gregory A. Karle, City Solicitor
Re: Church Parking Lot Tax Exemption

You have asked my guidance regarding a letter submitted by Pastor Mark Warnshuis of the Garden Heights Baptist Church dated May 29, 2007, which requested abatement for the 2007 city property taxes.

The church apparently filed for exemption on its parking lot in 2007. When a taxpayer files for exemption and it is granted, it applies for future years not to the current tax year. The city's practice based on my interpretation of the property tax

law is to refuse forgiveness of the current, properly levied tax and permit abatement on penalty only.

The city acts on requests for forgiveness of penalties by way of resolution which are determined by council vote. If you have any questions, please do not hesitate to contact me.

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

That pursuant to an opinion rendered by City Solicitor Greg Karle approving the request of the **Garden Heights Baptist Church** abating the penalties only on property taxes for the parking lot for the year 2007.

November 7, 2007. The foregoing resolution was withdrawn at the request of the sponsor.

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

That the Mayor and other appropriate City officials are hereby authorized to execute an agreement between the City of Erie and **Gary B. Singer**, 1709 Forest Garden Drive, Boardman, Ohio 44512, to provide consulting services to assist the City with the implementation of a Lead Hazard Control Grant. The total compensation to be paid to Gary B. Singer under the agreement is not to exceed \$15,000.00.

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

November 7, 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 hereby authorized and directed to enter into an agreement with Braendel Painting and Services, Inc, 2325 Broad Street, Erie, Pa., 16503 for the placement of Advertising Benches throughout the City of Erie. Braendel Painting and Services will provide a minimum of \$5,000 per year for 2008 and 2009 in graffiti removal services in City rights-of-way and city property under the direction of the Director of Public Works and His Honor the Mayor and the 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 ratify and confirm the said agreement.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

To: Members of City Council

November 1, 2007

From: Thomas J. McIntire, Economic Development Specialist

Re: City Council Ratification of a Commercial and Retail Loan (CARL) for Nickel Plate Mills, Inc.

Our CARL Loan Review Committee acted favorably on the loan proposal listed below. Therefore, please present the attached resolution at the Agenda meeting for inclusion at the City Council meeting for Wednesday, November 7, 2007.

Nickel Plate Mills, Inc., 1932 Parade Street, Erie, Pa., (Gretchen A. Bonadio, President and Robert R. Bonadio, VP) -Nickel Plate Mills was founded in 1922. The business has been a long-time provider of bulk seeds, various garden plants, shrubs, etc. It recently went through a renovation and expansion, which now includes an on-site greenhouse. Gretchen and Bob have approached the city for financial assistance through our new Commercial and Retail Loan (CARL) Program. They are seeking \$20,000, which will be used to help them establish a pet food, supplies and gift inventory. They believe that the sales of these products will help them become a year-round destination and enable them to become less seasonal.

They had been very hopeful that the proposed limited inventory grocery would be built next to their operation as it would have generated a lot more customer traffic. However, we know that the proposed project faltered, therefore, the Bonadios are seeking a conservative approach to hope them grow their business. Nickel Plate Mills presently owes the City UDAG Fund \$20,000.00, which was used to complete capital improvements when they did the makeover of their store- this loan was set up for three years with quarterly interest only payments. The repayment of principal will be addressed I late 2008 when an amortization plan will be put in place.

They received direct assistance from John Buchna, a business consultant with the Gannon Small Business Development Center (SBDC), who is funded through our Community Development Block Grant Program. John Snyder, another business consultant at the SSBDC assisted with preparation of the financial analysis that was used in the review of this request.

We will provide Nickel Plate Mills with a \$20,000.00 Loan for Five Years at a fixed interest rate of 4.0%. The amortization of this loan will begin immediately. The Bonadios will provide an equity contribution of \$2,000.00 (or more), and they will personally guarantee the loan. They presently employ three (3) people and they plan to add three (3) new jobs within three years.

If you have any question, please direct them to my attention at 870-1272 or by email at tmcintire@erie.pa.us.

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

That the following loan be formally approved as follows:

Nickel Plate Mills, Inc. \$ 20,000.00 5 year term

These funds are made available through the Commercial and Retail Loan (CARL) Program through Community Development Block Grant (CDBG) funding for Downtown Small Business Assistance. This loan will be charged against CDBG Account No. 501-1252-2006-4425. The interest rate is fixed at 4.0 per annum.

