

Pursuant to proper legal advertisement, the City Council met in Special Session on Wednesday, April 30, 2008 at 6:30 p.m. to discuss the Articles of Amendment of the Erie Municipal Airport Authority and to consider the adoption of same.

Members present: Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. (Mr. Cappabianca was absent)

After discussion, the City Council on motion of Mrs. Jenkins-Husband, Seconded By Mr. Schember, the Articles of Amendment of Municipal Authority was considered:

**COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE CORPORATION BUREAU
ARTICLES OF AMENDMENT OF MUNICIPAL AUTHORITY**

In compliance with the requirements of 53 Pa.C.S. 5605 (relating to amendment of articles), the Erie Municipal Airport Authority, desiring to amend its Articles of Incorporation does hereby certify that

1. The name and location of the registered office of the authority is:
Erie Municipal Airport Authority, Erie International Airport,
Tom Ridge Field, 4411 West 12th Street, Erie, Pa. 16505-0393
2. The act under which the authority was formed and the date when the original articles were approved and filed:
The Municipality Authorities Act of 19045, as amended.
Date of Incorporation: January 23, 1951
3. The amendment shall be effective upon filing these Articles of Amendment in the Department of State.
4. The amendment was adopted by resolution of the Erie Municipal Airport Authority, adopted April 25, 2008 (attached hereto as Exhibit A), and Ordinance of the City of Erie enacted _____, 2008 (attached hereto as Exhibit B), pursuant to 53 Pa. C. S. 5605(a) (1) and (4).
5. The amendment adopted by the City of Erie set forth in full, is as follows:
 - a. That the first eleven words of paragraph 1 of the Authority's Articles of Incorporation shall be amended to read as follows:
"The name of the Authority shall be Erie Regional Airport Authority"
 - b. That paragraph 4 of the Authority's Articles of Incorporation shall be amended to read as follows:

"The governing municipalities of the Authority are the City of Erie and the County of Erie. The Board of the Authority shall be expanded from five members to nine members. The City of Erie shall retain five appointments to the joint Authority board. The County of Erie shall have four appointments to the joint Authority board".

On motion of Mrs. Jenkins-Husband, Seconded by Mr. Schember, this Application of the County of Erie to join the Erie Municipal Airport Authority was passed and approved by resolution on this 30th day of April, 2008 by a vote of 6 - 0.

April 30, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. 0.

April 30, 2008. Signed by the President. Attested by the City Clerk.

(NOTE: Mr. Cappabianca was absent)

EXHIBIT A

APPLICATION OF THE COUNTY OF ERIE TO JOIN THE ERIE MUNICIPAL AIRPORT AUTHORITY

On this 7th day of February, 2008, the County of Erie files with the Secretary of the Commonwealth of Pennsylvania, this Application requesting approval for the County of Erie to join as a member municipality of the Erie Municipal Airport Authority, pursuant to the authority of the act of May 2, 1945, (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945, as amended ("Act") presently codified at 53 C.S. 5601 - 5623.

The County of Erie ("County"), in compliance with sections 5604 (d), 5603 © and 5610 of the Act, 53 Pa. C.S. 5604 (d), 5603 (c) and 5610, with the consent and approval of the City of Erie and the Erie Municipal Airport Authority, submits the following information to the Secretary.

1. The name of the authority to which the county desires to join is the Erie Municipal Airport Authority ("Authority")
2. The Authority was organized and formed by the City of Erie pursuant to the authority set forth in the act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945.
3. Erie County has previously organized nine (9) authorities, which authorities are in existence for the County of Erie.
4. The City of Erie originally incorporated the Authority, which Authority as originally incorporated had a five-member board of directors. The name of the municipality desiring to join the Authority through this Application is the County of Erie. The names and addresses of the County of Erie's municipal authorities are listed in a document attached hereto as Exhibit 1.
5. The City and the County have determined by resolution that the board of the joint Authority shall be expanded from five to nine members.
 - a. The City and the County have determined by resolution that the City shall retain five appointments to the joint Authority board. The presently appointed

board members shall retain their seats on the joint board until the end of their respective terms. The City shall retain its appointment power to the joint Authority board in the same manner as it previously did, specifically the City shall appoint one member to the joint Authority board each year, each appointment for a five year term.

b. There shall be no reappointment or revision of the terms of office of the City's present appointees to the Authority board

c. The City and the County have determined by resolution that the County shall have four appointments to the joint Authority board, their respective terms of office to commence on the effective date of their appointments or on the date the Secretary issues the certificate of joinder, whichever is later. The initial four appointments of the County to the joint Authority board, compete with name, address and term of office, are as follows:

- i. Dale Roth, 1173 Troupe Road, Harborcreek, Pa. 16421 (2008-2011)
- ii. Frank Stefano, 13969 Old Route 86, Edinboro, Pa. 16412 (2008-2012)
- iii. Janet Anderson, 1402 Pasadena Drive, Erie, Pa. 16505 (2008-2011)
- iv. Charlie Augustine, 1226 St. Mary Drive, Erie, Pa., 16509 (2008-2013)

6. Attached hereto and incorporated into this Application, are the proofs of publication of the required legal notice as filed by the County in the Erie Times News and in the Erie County Legal Journal.

