

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

Council Members present: Cappabianca, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 6. Mr. González arrived at the meeting at 10:35 a.m.

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of November 21, 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 November 30th and December 7th, 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 Mr. Cappabianca, Council File Ordinance #15,560, Pending Official File Ordinance #63-2007,

an ordinance appropriating the sum of **\$25,000** from unappropriated and anticipated revenue to be received from PADEP Coastal Zone Management Program, Account 265-0727-0000-3641 Contributions and providing for the expenditure thereof by allocating said funds to Account #265-0727-0000-4056 Repair and Maintenance Services.

December 5, 2007. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schember, having read Council File Ordinance #15,560 and now known as Pending Official File Ordinance #63-2007, does hereby adopt on Final Passage by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

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

By Mrs. Jenkins-Husband, Council File Ordinance #15,561

an ordinance amending the Codified Ordinances of the City of Erie, Part Three (Business Regulation and Taxation Code, Title Five (Act 511 Taxes), Article 375 (**Emergency and Municipal Services Tax**), by repealing Article 375, and enacting a new Article 375 to be entitled Local Services Tax.

December 5, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #15,561, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,562

an ordinance amending the Codified Ordinances of the City of Erie, Article Three (Business Regulation and Taxation Code), Article 578 (Amusements), Section 378.08 (Sunset Provision) by eliminating Section 378.08, thereby enacting the amusement tax permanently.

December 5, 2007. Before City Council considered passage of the foregoing ordinance, a motion was made by Mr. Thompson, Seconded by Mr. Jones to amend said ordinance by increasing the amusement tax from 3% to 5% with said motion being defeated by yeas Council Members González, Jones and Thompson. 3. Nays. Cappabianca, Horan-Kunco, Schember and Jenkins-Husband. 4.

December 5, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #15,562, 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, Seconded by Mr. Thompson, Resolved, etc.,

That pursuant to the provisions of Zoning Ordinance #80-2005 and a Public Hearing held on Wednesday, November 21, 2007, the request from Verizon Wireless for Waterfront Conditional Use for the installation of **cellular antenna equipment** on the Bicentennial Tower located on Dobbins Landing, with revisions by the Design Review Committee and the City Planning Commission as recommended on October 3, 2007 included as a proviso is hereby approved by City Council.

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

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

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

That the City Traffic Engineer and the proper PennDot officials are respectfully requested to study the intersection of Cranberry Street and the Bayfront Parkway to ascertain if the criteria is met to install a Traffic Light on the Bayfront Parkway at this intersection and to report their findings thereon to City Council. (At the request of the Bayfront Community Association Neighborhood Watch)

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

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

That **Attorney Sumner E. Nichols II**, 407 Mohawk Drive, is hereby appointed to the **Erie Municipal Airport Authority** for a term of five (5) years, expiring on December 31, 2012. (Replacing Greg Orlando who cannot be reappointed due to the two consecutive term limit. Mr. Orlando's term expires at the end of this month).

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

James Klemm, City Clerk
City of Erie, 626 State Street, Erie, Pa.

November 26, 2007

RE: Erie Sewer Authority Reappointment

Dear Mr. Klemm:

Please be advised that the term of David Matthews ends on December 31, 2007. As you will recall, Mr. Matthews has only served for one year completing the unexpired term of Timothy Pearson. Thus, Mr. Matthews would qualify to be reappointed to the Sewer Authority. The Sewer Authority has requested that Mr. Matthews be reappointed to the Authority for a full term. Thank you for your cooperation.

Very truly yours,
KNOX McLaughlin GORNALL & SENNETT, P.C.
S/ Timothy M. Sennett

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

That **David Matthews** is hereby appointed to the **Erie Sewer Authority** for a term of five (5) years, expiring on December 31, 2012.

