

The City Council met in regular session in the Council Chambers on Wednesday, June 18, 2008 at 7:30 p.m.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. (Mr. Schember was out of town and communicated and voted by telephone)

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of June 4, 2008 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Copies of the bills under date of June 13<sup>th</sup> and June 20<sup>th</sup>, 2008 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

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By Mrs. Jenkins-Husband, Council File Ordinance #15,587, Pending Official File Ordinance #25-2008

an ordinance appropriating the sum of **\$698.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions and providing for the expenditure thereof by allocating said sum to Account #259-1219-0000-4552 Summer Recreation Program.

June 18, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,587 and now known as Pending Official File Ordinance #25-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,588, Pending Official File Ordinance #26-2008

an ordinance appropriating the sum of **\$157,142.00** from unappropriated and anticipated revenue from Account #506-0000-0000-3306 Federal Operating Grant - HUD Emergency Shelter Services and providing for the expenditure thereof by allocating said funds to various #506-1254-2008-4xxx accounts.

June 18, 2008. City Council on motion of Mrs. Schember, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,588, and now known as Pending Official File Ordinance #26-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,589, Pending Official File Ordinance #27-2008

an ordinance appropriating the sum of **\$971,094.00** from unappropriated and anticipated revenue from Account #505-0000-0000-3305 Federal Operating Grant-HUD HOME Program and allocating said funds to various #505-1239-2008-4xxx accounts for HOME (MO8) Projects.

June 18, 2008. City Council on motion of Mr. Schember, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,589, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,590, Pending Official File Ordinance #28-2008

an ordinance appropriating the sum of \$3,511,461.00 from unappropriated and anticipated revenue to be received from HUD; \$71,538.00 reprogrammed funds from previous Community Development Block Grant (CDBG) and \$30,000.00 program income (Miscellaneous Sources) for a total of **\$3,612,999.00** for the following 34<sup>th</sup> year projects and allocating said funds to Account #501-1227-1238-1245-1251-1252-1253-1255 and 1264.

June 18, 2008. City Council on motion of Mr. Schember, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,590 and now known as Pending Official File Ordinance #28-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson, and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,591, Pending Official File Ordinance #29-2008

**an ordinance rezoning property located at the** southeast corner of West 26<sup>th</sup> and **Cherry Streets** from C-4 (Traditional Neighborhood Commercial) and R-2 (Medium Density Residential District) to C-2 (General Commercial District) as requested by Lakeview Resale Company (owners Gerald and Carolyn Munsch), for used car sales.

June 18, 2008. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,591 and now known as Pending Official File Ordinance #29-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,592, Pending Official File Ordinance #30-2008

an ordinance amending the **Business Regulation and Taxation Code** of the City of Erie, Article 381, Local Economic Revitalization Tax Assistance (LERTA), by revising the application fee for the Job Creation Abatement, defining the employment threshold for a job and setting the scope of the Appeal Board and terms of members.

June 18, 2008. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance #15,592, and now known as Pending Official File Ordinance #30-2008, does hereby adopt on Final Passage by yeas Council Members, Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,593

an ordinance appropriating the sum of **\$5,000.00** from unappropriated and unanticipated revenue from Account #002-0000-0000-3338 PA DCED Grant - Fire Department and providing for the expenditure thereof by allocating said sum to Account #002-0639-0000-4033 Operating Supplies.

June 18, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, having read Council File Ordinance #15,593, 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 #15,594

an ordinance appropriating the sum of **\$85,052.23** from unappropriated and anticipated revenue from Account #231-0613-2008-3337 Insurance Fraud Prevention and providing for the expenditure thereof by allocating said sum to Account 231-0613-2008-40xx accounts.

June 18, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,594, 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 #15,595

an ordinance appropriating the sum of **\$93,242.23** from unappropriated and anticipated revenue from Account #230-0613-2008-3337 Auto Theft Prevention and providing for the expenditure thereof by allocating said funds to Account #230-0613-2008-40xx accounts.

June 18, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,595, 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 #15,596

an ordinance appropriating the sum of **\$107,928.00** from unappropriated and anticipated revenue from Account #261-0613-2008-3336 Weed & Seed Quality of Life and providing for the expenditure thereof by allocating said funds to Account #261-0613-2008-40xx accounts.

June 18, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,596 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 #15,597

an ordinance amending Part One (Administrative Code), Title Nine (Commissions), Article 165 (Urban Forest Committee) by amending Article 165.07 (Permits Required) to add Subsection (e) (Fees) to provide for a fifty dollar (\$50.00) administrative fee for every tree removal application and to provide for a fee waiver in the case of hazardous tree removals as determined by the City Arborist; by amending Article 165.12 (a) (Noncompliance; City to do the work, cost a lien) to provide that the costs for tree replacement undertaken by the City shall not exceed four hundred dollars \$400.00, by amending Article 165.15 (Penalty), as follows: (1) by including a fine of not more than three hundred dollars (\$300.00) for violation of Article 165.07 (c) (Removal and Replacement Permit) for failing to obtain a tree removal and replacement permit, (2) by increasing the fine for violation of Article 165.10 (abuse or mutilation of trees or plants) based on the size of the damaged tree, (3) by deleting references to the "Committee" and the "City Arborist" for purposes of clarifying that only police officers may issue summary offense citations for violation to municipal ordinances pursuant to the Pennsylvania Rules of Criminal Procedure, and (4) by renumbering the "Penalty" provision from Article 165.15 to Article 165.99.