7. This Application has been executed by the proper officers of the incoming municipality (the County) and this Application has been joined by the proper officers of the municipality that is presently a member of the existing Authority (the City) and by the proper officers of the governing body of the Authority itself, pursuant to resolutions by each of those bodies, as so required by 53 Pa. C. S. 5604 (d).

EXHIBIT B

ERIE MUNICIPAL AIRPORT AUTHORITY

SETTING FORTH A PROPOSED AMENDMENT TO THE ARTICLE OS INCORPORATION OF THE ERIE MUNICIPAL AIRPORT AUTHORITY AND DIRECTING IT TO BE SUBMITTED FOR ADOPTION TO ERIE CITY COUNCIL.

WHEREAS, the Erie Municipal Airport Authority ("Authority") has incorporated on January 23, 1951 pursuant to the Municipality Authorities Act of 1945, approved May 2, 1945, P. L. 382, pursuant to an Ordinance enacted by City Council of the City of Erie, Pennsylvania and the certificate of Incorporation dated January 23, 1951, which provided that the Authority's name was the Erie Municipal Airport Authority and establishing a five member board governing the Authority appointed by the City Council of the City of Erie, and

WHEREAS, in order to effectuate the joinder of the County of Erie as a member municipality of the Authority it is necessary to amend the Authority's Articles of Incorporation for the purpose of adopting new name, adding the County of Erie as a governing municipality and increasing the number of members of the board of the Authority from five to nine.

NOW, THEREFORE, on this 25th day of April, 2008, Be it Resolved, by the Board of the Erie Municipal Airport Authority as follows:

1. That the first eleven words of paragraph 1 of the Authority's Articles of Incorporation shall be amended to read as follows:

"The name of the Authority shall be Erie Regional Airport Authority..."

2. That paragraph 4 of the Authority's articles of Incorporation shall be amended to read as follows:

"The governing municipalities of the Authority are the City of Erie and the County of Erie. The Board of the Authority shall be expanded from five members to nine members. The City of Erie shall retain five appointments to the joint Authority board. The County of Erie shall have four appointments to the joint Authority board."

3. That this Resolution and Articles of Amendment containing the foregoing amendments shall be submitted to the City Council of the City of Erie, Pennsylvania, which is the municipality composing and governing this Authority. City Council of the City of Erie shall be requested to adopt such Articles of Amendment by resolution or ordinance.

4. That, upon adoption of the Articles of Amendment by City Council of the City of Erie, the Chairman and Secretary of the Authority are hereby authorized and directed to execute and verify the Article of Amendment under the seal of this Authority as required by the Municipality Authorities Act of 1945, as amended ("Act"), to advertise the intention of this Authority to file said Articles of Amendment with the Secretary of the Commonwealth in the manner required by the Act, and to file said Articles of Amendment with the Secretary of the Commonwealth and to take all such action as may be necessary in order to cause a Certification of Amendment to be duly issued.

On the motion of Mr. Logue, seconded by Mr. Bizzaro, this resolution was passed and approved on this 25th day of April, 2008 by a vote of 5. 0.

April 30, 2008. City Council adjourned at 6:37 p.m. by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. 0.

Attest:

President of City Council

City Clerk

The City Council met in regular session in the Council Chambers on Wednesday, May 7, 2008, at 9:00 a.m.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of April 16, 2008 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Copies of the bills under date of April 18th, April 25th and May 12th, 2008 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

By Mr. Schember, Council File Ordinance #15,576, Pending Official File Ordinance #14-2008,

an ordinance appropriating the sum of **\$25,000.00** from unappropriated and anticipated revenue from Account #326-1326-0000-3336 State Operating Grant-Department of Community and Economic Development and providing for the expenditure thereof by allocating said sum to 4041 Professional Services. (Elm Street Planning Project)

May 7, 2008. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,576 and now known as Pending Official File Ordinance #14-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mr. Schember, Council File Ordinance #15,577, Pending Official File Ordinance #15-2008,

an ordinance appropriating the sum of **\$80,765.25** from unappropriated and anticipated revenue; (\$50,000 received as a Grant from the PA Department of Community and Economic Development \$26,806.00 received earnings from the Enterprise Zone Revolving Loan Fund and \$3,959.25 Program Income-Misc. Sources) and providing for the expenditure thereof by allocating said funds to Account #316-1216-2004-40xx.