City Council further directs that the proper City officials are authorized to sign the necessary documents and agreements effectuating same.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the proper City officials be and are hereby authorized and directed to execute an Easement Agreement between the City of Erie and the Bayfront East Side Taskforce (BEST) for the placement of a **"Welcome to Erie's Historic East Bayfront"** sign in the boulevard north of the intersection of East 6th Street and Parade Street in accordance with the Easement Agreement.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of Property commonly known as **933 West 16th Street** and identified by Erie County Assessment Index #16-030-43.0-218.00 by the Erie County Tax Claim Bureau to Edwin Montero in the amount of \$250.00 is hereby approved.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of Property commonly known as **537 & 539 East 18th Street** and identified by Erie County Assessment Index #18-050-020.0-206.00 by the Erie County Tax Claim Bureau to Eric Tetuan in the amount of \$250.00 is hereby approved.

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

November 7, 2007. Signed by the President. Attested by the city clerk.

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

That the proposed Repository Sale of Property commonly known as **East 11th Street**, being 42 x 85 and identified by Erie County Assessment Index #15-020-035.0-236.00 by the Erie County Tax Claim Bureau to Anthony Malozovsky of Oak Street Realty Equities, Ltd. in the amount of \$250.00 is hereby approved.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

Resolution of the Council of the City of Erie, Erie County, Pennsylvania (hereinafter "the municipality")

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended and the Rules and Regulations of the Pennsylvania Department of Environment Protection (Department) adopted thereunder, Chapter 71, Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards, from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, YMCA of Greater Erie, land developer, has proposed the development of a parcel of land identified as **Glenwood YMCA, 3727 Cherry Street**, Erie, Pa., and described in the attached Sewage Facilities Planning Module and proposes that such subdivision can be served by (list all that apply), sewer tap-ins, sewer extension, new treatment facility individual on-lot systems, community on-lot systems, spray irrigation, retaining tanks, other, **Sewer Tap-ins**.

WHEREAS, the City of Erie finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewerage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Erie hereby adopt and submit to the Department of Environmental Resources for its approval as a revision to the Official Sewage Facilities Plan of the municipality the above referenced sewage Facilities Module which is attached hereto.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

NOTE: A SIMILAR RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT FOR SEWER TAP-INS REQUESTED BY BALDWIN BROTHERS, land developer, for the proposed development of a parcel of land identified as **Starbucks**, SE corner of West 12th Street & Pittsburgh Avenue, Lakewood Plaza, Erie, Pa., was also submitted for approval and also approved.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

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 Number, viz:

1. **First Environmental**, 3028 West 6th Street, Erie, Pa., for the proposed Fireproofing Maintenance in the Municipal Building Basement for the sum of \$9,950.00.
2. **David Milano Construction**, 1827 East 36th Street, Erie, Pa., for Storm Drain & Sanitary Sewer Repairs at various location for the Wastewater Treatment Plant for the sum of \$20,843.62 (material costs only), for the Bureau of Sewers.

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

November 7, 2007. Signed by the President. Attested by the 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 conform the said transactions which are to be charged the respective Budget Code Numbers, viz:

1. **Renick Brothers Mechanical Contractors**, 434 Grove City Road, Slippery Rock, Pa., for VAV Control Board and Transformers for the Municipal Building HVAC I the sum of \$2,551.30.
2. **Valley Tire, Co.**, 1122 Weschler Avenue, Erie, Pa., for 16 Tires for the Municipal Garage for the sum of \$2,080.00.
3. **Kinzua Environmental, Inc.**, 1176 East 38th Street, Cleveland, Ohio, for Homogenizer, Soluble Sewer Solvent, Sanitizer and Root Killer for the Bureau of Sewers for the sum of \$9,106.75.
4. **North Coast Tool, Inc.**, 2705 West 17th Street, Erie, Pa., for one Wastewater Stainless Steel Filter Basket for the Bureau of Sewers for \$7,280.95.

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

November 7, 2007. Signed by the President. Attested by the City Clerk.

During the portion of the meeting under "Citizens to be Heard", the following communication in regard to the proposed runway extension at Erie International Airport was submitted:

Erie International Airport
Also known as Tom Ridge Field

If constructed as planned, the 1920 runway extension at Erie International Airport will result in a paved surface 8420' in length with a 1000' gravel safety overrun at it's eastwardly end. It is this overrun and the relocated Powell Avenue looping around it that encroaches on the golf course and superfund site. Under this proposal the gravel overrun would be eliminated and the paved overruns at the end of the runway being used for initial point of take-off. This would result in a length of 7500' for runway 24 (used 70% of the time) and 7420' for runway 6. Powell Avenue would be connected to Clifton Drive instead of Marshall. This would be a win-win situation for everybody. The airport administration would get the runway length they wanted, the community would keep the golf course, the superfund site would not be disturbed and Erie County government would save a lot of money. By itself, the gravel overrun would be very costly. The landfill would be approximately 16' (starts at 16' then slopes down) in height, 1000' long and 500' wide.

November 7, 2007. City Council receive and enter in the minutes.

November 7, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 11:32 a.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Attest:

President of City Council

City Clerk