

The City Council met in regular session in the Council Chambers on Wednesday, September 3, 2008 at 9:00 A.M.

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

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of August 16, 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 August 29th and September 5th 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.

By Mr. Cappabianca, Council File Ordinance #15,606
an ordinance appropriating the sum of **\$2,880.00** from unappropriated and anticipated revenue from Account #215-0613-0000-3342 Police Drug & Vice PAOpr Account and providing for the expenditure thereof by allocating said sum to Account #215-0613-0000-4096 Operating Transfer Out Account.

September 3, 2008. City Council on motion of Mr. Cappabianca Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,606 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 #15,607
an ordinance appropriating the sum of **\$21,033.00** from unappropriated and anticipated revenue from Account #241-0613-2008-3304 Justice Assistance Grant and providing for the expenditure thereof by allocating said sum to Account #241-0613-2008-4078 Machinery & Equipment.

September 3, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,607, 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, Seconded by Mr. Thompson, Resolved, etc.,
That **Richard Wagner**, 4228 State Street, Erie, Pa., is appointed to the Zoning Hearing Board to fill the unexpired term of Jeffrey Johnson (resigned) for a term expiring on December 31, 2008.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, Resolved, etc.,
That the City Traffic Engineer is respectfully requested to study the feasibility of installing a traffic light signal at **Cranberry Street and the Bayfront Parkway** and to report her findings thereon to City Council.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

To: Mrs. Jenkins-Husband, City Councilwoman August 20, 2008
From: Jim Gorski, Chief- Bureau of Sewers

Two truck deliveries of material to Lake View Landfill did not comply with the requirements of the Solid Waste Management Act. A PADEP inspector observed a Sewer truck carrying plant grits and screenings that was leaking and a Streets truck transporting sweeper waste that was not properly covered and placarded. The PADEP is requiring the City to enter into a Consent Assessment of Civil Penalty in the amount \$4,000 for these incidents. Appropriate steps have been taken by the Bureaus to ensure that these types of incidents will not reoccur.

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 to issue payment in the amount of \$4,000.00 for settlement of the **Civil Penalty** imposed by the Commonwealth of Pennsylvania's Department of Environmental Protection due to improper transportation of solid waste which occurred on June 24, 2008; to be charged against Budget Code Numbers 002-0713-0000-4059 (\$2,000) and 007-0771-0000-4059 (\$2,000).

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the Erie Industrial Development Company of Erie County ("EIDCO, Inc.") owns the property located at 1404 East Avenue; and

WHEREAS, the real estate is subject to delinquent City of Erie real estate taxes, interest and penalties in the amount of \$62,435.00; and

WHEREAS, the same property is further subject to delinquent Erie County and City of Erie School taxes and interest and penalties in the amounts of \$29,965.00 and \$99,612.00 respectively; and

WHEREAS, the property is also encumbered by two mortgages with the principal amount of interest and late fees in the total amount of \$823,592.00; and

WHEREAS, EDICO, Inc. has procured a purchaser for the property in the amount of \$175,000.00; and

WHEREAS, EDICO, Inc. desires to offer a compromise for the total delinquent mortgage lien and delinquent taxes in the amount of the sales price of the property; and

WHEREAS, EDICO, Inc. proposes to proceed with a court proceeding under Section 2 of the Act of November 23, 1938, P. L. 90, 72 P. S. 5522 in order to seek court approval of the tax lien compromise, so

THEREFORE, Be It Resolved, that the Council of the City of Erie has formulated the opinion that the total amount of the delinquent taxes, penalties, interest and costs due the city exceed the net amount which could be realized at a tax sale of the subject property upon which the taxes have been levied and further it is the opinion of the Council that the amount owed the City exceeds that which could be achieved by an enforced collection proceeding against EIDCO, Inc. The Council further consents to the compromise of the delinquent taxes subject to the following: consent to the compromise by all other taxing bodies and lien holders and favorable approval by the Court of Common Pleas.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to enter into an agreement with Mercyhurst College under which Mercyhurst will pay overtime and expenses to the City for the services of building code inspectors to conduct inspections at properties occupied by Mercyhurst students.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as **401 Wilson Street**, Index #14-010-028.0-223.00 by the Erie County Tax Claim Bureau to Willie K. Norton for the sum of \$250.00 is hereby approved by City Council.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as **1517 Buffalo Road**, Index #18-051-013.0-0-215.00 by the Erie County Tax Claim Bureau to Nathan Long for the sum of \$250.00 is hereby approved by City Council.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