May 7, 2008. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,577 and now known as Pending Official File Ordinance #15-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco. Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,578

an ordinance appropriating the sum of **\$5,000.00** from unappropriated and anticipated revenue from Weed and Seed Quality of Life Grant and providing for the expenditure thereof by allocating said funds to Account #261-0613-2007-4059 Other Services & Charges.

May 7, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,578 does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mrs. Rubye Jenkins-Husband, Council File Ordinance #15,579

an ordinance appropriating the sum of **\$6,000.00** from unappropriated and anticipated revenue from Contributions received from Highmark Blue Cross/Blue Shield and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

May 7, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,579, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,580

an ordinance appropriating the sum of **\$40,000.00** from unappropriated and anticipated revenue received from the Erie School District and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

May 7, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,580, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance 15,581

an ordinance appropriating the sum of **\$250,000.00** from unappropriated revenue to be received from the Liquid Fuels Tax Fund and providing for the expenditure thereof by allocating said funds to Account #013-1291-0000-4075 Bridges/Streets.

May 7, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,581, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,582

an ordinance appropriating the sum of **\$513,231.51** from unappropriated revenue from Account #021-0000-0000-3001 Fund Balance and providing for the expenditure thereof by allocating said funds to Account #021-0713-0000-4075 Bridges and Streets.

May 7, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,582, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,583

an ordinance appropriating the sum of **\$715,812.00** from unappropriated revenue from #018-0000-0000-3001 Fund Balance and providing for the expenditure thereof by allocating said funds to Account #018-0713-0000-4075 Bridges/Streets.

May 7, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,583, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,584

an ordinance amending the Codified Ordinances, Part 5 (Traffic), Title Five (Stopping, Standing and Parking), Article 527 (Impounding of Vehicles) by amending Section 4 (c) (**Storage Charges**) to provide for a change of the day of accrual of storage fees to the day of the tow for vehicles towed from any location in the City.

May 7, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,584, does hereby adopt on First Reading by yeas Council Members Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 6. Nays. Mr. Aleksandrowicz. 1.

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

That pursuant to the provisions of Zoning Ordinance #80-2005 and a Public Hearing held on Wednesday, April 16, 2008, the request submitted from Al Monschein for Waterfront Conditional Use for property located at **933 West Front Street** for the construction of a two-story addition to his dwelling is hereby approved.

(NOTE: SEE COMMUNICATION IN REGARD TO THIS REQUEST UNDER DATE OF MARCH 19TH, 2008 AND APRIL 16, 2008)

May 7, 2008. At the request of City Council to vote the remaining items on the Agenda in total, excepting separations, there was no request to separate the above resolution, therefore the resolution was adopted together with other resolutions in one vote, by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. When City Council reached the point in the meeting to consider the requested separations, a question arose as to why the above resolution was not requested to be separated by anyone on City Council. By previous agreement, City Council recessed at 10:45 a.m. to attend ceremonies for police officers killed in the line of duty and reconvened after the ceremonies at 11:45 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Thompson. 6. Nays. 0., with Councilman James Thompson serving as Acting Council President. (Mr. Jones left the meeting to attend a funeral) A motion was presented by Council Member Rubye Jenkins-Husband, Seconded by Mrs. Horan-Kunco:

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That City Council moves to reconsider the resolution regarding a request from Al Monschein for Waterfront Conditional Use for property located at **933 West Front Street** for the construction of a two story addition to his dwelling previously adopted earlier in this meeting.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Thompson. 6. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

After a short discussion, the following resolution was reconsidered:

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

That pursuant to the provisions of Zoning Ordinance #80-2005 and a Public Hearing held on Wednesday, April 16, 2008, the request submitted from Al Monschein for Waterfront Conditional Use for property located at **933 West Front Street** for the construction of a two story addition to his dwelling is hereby approved.

May 7, 2008. City Council on motion to adopt FAIL TO ADOPT by yeas Council Members Aleksandrowicz and Schember. 2. Nays. Cappabianca, Horan-Kunco, Jenkins-Husband, and Thompson. 4.