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

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

**THE GREAT LAKES - ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT
HOUSE BILL NO. 1705**

WHEREAS, the waters of the Great Lakes and St. Lawrence basin are precious public natural resources shared and held in trust by the Great Lakes and St. Lawrence states and provinces;

WHEREAS, the Great Lakes and St. Lawrence are the world's largest source of surface freshwater and are essential to the quality of life and economic vitality of the cities, villages, townships and counties along these shores and in the surrounding watershed;

WHEREAS, the Great Lakes and St. Lawrence support countless recreational, commercial, tourism and cultural activities for basin residents and visitors; drive economic development and improve the economic value to shoreline communities; support critical aquatic and coastal ecosystems; provide fresh drinking water for millions of people; and support agricultural and industrial activities;

WHEREAS, the Great Lakes and St. Lawrence represent about 20% of the world's surface freshwater supply and drinking water for more than 40 million people throughout the Great Lakes basin;

WHEREAS, despite their size, the Great Lakes and St. Lawrence are finite and vulnerable to depletion and degradation with only one percent of the water in the Great Lakes being recharged each year;

WHEREAS, future diversions and consumptive uses of the Great Lakes and St. Lawrence basin water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes and St. Lawrence River region;

WHEREAS, the Great Lakes and St. Lawrence states and provinces have shared duty to protect, conserve, restore, improve and manage the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually agreed upon, enacted and adhered to by all of the Great Lakes and St. Lawrence states and provinces;

WHEREAS, the Great Lakes and St. Lawrence governors and premiers have endorsed the Great Lakes and St. Lawrence River Basin Water Resources Compact and the Great Lakes and St. Lawrence River Basin Sustainable Water Resources agreement, to conserve, protect and improve the Great Lakes and its sustaining waters, but the agreements are

not binding until ratified by each Great Lakes state legislature and approved by the U.S. Congress,

NOW, THEREFORE, BE IT RESOLVED, that the City of Erie calls upon the Commonwealth of Pennsylvania to quickly ratify the Great Lakes and St. Lawrence River Basin Water Resources Compact so that it may become enforceable law in the Great Lakes states; and

BE IT FURTHER RESOLVED, that the City of Erie calls on U. S. Congress to give its approval to the Great Lakes and St. Lawrence River Basin Water Resources Compact so that it may become a binding interstate compact on the Great Lakes states and;

BE IT FURTHER RESOLVED, that copies of this resolution will be sent to: The Governor of Pennsylvania and to the leadership in both houses of the legislature in the Commonwealth of Pennsylvania, and the United States Congress when all eight states have passed the necessary legislation.

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

James Klemm, City Clerk
Erie City Hall, 626 State Street, Erie, Pa.

November 5, 2007

Re: EMTA Re-Appointment

Dear Jim:

Please be advised that I have made the following re-appointment to the Erie Metropolitan Transit Authority Board:

* Anthony Perillo has been re-appointed to a 5 year term effective January 1, 2008 thru December 31, 2012.

If you have any questions please do not hesitate to contact me.

Sincerely,
S/ Joseph E. Sinnott, Mayor

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

That the communication from Mayor Joseph Sinnott noting that he has re-appointed **Anthony Perillo** to the **Erie Metropolitan Transit Authority** for a five (5) year term effective January 1, 2008 thru December 31, 2012 is hereby received and concurred with by City Council.

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

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

That real estate taxes due to the City of Erie for the years 2006 and 2007 for a total amount of \$712.61 for the parcel property located at **W 12th Street SS E of Greengarden Road** and identified as Erie County Assessment Index #(16) 031 0330 104.00, is hereby abated and exonerated, including any and all accrued interest and penalty. The City of Erie is the record owner of the parcel which is utilized for public purpose and is, therefore, exempt. The City has been granted an exemption from the payment of Real Estate taxes for the parcel effective January 1, 2008.