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

That Change Order #1 on the contract for proposed Perry Square Renovation Phase 1-Electrical Construction to **Doan Pyramid, LLC Keystone Electric Division**, 3125 Brandes Street, Erie, Pa., adding the sum of \$16,250.00 for Fountain Electrical Upgrades for code compliance, thereby increasing the original contract amount from \$348,610.00 to \$364,860.00 is hereby received by City Council.

This change order is hereby concurred with and copies of this resolution are to be ordered attached to the original contract. Additional copies are to be forwarded to the Contractor, Engineer and other interested parties.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

Mr. James Klemm, City Clerk August 27, 2008
626 State Street, Erie, Pa. 16501

Re: Erie Zoning Hearing Board
Dear Mr. Klemm:

I hereby resign as a member of the Zoning Hearing Board effective August 27, 2008.
Respectfully,
Jeffrey Johnson

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,
That the communication from **Jeffrey Johnson** submitting his resignation from the Zoning Hearing Board effective August 27, 2008 is received by City Council and entered in the minutes for information.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

To: Jim Klemm, City Clerk August 27, 2008
From: Joseph E. Sinnott, Mayor
Re: New Appointment to the City of Erie Planning Commission

Please be advised of the following appointments to the City of Erie Planning Commission.

Jeff Johnson has replaced Tom DeBello who resigned on August 11, 2008. Mr. Johnson will serve the term ending December 2010.

Nedra Lehrian will replace Jeff Kidder who resigned on July 23, 2008. Ms. Lehrian will serve the term ending December 2009.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,
That the communication from Mayor Joseph Sinnott notifying City Council that he has appointed **Jeffrey Johnson**, (Jeffrey Johnson & Assoc. Realtors, 404 West 10th Street, 16502 to the Erie Planning Commission to fill the unexpired term of Tom DeBello who resigned August 11, 2008, to end December 2010 and also appointing **Nedra Lehrian**, 1470 South Shore Drive, to replace Jeff Kidder who resigned on July 23, 2008 to fill his unexpired term ending December 2009 is hereby received and confirmed by City Council.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

To: Jim Klemm, City Clerk August 27, 2008
From: Joseph E. Sinnott, Mayor
Re: New Appointments to the Redevelopment Authority and the Design Review Committee

Please be advised of the following appointment to the Erie Redevelopment Authority.

Christopher P. Mong has replaced Dinah Durr whose term expired August 19, 2008. Mr. Mong will serve the term ending August 19, 2013.

Also please be advised of the following appointment to the Design Review Committee. Shelly Buehler has replaced Kim Peden who has resigned. Ms. Buehler will serve the term ending December 2008. Thank you.

By Mr. Cappabianca, seconded by Mr. Thompson, Resolved, etc.,
That the communications from Mayor Joseph Sinnott notifying City Council that he has appointed **Christopher P. Mong** to the Erie Redevelopment Authority replacing Dinah Durr whose term expired August 19, 2008, to serve a five year term expiring August 19, 2013 and has also appointed **Shelly Buehler** to the Design Review Committee replacing Kim Peden (resigned) to her unexpired term ending December 2008; City Council receive and enter in the minutes for information.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
That the following amount is hereby transferred in the Community Development Block Grant:

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$3,000	501-1255-2008-4039	Consumable Items	\$3,000	501-1255-2008-4033	Operating Supplies

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
 That the following amount is transferred in the Community Development Block Grant:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$15,200.00	501-1251-2001-4041	Prof. Services	\$15,200.00	501-1251-2001-4011	Salaries