Pursuant to the provisions of Zoning Ordinance #80-2005, the City Council proceeded to hold a **Public Hearing** at approximately **10:00 a.m.** regarding a request to rezone property located at the **southeast corner of West 26th and Cherry Streets** from C-4 (Traditional Neighborhood Commercial and R-2 (Medium Density Residential District) to C-1 (General Commercial District) by Lakeview Resale Company (owners Gerald and Carolyn Munsch), for used car sales.

(Testimony at the Public Hearing was taken by Ferguson and Holdnack)

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

Resolved, by the Council of the City of Erie, That

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the memory of the deceased members of the **Erie Bureau of Police** who gave their lives in the line of duty for the public safety of our entire community, and

WHEREAS, City Council honors today the memory of Detective Sergeant James Higgins, Detective Sergeant John Grant, Sergeant Leo Waldinger, Patrolman Walter May, Patrolman Melvin Wilcox, Corporal Robert Owen, Patrolman Donald Parker and Patrolman Richard J. Burchick, all of whom gave their lives in the performance of their duties of service and protection to the citizens of Erie, and

WHEREAS, by their actions they demonstrated their dedication and compassion for others and exemplified the highest standards of courage and professionalism above and beyond the call of duty, so

WHEREAS, BE IT RESOLVED, by the Council of the City of Erie that this tribute to the memory of our deceased officers, as well as all the other City, County and State Police men and women who paid the supreme sacrifice is hereby presented to the official representatives of the Erie Fraternal Order of Police on the 7th day of May, 2008 as an expression of our sincere gratitude for all they have done to protect and serve the citizens of Erie.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the investment group and developers of the **Koehler Project** are now in foreclosure proceedings as filed by First National Bank and the City of Erie stands second in line as lien holder on borrowed City funds, and

WHEREAS, the present developers hold historical assets in their possession and have pledged by signed agreements the total assets of themselves and their spouses as collateral against all borrowed funds from the City of Erie, so

THEREFORE BE IT RESOLVED, by the Council of the City of Erie that the City Solicitor is hereby authorized and directed to pursue all legal action available to the City of Erie to help recover any assets that might be outstanding after the first lien holder has been satisfied.

(Artifacts may be stored at Red Dog Industries, 2012 East 33rd Street)

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson. 6. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

To: President and Members of City Council
From: Dave Deter, Assistant Director
Department of Economic & Community Development
Subject: City Council resolution for the May 7, 2008 meeting

May 1, 2008

Mullin and Lonergan Consulting Services Contract (\$25,000)
The Department of Economic and Community Development will be presenting a resolution authorizing the Mayor and other appropriate City officials to contract with Mullin and Lonergan Associates, Inc., for consulting services. The request for proposals for these services was advertised in the Erie Times News and two proposals were received in response. Mullin and Lonergan was selected after evaluating their proposal along with the other proposal that was submitted. The proposal is for consulting services to prepare an Elm Street Plan for the SNOOPS neighborhood. The proposed contract covers preparation of base mapping for the neighborhood, a building conditions and infrastructure survey, a residential market study, analysis of demographic and economic conditions and trends and completion of the Elm Street Plan. The total compensation to be paid to Mullin and Lonergan under this contract is not to exceed \$25,000. If you have any questions, please call me at 870-1277.

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

That the Mayor and other appropriate City officials are authorized and directed to execute an agreement between the City of Erie and **Mullin and Lonergan Associates, Inc.**, 2370 York Road, Suite E-2, Jamison, Pa., 18929, for consulting services to prepare an **Elm Street Plan**. The total compensation to be paid to Mullin and Lonergan Associates, Inc., under the agreement is not to exceed \$25,000.00.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

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

That the Mayor and other appropriate City officials are authorized to submit an application to the Pennsylvania Department of Community and Economic Development, under the Pennsylvania New Communities Program for a Basic Grant of \$50,000 to be used in the operation of the **Erie Enterprise Zone** during the upcoming Fiscal Year July 1, 2008-June 30, 2009. This funding enables us to operate the Zone, whereby the Zone Coordinator can provide loan and technical services to manufacturing, industrial and certain other business clients leading to job creation and also job preservation within the Zone and

Further, the Mayor and other the appropriate City officials to enter into a contract with the Pa DCED upon approval of the New Communities Program Basic Grant request.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

To: City Council Members
From: Thomas J. McIntire
Enterprise Zone Coordinator
Subject: City Council Ratification of Enterprise Zone Loan

May 1, 2008

Our EZ Loan Review Committee acted favorably on the loan proposals listed below. Therefore we have prepared a resolution, which requests ratification of the approval of the City Council meeting scheduled for Wednesday, May 7, 2006.