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

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

That real estate taxes due to the City of Erie for the years 2006 and 2007 for a total amount of \$246.95 for the parcel property located at **2312, 2310 SS W S between 23 & 24, E. 23rd** and identified as Erie County Assessment Index Nos. (18) 050 006.0 104.00 through 18 050 006.0 109.00 is hereby abated and exonerated, including any and all accrued interest and penalty. The City of Erie is the record owner of the parcels which are utilized for public purpose and is, therefore, exempt. The City has been granted an exemption from the payment of Real Estate taxes for the parcel effective January 1, 2008.

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

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

That contract #6204 between the City of Erie and **Empire Stack Testing LLC**, 225 East Virginia Blvd., Jamestown, NY, 14701 to provide Quarterly/Annual Testing and Preventative Maintenance of the Continuous Emission Monitoring System at the Wastewater Treatment Plant, be extended for an additional year through February 8, 2009, at the original contract price of \$10,800.00 per year plus an unscheduled maintenance cost of \$85.00/hour for the Bureau of Sewers.

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

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

That the communication submitted by Sue Thomas, Paralegal, Bronstein, Carlson, Gleim, Shasteen & Smith, P.A, St. Petersburg, on behalf of **PODS Transportation, LLC**, 915 State Street, notifying the City of Erie that said company is withdrawing as a foreign limited liability company from the State of Pennsylvania is hereby received by City Council and referred to the Office of the City Solicitor.

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

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

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

That the Mayor and City Controller are authorized and directed to execute contracts between 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:

1. **ISS Facility Services**, 101 S. Mercer Street, Suite 206, New Castle, Pa., for providing Janitorial Services for the City of Erie Municipal Building for the sum of \$83,077.00 for 2008 and \$84,921.72 for 2009.

2. **Dahlkemper Landscape Architects & Contractors**, 1650 Norcross Road, Erie Pa, for furnishing and planting of 100 trees city wide for the sum of \$33,122.50.

3. **Printing Concepts, Inc.**, Grandview Business Park, 4982 Pacific Avenue, Erie, Pa., for the design, printing and distribution of the 2008 Recycling Guide in the sum of \$21,000.00; to be paid with Act 101, Section 902 Recycling Grant Funds for Public Education.

December 5, 2007. City Council withdrew Item No. 1 to ISS Facility Services, New Castle, Pa., pending further information.

December 5, 2007. City Council adopt Item Nos. 2 and 3 by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

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

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

1. **Airgas Great Lakes**, 1326 East 12th Street, Erie, Pa., for two (2) Welding Fume Extractors and Extensions of the Municipal Garage at a total cost of \$11,040.00 (\$5,520.00 each).

2. **Pool Doctor**, 1903 West 8th Street, Erie, Pa., for the replacement of Operating Supplies and miscellaneous items for the pool at Rodger Young at a total cost of \$3,106.00.

3. **Builder's Hardware**, 2002 West 16th Street, Erie, Pa, for the installation of five (5) Hollow Metal Doors and all finishing hardware at Rodger Young Park at a total cost of \$4,200.00.

4. **Interstate Chemical Co.**, P. O. Box 1600, 2797 Freeland Road, Hermitage, Pa., for one tote of Intercool (Glycol) for the Bureau of Sewers for the sum of \$2,951.25.

5. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for Manhole, Street & Sanitary Sewer Repairs at various locations for the sum of \$5,913.21 (Material Costs Only)

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

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

James Klemm, City Clerk
Erie City Hall

December 4, 2007

RE: Housing Authority of the City of Erie Re-Appointment

Dear Jim:

Please be advised that I have made the following re-appointment to the Housing Authority of the city of Erie Board.

* Bishop Dwane Brock has been re-appointed to a 5 year term effective January 1, 2008 thru December 31, 2012.

If you have any questions, please do not hesitate to contact me.

Sincerely,
S/ Joseph E. Sinnott, Mayor

December 5, 2007. City Council receive and enter in the minutes for information.

December 5, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Schember, adjourned at 10:55 a.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0. (Mr. Thompson left the meeting at 10:35 a.m.)

Attest:

President of City Council

City Clerk