September 3, 2008. City Council adopt by yeas Council Members Horan-Kunco, Schember, Thompson and Jones. 4. Nays. Aleksandrowicz, Cappabianca and Jenkins-Husband. 3.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
 That the following amount is transferred in the Community Development Block Grant account:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$41,199.64	501-1251-2002-4041	Prof. Services	\$41,250.00	501-1251-2002-	Salaries
50.36	"	4039 Consumable Items		4011	
\$41,250.00					

September 3, 2008. City Council adopt by yeas Council Members Horan-Kunco, Je Schember, Thompson and Jones. 4. Nays. Aleksandrowicz, Cappabianca, and Jenkins-Husband. 3.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
 That the following amount is transferred in the Community Development Block Grant:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$ 103.28	501-1251-2006-4020	Workers Comp.	\$667.85	501-1251-2006-4011	Salaries
528.05	"	4031 Office Supp.	26,040.41	"	4018 Group Ins
320.00	"	4033 Operating Supp.	277.36	"	4021 Deferred
99.20	"	4035 Repair/Maint.	26,985.62		Comp.
5,211.41	"	4039 Consumable Items			
6,451.06	"	4043 Education & Trng.			
2,180.53	"	4045 Communications			
1,334.57	"	4046 Postage			
3,116.00	"	4052 Advertising			
717.09	"	4056 Repair/Maint. Services			
1,924.43	"	4059 Other Services/Charges			
5,000.00		4079 Office Supplies			
\$26,985.62					

September 3, 2008. City Council adopt by yeas Council Members Horan-Kunco, Schember, Thompson and Jones. 4. Nays. Aleksandrowicz, Cappabianca and Jenkins-Husband. 3.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
 That the following amount is transferred in the Community Development Block Grant:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$7,875.00	501-1251-2000-4041	Prof.Services	\$ 7,875.00	501-1251-2000-4011	Salaries

September 3, 2008. City Council adopt by yeas Council Members Horan-Kunco, Schember, Thompson and Jones. 4. Nays. Aleksandrowicz, Cappabianca, and Jenkins-Husband. 3.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,
 That the following amount is transferred in the Community Development Block Grant:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$5,800.00	501-1253-2007-4008	Group Ins.	\$7,800.00	501-1253-2007-4011	Salaries
2,400.00	"	4020 Workers.Comp.	400.00	"	4016 FICA/Med.
\$8,200.00			\$8,200.00		

September 3, 2008. City Council adopt by yeas Council Members Horan-Kunco, J Schember, Thompson and Jones. 4. Nays. Aleksandrowicz, Cappabianca and Jenkins-Husband. 3.
 September 3, 2008. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are hereby authorized and directed to execute an agreement to **Rohrer Trucking**, 3180 Rte 6N, Waterford, Pa., for the emergency demolition of 901 East 21st Street, for the Department of Economic and Community Development of the City of Erie at a total cost of \$5,625.00.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged to Budget Code #501-1264-2007-4059.

September 3, 2008 City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 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 transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Tom Tushak**, 318 Mechanic Street, Girard, Pa., for Crack Filling at Frontier Park tennis courts for the sum of \$3,204.00.
2. **Witmer Associates**, 104 Independence Way, Coatesville, Pa., for 5 Tasers and Holsters with a 4 year extended warranty @ \$984.45 each and 16 Air cartridges @ \$22.90 each, for the Bureau of Police for the sum of \$5,288.65.
3. **A & H Equipment**, P. O. Box 337, 1124 McLaughlin Run Road, Bridgeville, Pa., for a Bottom Water Tank for the Municipal Garage for the sum of \$2,114.54.
4. **HACH/American Sigma**, 5600 Lindberg Drive, Loveland, CO, for an SD 900 Compact Portable Sampler for the Bureau of Sewers for the sum of \$2,385.00.
5. **Newark**, P. O. Box 94151, Palentine, IL., for a Fluke T110 Thermal Imager for the Bureau of Sewers for the sum of \$3,957.41.

September 3, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.
September 3, 2008. Signed by the President. Attested by the City Clerk.

September 3, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 10:40 a.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Attest:

President of City Council

City Clerk