June 18, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,597, 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. Thompson, Seconded by Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember and Jones, Resolved, by the Council of the City of Erie, That

WHEREAS, the Erie City Council wishes to pay special tribute to the Erie School District 8<sup>th</sup> Grade class of **JoAnna Connell Elementary School Academic Sports League Team** upon winning for the third consecutive year, the Northwest District competition and Pennsylvania Regional Championships while competing against thirteen other elementary schools, and

WHEREAS, the JoAnna Connell 8<sup>th</sup> Grade Academic Sports League Team will travel to San Antonio, Texas on June 26-29 to compete against the Texas State Champions, so

THEREFORE, Be It Resolved, by the Council of the city of Erie that this commendation is hereby presented to their coach Paula Michalegko and students Matthew Rogers, Yuliya Lopuga, Luong Phan, Savannah Rosthauser, Danielle Edgerly, Candice Martone, Kidanny Perez, Jonathan Morales and Zackary Balinski, along with our best wishes for a successful competition.

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

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

That in order to insure the health, safety and welfare of our citizens and in order to insure our citizenry that Erie air will be of the finest quality to protect their health, the Council of the City of Erie respectfully requests the **Department of Environmental Protection (DEP)** to monitor the following carcinogens that will be emitted from the proposed Tire to Energy Plant on a regular basis:

Acenaphthene	Nickel	Methane
Acenaphthylene	Phenol	Antimony
Arsenic	Stryene	
Benz(a)anthracene	1,1,2 Trichloroethane	Barium
Benzene	Trichloroethylene	Beryllium
Benzo(a)pyrene	Particulate Matter	Cadmium
Benzo(b)flouranthene	(Total)	Chromium VI
Benzylchloride	Particulate Matter	Mercury
Butadiene	smaller than 10	Selenium
Carbon Tetrachloride	microns (PM 10)	Silver
Chloroform	Particulate Matter	Thallium
Chrominum	smaller than 2.5	Zinc
Chrysene	microns (PM 2.5)	Ammonia
Coal Tar Pitch	Nitrogen Oxides (Nox)	Dioxins & furans
1,2 Dichloropropane-	Nitrous Oxide (N2O)	Polycyclic Aromatic
Dibenz(a,b) anthracene	Hydrogen Sulfide (H2S)	Hydrocarbons
Ethylene dichloride	Sulfuric Acid (H2S04)	(PAHs)
Hexachloroethane	Hydrofluoric Acid (HF)	Volatile Organic
Lead	Hydrochloric Acid (HCl)	Compounds (VOCs)
Methylene Chloride	Hydrogen Cyanide	

And, Be It Further Resolved, that the City Clerk is authorized and directed to forward copies of this resolution to Governor Edward Rendell, Secretary of the DEP Kathleen McGinty, Senator Jane Earll, Representatives of the Erie Delegation: Patrick Harkins, Flo Fabrizio, John Hornaman, John Evans and Curt Sonney, County Executive Mark DiVecchio, the Erie County Board of Health, Dr. Peter Lund/ Pennsylvania Medical Society.

June 18, 2008. City Council on motion of Mr. Thompson, Seconded by Mrs. Jenkins-Husband **TABLED** the foregoing resolution by yeas adopt by yeas Council Members Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 5. Nays. Aleksandrowicz and Cappabianca. 2.

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

That the **Environmental Protection Agency (EPA)** is respectfully requested to conduct a study of the emissions of the proposed Tire to Energy Plant to insure our citizens that the emissions from said plant have no harmful or perilous effect on Lake Erie or the flower, fauna or fish or animal life of our community and that the EPA do a further study of the emissions not covered by the DEP so there is no harmful effect on the health of our citizenry, and further authorizing and directing the City Clerk to forward copies of this resolution to President George W. Bush, EPA Administrator Stephen L. Johnson, Senators Specter and Casey and Congressman English.

June 18, 2008. City Council on motion to adopt **FAIL TO ADOPT** by yeas Council Members Aleksandrowicz, Cappabianca and Horan-Kunco. 3. Nays. Council Members Jenkins-Husband, Schember, Thompson and Jones. 4.

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

That the City Traffic Engineer is respectfully requested to study the feasibility of establishing a time limit parking zone **within the circle** (drive around) area located at the foot of State Street south of Dobbins Landing to alleviate the parking situation in this area and submit her recommendations back to City Council for their review.