Stefanelli Realty, Inc., 1525 West 8th Street, Erie, Pa., 16505 for benefit of Romolo Chocolates, Inc., (Anthony "Tony" Stefanelli President)

Romolo Chocolates has been in operation in Erie for more than 12 years. In 2002 we assisted this chocolate and confectionery company to relocated to west 8th Street. Mr. Stefanelli has the opportunity to again grow his business and has asked for assistance to construct a climate-controlled warehouse, which will free up additional production space. We have approved a \$100,000 Loan to assist them with this project. The Northwest Savings Bank will also provide a \$100,000 Loan and Mr. Stefanelli will put in equity of \$25,000. The total project cost is \$225,000. Our loan package will consist of a Loan Agreement, Promissory Note and a recorded shared third mortgage lien on the new warehouse In addition, Romolo Chocolates, Inc. and Anthony and Jennifer Stefanelli will guarantee the loan. Northwest Savings Bank will assist in disbursement of the loan funds during construction for control purposes. See attached resolution in which we are seeking ratification of the Loan Review Committee approval. Romolo's Chocolates, Inc. presently employs 26 full time people and 16 part-time people and they plan to add Six (6) more employees in family sustaining jobs.

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

That the Enterprise Zone Loan Review Committee approval of the following loan be formally ratified:

	Amount	Term	Fee
Stefanelli Realty, Inc. (for benefit of Romolo Chocolates, Inc.)	\$ 100,000	10 years	\$500

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Loan Fund and loan repayments. This loan will be charged against account number 310-0000-0000-1007. The interest rate is fixed at 4.50% per annum. A one-time loan processing fee based on 1/2 of 1.0%, not to exceed \$1,500.00 of the amount financed will be assessed to this client. The City Solicitor's Office will assist with the preparation of the loan documents for this transaction.

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

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays 0
 May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,
 That the resolution for Plan Revision for New Land Development submitted pursuant to Section 5 of the Act of January 24, 1966 known as the Pennsylvania Sewage Facilities Act, for sewer tap-ins on property identified as **Mercyhurst Housing Project**, 501 East 38th Street, and owned by Mercyhurst College and upon approval submitting same to the Department of Environmental Resources for its approval as a revision to the Official Sewage Facilities Plan of the municipality.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays 0.
 May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

To: Mrs. Rubye Jenkins-Husband, Council Liaison May 5, 2008
 From: Doug Mitchell, Director of Public Works, Property & Parks
 Re: Auctioning of out-of-service compactors

On the agenda for the Council meeting of May 7, 2008 is a resolution authorizing the inclusion of six (6) out-of-service compactors in a heavy equipment auction to be held by the Greater Erie Auto Auction on May 17, 2008.

The six (6) compactors range from 1990 to 1992 model years and have out-lived their useful life. Attached is a listing of the vehicles with notes regarding their condition.

Also, attached is the auction company's compensation schedule (see fees). These fees are very reasonable. They are considerably less than the 5% to 7% that the city has historically paid.

Additionally, the auction company aggressively markets the auction in newspapers and publications throughout the region and will be mailing approximately 4,000 flyers to dealers, companies and individuals who have attended these types of auctions in the past. These efforts should translate into receiving much better prices for these units than we would receive through an auction of our own. We are hoping to receive over \$20,000 in total from the sales. Please contact me at ext. 1453 if there are any questions.

To: Doug Mitchell, Director, Public Works May 29, 2008
 FROM: John Farrell, Bureau Chief, Municipal Garage
 Subject: Vehicle Condition

This is a list of vehicles to be auctioned at Erie Vehicle Auction. Included are the year, make, model number and known defects.

	Dept.	Number	Year	Make	Model	Type	Defects	Color
1.	Refuse	#235	1991	International	2554	25 Yd.Compactor	Walking Beams Tires & Brakes	Yellow
2.	Refuse	#236	1991	International	2554	25 Yd.Compactor	Trans. Weak	Blue
3.	Refuse	#252	1990	International	4900	20 Yd.Compactor	Motor	Yellow
4.	Refuse	#594	1992	International	4900	20 Yd.Compactor	Cab Body & Misc.Parts	Blue
5.	Refuse	#593	1992	International	4900	20 Yd.Compactor	"	Blue
6.	Refuse	#592	1992	International	4900	20 yd.Compactor	Clamping System & Packer Body	Blue

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,
 That the proper city officials are authorized and directed to enter into an agreement with **Greater Erie Auto Auction**, P. O. Box 916, Fairview, Pa., for the sale of six (6) out of service City compactors in a region-wide heavy equipment auction to be conducted on May 17 with the compensation (sales commission) as per rate schedule attached.

Sell fees: 5/17/08

\$1000	\$120	5000	225
1500	140	6000	250
2000	170	7000	265
3000	180	8000	280
4000	200	10,000	300

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
 May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

To: Rubye Jenkins-Husband, City Council Liaison May 7, 2008
From: Doug Mitchell, Director of Public Works, Property & Parks
Re: Supervisory Service Contract

On the Agenda for the May 7th, 2008 City Council meeting is a resolution to enter into a supervisory service contract with Mr. Terry Delio to provide supervisory services for the Bureau of Streets at a rate of \$15.00 per hour from May 12, 2008 until October 3, 2008, with a total expenditure not to exceed \$16,800 for the season.

As you know, a significant portion of the city's milling and paving program is contracted out each year. For the past several years, Streets has incrementally assumed a larger portion of the paving work, paving entire blocks curb to curb and also by its "Patch Paving Program". Patch paving is milling and paving portions of streets in need of repair rather than milling and paving an entire block. This program was made possible through the purchase of a milling machine. Strategically targeting smaller areas in need allows us to maximize the allocated funds while bringing paving improvements to a greater number of streets. We also believe the Streets Bureau's paving work is equal in quality to any of the contracts work.

Mr. Delio, with 37 years experience in the Bureau of Streets retired in February of this year. He has been the Assistant Bureau Chief and the hands-on supervisor for the Streets' paving operation for the past several years. In our effort to continually reduce costs, the Administration is proposing to not fill the budgeted vacant position this year. Instead, recognizing the tremendous value of Mr. Delio's participation in the paving program, Public Works asked Mr. Delio if he would consider returning to work on a seasonal basis for the paving season, at a greatly reduced rate without benefits, to supervise the Streets paving operation.

If this agreement is approved and the vacant position is not filled this year, there will be a budgetary savings of approximately \$38,000.00.

If you have any questions or need additional information, please contact me at 870-1453.

SUPERVISORY SERVICE AGREEMENT

AGREEMENT dated May, 2008, between Terry Delio, individual, who resides at 631 West 23rd Street, Erie, Pa., (the "Contractor", and the City of Erie doing business at 626 State Street, Erie, Pa. 16501 ("City"),

WHEREAS, the City of Erie operates a government business (the "Business"), and

WHEREAS, the City of Erie wishes to retain the contractor as an independent contractor and the Contractor wishes to be retained in such capacity and perform certain services for the City of Erie, to promote the interests of the City,

THEREFORE, the parties hereto agree as follows:

a. SUPERVISORY SERVICE

(1) The City of Erie hereby retains Contractor and Contractor hereby accepts such engagement, for the term and under the conditions and requirements specified herein, as a contractor to the City, with such duties and responsibilities as may reasonably be assigned to pursuant to this Agreement. The Contractor's compensation shall be that specified below.

(2) Consultant's principal duties shall include special projects as assigned by Douglas Mitchell, Director of Public Works, including supervising the city's paving program during the term stated herein. However, Consultant shall have no authority to act in any capacity in a representative capacity of the City.

(3) Consultant shall be paid at the rate of \$15.00 per hour not to exceed \$16,800.00 for the paving season, which, for the purposes of this agreement shall commence May 12, 2008 and terminate October 31, 2008.

(4) The Contractor shall devote his best efforts, at the times and places he reasonably deems appropriate to his duties hereunder. However, it is expressly agreed that Contractor may serve as a consultant, manager, investor or employee to other persons, without limitation.

(5) The principal place of business of the Contractor shall be at such places as Consultant, in Consultant's reasonable discretion, may choose from time to time, but shall remain under the overall direction of the City's Public Works Director in furtherance of the City's paving program.

b. STATUS

The Contractor shall be treated in all respects as an independent contractor and the City shall not withhold any taxes on account of services rendered to it by Contractor. Contractor represents to the City that he will hold himself out "as a consultant to others and maintains his own office, for the services provided to the City, and assumes all risk of Consultant's classification as an independent contractor and not an employee.

c. TERMS OF CONTRACT

The term for which Contractor shall be hired hereunder shall be the "paving season", which is described in paragraph a. (3) herein.

d. EXTENSION AND TERMINATION

(1) If Contractor shall be terminated by the City, Contractor shall be entitled to any amounts due and owing as compensation which their Agreement to the extent of hours worked at the rate established herein.