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City of Erie has experienced numerous nuisance complaints regarding landlords renting apartments and houses to local college students in residential zoned neighborhoods and near college campuses, and

WHEREAS, these complaints deal with various violations such as disorderly conduct, noise, disorderly gathering, etc. and has placed an additional strain on the local police force, so

THEREFORE, BE IT RESOLVED, that the **City Planning Commission** is respectfully requested to study the feasibility of amending the City Zoning Code and review the definitions of family, the number of unrelated individuals living together, require limited parking permits with overnight restrictions, create a student rooming house program, establish overlay zones, deed restrictions on the number of student homes permitted in residential districts, etc., and to refer their findings thereon with recommendations back to City Council within a timely manner.

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

June 18, 2008. Signed by the President. Attested by the City Clerk.

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

That the Mayor and appropriate City officials are authorized to execute the necessary agreements with twenty-nine (29) subrecipients to carry out the **Community Development Block Grant (FY 2008) Projects** as noted:

- Community Housing Resource Board - \$ 5,889
- GEIDC-Brownfield Coordinator - \$30,000
- GEIDC - IP Site - \$175,000
- Erie Senior Center - AAA - \$22,000
- Hispanic American Council - \$25,000
- Economic Development Corporation - \$30,000
- BTW Center - HR - \$60,000
- ERA -Facade Renovation - \$55,000
- GECAC - Homemaker Services - \$7,000
- St. Paul Neighborhood Clinic - \$7,000
- Trinity Community Center - HR - \$15,000
- JFK Center - HR - \$60,000
- MLK Center - HR - \$60,000
- Gannon - Retail Development Services - \$65,000
- St. Martin Center - \$40,000
- ERA - Blighted Property - \$35,000
- ERA - Disposition - \$35,000
- ERA - Housing Rehabilitation - \$180,000
- ERA - Acquisition - \$70,000
- ERA - Relocation - \$30,000
- ERA - Home - \$45,000
- ERA - Parade Street Façade - \$50,000
- ERA - NRSA Rehabilitation - \$180,000
- American Red Cross - Summer Rec - \$9,000
- BTW Center - Summer Rec - \$8,000
- Boys & Girls Club - Summer Rec - \$8,000
- Trinity Community Center - Summer Rec - \$7,000
- JFK Center - Summer Rec - \$5,000
- MLK Center - Summer Rec - \$5,000

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Schember, Thompson and Jones. 6. Nays. 0. (Mrs. Jenkins-Husband abstained)

June 18, 2008. Signed by the President. Attested by the City Clerk.  
By Mr. Jones, Seconded by Mr. Cappabianca, Resolved, etc.,

That the Mayor and other appropriate City officials are authorized to execute the necessary agreement with subrecipients to carry out the following **HOME (FY 2008) Projects:**

BEST - Rental, 231 Parade Street- \$90,000  
HANDS - New Construction Rental (Little Italy) - \$75,000  
HANDS - HANDS - 811 Rental - \$180,000  
HANDS - CHDO Operating - \$48,552  
Zoey Meadows - \$110,438  
ERA - Rehabilitation - \$300,000  
ERA - NRSA Homebuyer - \$70,000

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
June 18, 2008. Signed by the President. Attested by the City Clerk.

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

That the Mayor and appropriate City officials are authorized to execute the necessary agreement with subrecipients to carry out the following **Emergency Shelter Grant (FY 2008) Projects:**

Bridge House - \$ 16,653	SafeNet - \$16,653
Community of Caring - \$14,275	The Refuge - \$16,653
Community Shelter Services - \$32,712	Snider House - \$2,973
City Mission - \$16,653	TLC - \$3,569
Mercy Center for Women - \$16,059	St. Patrick's Haven - \$13,085

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
June 18, 2008. Signed by the President. Attested by the 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 which are to be charged to the respective Budget Code Numbers, viz:

1. **Guzik Concrete and Masonry**, 35713 Shelley Lane, Union City, Pa., for the proposed Sidewalk and Curb Replacement 2008 at various locations for the sum of \$20,424.00.
2. **David Milano Construction**, 1827 West 36<sup>th</sup> Street, Erie, Pa., for Storm Drain & Sanitary Sewer Repairs at various locations for the sum of \$23,498.50 (Material Costs Only) for the Bureau of Sewers/Wastewater Treatment Plant.

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
June 18, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, 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. **F. Taylor Tree Service**, 9353 Route 20, Ripley, NY, for raking, placing topsoil, leveling and grading areas of Perry Square to prepare for hydro seeding for the sum of \$4,900.00.
2. **Groff Tractor & Equipment**, 1010 Pittsburgh Road, Valencia, Pa., for an Electric Repair Kit for the Milling Machine for the Bureau of Sewers in the sum of \$2,999.54 plus shipping.
3. **Electrical Repair Technology**, 5323 Woodside Drive, Erie, Pa., for repairs to #3 W Return Activated Sludge Pump for the Bureau of Sewers for the sum of \$2,500.00.
4. **Miller Pump Supply**, 9910 Peach Street, Waterford, Pa., for a replacement Pump and Parts for the Greengarden Lift Station for the Bureau of Sewers for the sum of \$2,711.06. (Only Qualified Supplier)

June 18, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
June 18, 2008. Signed by the President. Attested by the City Clerk.

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June 18, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 10:46 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Attest:

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City Clerk

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President of City Council