(2) This Agreement can be terminated by either party on 10 days written notice provided in accordance with the terms hereof.

e. NOTICES

All notices and other communications hereunder shall be in writing and shall be deemed given if 1) delivered personally or 2) mailed, by either registered mail or certified mail, return receipt requested, to the parties hereto at the addresses listed hereinabove.

f. MISCELLANEOUS

(1) This Agreement constitutes the entire agreement between the parties hereto, supersedes all existing agreements between them and cannot be changed or terminated except by a written agreement signed by the parties and may not be assigned by either party.

(2) This Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

Terry Delio	CITY OF ERIE Mayor
Attest:	City Controller
City Clerk	

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

That the proper City officials are authorized to execute a supervisory service contract between the City of Erie and **Terry Delio** for street paving supervision. The contract is to commence May 12, 2008 and terminate October 31, 2008 ("the paving season"). The rate for the service shall be \$15.00 per hour, not to exceed a total of \$16,800.00 for the season.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, and Thompson. 6. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

ERIE TELECOMMUNICATIONS, INC.

Notes to Financial Statements - Year Ended December 31, 2007

1. Description of Business and Basis of Presentation

Erie Telecommunications, Inc. (the "Company") is the operator of a cable television system. The Company operates in the City of Erie, Pennsylvania under a nonexclusive franchise agreement that expired on September 30, 2006. The Company has notified the City of Erie of its intent to continue to operate under the terms of the expired agreement, as provided under Federal Law, until mutually agreeable terms for a new franchise agreement can be reached. The Company served approximately 25,400 subscribers as of December 31, 2007. The Company is a 54.19% owned subsidiary of Time Warner Entertainment Company, L. P. ("TWE"), which is a subsidiary of Time Warner Cable, Inc. ("TWC"). The Company's remaining ownership interests are held by Times Publishing Company (29.18%), the Greater Erie Economic Development Corporation (10%) and other shareholders (6.63%). The Company is one of several operating systems and subsidiaries of TWC, and transactions and the terms thereof may be arranged by and among members of the affiliated group. The accompanying financial statements reflect the historical cost of the Company's assets and liabilities. In addition, the financial statements include the allocation of certain amounts from the Northeast Ohio Division of Time Warner Cable. Accounts and transactions between the Company and its affiliates are disclosed as related party transactions. The financial results of the operations of the Company are consolidated by TWC.

The company offers three products - Video, high-speed data and Digital Phone. Video is the Company's largest product line in terms of revenues generated. The Company is continuing to increase its video revenues through its offerings of advanced digital video services, such as Digital Video, Video-on-Demand, Subscription-Video-on-Demand and Digital Video Recorders, as well as through rate increases and digital subscriber growth. The Company's digital video subscribers provide a broad base of potential customers for additional advanced services.

High-speed data service has been one of the Company's fastest-growing products over the past year and is a key driver of its results. The Company expects continued strong growth in residential high-speed data subscribers and revenues for the foreseeable future; however, the rate of growth of both subscribers and revenues could be impacted by intensified competition with other service providers for subscribers.

The Company's voice product, Digital Phone, was launched in late 2005. Digital Phone customers typically receive unlimited local, in-state and domestic long distance calling, as well as call waiting, caller ID and enhanced "911" services, for a monthly fixed fee. In the future, the Company intends to offer additional plans with a variety of local and long distance operations. Digital Phone enables the company to offer its customers a combined, convenient package of video, high-speed data and voice services, and to compete effectively against similar bundled products that are available from its competitors.

NOTE: Complete Financial Statements, Engineering Report and Erie Regional Customer Satisfaction Study are placed on file in the Office of Accounts, Finance and Budget.

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

That the Financial Statements for the year ended December 31, 2007, the Erie Region Customer Satisfaction Survey and Engineering Report for **Erie Telecommunications, Inc./Time Warner Cable** is hereby received by City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson. 6. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, 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 transactions that are to be charged to the respective Budget Code Numbers, viz:

1. **Y.M.C.A. of Greater Erie**, 31 West 10th Street, Erie, Pa., for the Summer Recreation Program in the sum of \$96,000.00.
2. **JFK Center**, 2021 East 20th Street, Erie, Pa., for the Summer Recreation Program (Spoon's Court Summer Basketball) in the sum of \$15,000.00. (Mrs. Jenkins-Husband abstained)
3. **Bitting Recreation, Inc.**, P. O. Box 6445, Harrisburg, Pa., for Replacement Parts for City Playgrounds/Equipment, for the Bureau of Parks at a total cost of \$19,294.20.
For Fertilizers and Chemicals for the Bureau of Parks at unit prices per Bid #6263 (4/8/08) to the following suppliers:
4. **Walker Supply, Inc**, P. O. Box 126, Bridgeville, Pa. 15017
5. **Allegheny Lawn & Golf**, 1241 Freedom Road, Cranberry Township, Pa., 16066
6. **E. H. Griffith**, 2250 Palmer Street, Pittsburgh, Pa. 15218
7. **LESCO, Inc.**, 1301 East 9th Street, Suite 1300, Cleveland, Ohio 44114
8. **Bissnuss, Inc.**, 2800 Boyce Plaza Road, Suite 141, Pittsburgh, Pa., for Replacement Parts for Wallace & Tiernan 50-200 Evaporator, for the Bureau of Sewers at a total cost of \$14,150.00.
9. **North Coast Tool**, 2705 West 17th Street, Erie, Pa., for a Drainage Well Pump for the Bureau of Sewers in the amount of \$14,518.00.

May 7, 2008. City Council adopt all items except Item #1 to the Y.M.C.A. and Item # 2 to JFK Center, by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. City Council adopt Item #1 by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Thompson. 6. Nays. 0.

May 7, 2008. City Council adopt Item #2 by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Schember, Thompson and Jones. 6. Nays. 0. (Mrs. Jenkins-Husband abstained)

May 7, 2008. 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 charged to the respective Budget Code Numbers, viz:

1. **Great Lakes Excavating**, P. O. Box 276, Erie, Pa., for Emergency Demolition of 1216-1/2 German Street, for the Department of Economic & Community Development at a total cost of \$4,500.00.
2. **Automatic Transmissions of Erie**, 1854 West 21st Street, Erie, Pa., for emergency rebuilding of transmission for the Deputy Chief's vehicle, for the sum of \$2,155.00.
3. **Master Fire & Security System**, 1019 West 26th Street, Erie, Pa., for a Monitor, Three (3) Cameras and Installation for the Building Security System, for the Bureau of Police for the sum of \$3,940.00.
4. **Gannon University Small Business Center**, for Reimbursement of Expenses for the Micro-Enterprise Program (part of Weed & Seed Program), for the Bureau of Police at a total cost of \$9,969.73.
5. **Playground Concepts**, 4848 Havana Drive, Pittsburgh, Pa., for Replacement Parts for City Playgrounds for the Bureau of Parks in the sum of \$6,615.81.
6. **Scobell Co.**, 1356 East 12th Street, Erie, Pa., for Repairs made to the Garage Heater for the Bureau of Streets in the sum of \$2,844.23
7. **Kappe Associates**, 100 Womans Mill Court, Frederick, MD, for Pump Parts for Chlorine Water Booster Pumps, for the Bureau of Sewers in the sum of \$2,185.00.
8. **A. Duchini, Inc.**, 2520 McKinley Avenue, P. O. Box 10005, Erie, Pa., for Masonry Brick and Concrete Blocks for Manhole Repairs, for the Bureau of Sewers at a total cost of \$2,718.54.
9. **UniFirst Corporation**, 18999 Park Avenue Plaza, Meadville, Pa., for Laundry and Rug Services, for the Bureau of Sewers at unit prices (\$4,586.40 total).

10. **Kinzua Environmental**, 1176 East 38th Street, Cleveland, Ohio, for Root Removal, Homogenizer, Degreaser and Sanitizer, for the Bureau of Sewers in the sum of \$9,319.75 (includes est. \$500.00 for freight).

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

WAIVE RULES

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

WHEREAS, Bayfront East Side Taskforce desires to obtain UDAG funds from the City of Erie to renovate commercial buildings at 231 Parade Street and 410 East Sixth Street; and

WHEREEAS, The City of Erie received annual UDAG loan repayments from Erie Insurance,

THEREFORE, it is hereby resolved, by the Council of the City of Erie that:

1. The Mayor and other appropriate City officials are hereby authorized to award UDAG funds as a grant in the amount of \$150,000 to Bayfront East Side Taskforce; and

2. The Mayor and other appropriate City officials are authorized to execute an agreement between the City of Erie and Bayfront East Side Taskforce whereby the City of Erie will make the grant funds available to Bayfront East Side Taskforce to carry out the project; and

3. Execution of the agreement shall be contingent upon receipt of the 2008 annual loan repayment from Erie Insurance.

May 7, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Thompson. 6. Nays. 0.

May 7, 2008. Signed by the President. Attested by the Acting City Clerk.

May 7, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Schember adjourned at 12:45 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Thompson. 6. Nays. 0.

Attest:

President of City Council

(Acting) City Clerk