

The City Council met in regular session in the Council Chambers on Wednesday, January 7, 2009 at 9:00 a.m.

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

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of December 17, 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 December 26th, 2008, January 2nd and 9th were given to members of 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. Jones, Seconded by Mr. Thompson, Resolved, etc.,

That **Councilman Joseph Schember** is appointed to serve as President of City Council for the year 2009.

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. Mr. Cappabianca. 1.

January 7, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,625, Pending Official File Ordinance #1-2009 an ordinance amending the Administrative Code of the City of Erie, Article 183, Erie Municipal Airport Authority by changing its name to **Erie Regional Airport Authority**.

January 7, 2009. City Council on motion of Mr. Jones, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,625, and now known as Pending Official File Ordinance #1-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,626, Pending Official File Ordinance #2-2009

an ordinance amending the Codified Ordinances of the City of Erie, Part Eleven (**Public Health Code**), Title Three (Regulations of Board of Health), Article 1127 (Smoking Prohibited in Public Places) by repealing Article 1127 in its entirety.

January 7, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,626 and now known as Pending Official File Ordinance #2-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,627, Pending Official File Ordinance #3-2009

an ordinance appropriating the sum of **\$19,500.00** from unappropriated and anticipated revenue received from a Pennsylvania Department of Conservation and Natural Resources (DCNR) Grant (\$12,500.00) and the Lake Erie Region Conservancy (LERC) (\$7,000.00) Account #262-0725-0000-3333 Contributions and providing for the expenditure thereof by allocating said funds to Account #262-0725-0000-4041 Professional Services.

January 7, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,627 and now known as Pending Official File Ordinance #3-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,628

an ordinance approving the Editing and Inclusion of certain Ordinances as parts of the various component codes of the **Codified Ordinances** of the City of Erie.

January 7, 2009. City Council on motion of Mr. Jones, Seconded by Mr. Thompson, having read Council File Ordinance #15,628, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember 7. Nays. 0.

Pursuant to the provisions of Zoning Ordinance #80-2005 and the proper legal advertisement, the City Council proceeded to hold a **Public Hearing** at **9:30 a.m.** regarding:

A request from Hamot Medical Center for **Waterfront Conditional Use** for the development of three (3) Parking Lots located at the following locations:

- a) The Southwest corner of Sassafras and West Second Streets, a proposed 54 space lot measuring approximately 100 x 250' in area, located in a Waterfront Residential District;
- b) Additional parking proposed to be added to the existing PNC Bank lot, located at the southwest corner of Peach and West Second Streets; 81 spaces in a Waterfront Conditional II Zoning District; and
- c) Three parcels at the corners of Front, Short and Sassafras Streets, a proposed 27 space lot measuring approximately 150 x 30 feet, located in a Waterfront Residential Zoning District.

The following communication was submitted in regard to Item #1:

TO: Joe Sinnott, Esq.
From: Susan B. Giasson, 1921 West 51st Street

Regarding Public Hearing January 7, 2009. Unfortunately we are unable to attend the hearing but I wish to voice my concerns on Item Number 1. This parking lot will connect to my property at 225 West 2nd Street.

The chain link fence separating the two properties is only 3 feet high. I was told there would be shrubbery but I have had problems in the past with trespassing between 3rd Street and 2nd Street. We have completely blocked that access. Presently, there is a house and fence which prohibits people from using the property as a shortcut. We would request a higher fence to avoid future problems with people trespassing from the parking lot onto my property and causing problems for my tenants and their security.

Council will review the testimony given and render its decision at the next regularly scheduled Council meeting to be held on Wednesday, January 21, 2009.

TO: Joseph Sinnott, Mayor of Erie
Patrick Cappabianca, City Council Liaison
FROM: John "Casey" Wells, Executive Director
RE: West Dobbins Landing Name Change

December 12, 2008

On behalf of the Erie County Convention Center Authority, I respectfully request that the City change the name of the street that services the Sheraton Hotel. The roadway servicing the property, now entirely owned by the Erie County Convention Center Authority was previously located on the north side of the west public dock area. During the construction project, the roadway was moved to the south side to orient the hotel towards the City of Erie.

We ask the City to change the name from West Dobbins Landing to West Bay Drive. This change is a better reflection of the hotels "place" on Erie's magnificent Bayfront. Out of town visitors have a clearer understanding of the hotel location if the street is known as West Bay Drive.

The street name change will improve the marketing appeal of the hotel to ensure its continued success. If you have any questions or if I can provide any service to more this initiative forward, please contact me at 480-6012 or casey@erieevents.com. I look forward to your continued support. Thank you.

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

That the City Solicitor is authorized and directed to prepare an ordinance naming the roadway that exists on the south side of the Parking Ramp and Sheraton Bayfront Hotel, west of the foot of State Street from West Dobbins Landing to **West Bay Drive**, with the proviso that the City of Erie accepts no responsibility for the maintenance or upkeep of said roadway which is not a part of the City's right-of-way.

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

TO: Patrick Cappabianca,
FROM: Casey Wells (casey@erieevents.com)
SUBJECT: Parking Meters

Pat:

I spoke to Ray Massing from the Parking Authority about installing parking meters on West Dobbins Landing (West Bay Drive). He indicated the Parking Authority wants to do so but needs the City to approve the placement of meters on Erie County Convention Center Authority property.

He said LeAnn Parmeter from the City is aware of the details regarding the action necessary by the City to permit this to happen. It was suggested that our Council Liaison would be the most appropriate person to move this initiative forward through the process.

I spoke to the Mayor and he said he is OK with this plan. The plan will provide new revenue to the Parking Authority, Convention Center Authority and the parking violation payment will go to the City. This parking plan and meter fees are consistent with parking requirements along State Street. Just a reminder, the Authority provides free parking anytime in front of the Cove Restaurant on State Street as well as providing for free 30 minute parking in the Bayfront Parking Deck.

Please let me know if I can assist in any way. Your continued cooperation and support is sincerely appreciated. Best to you during the holiday season. Thank you very much.

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

That the City Solicitor is authorized and directed to prepare the appropriate ordinance amending the Traffic Code of the City of Erie by allowing the installation of **Parking Meters** on the south side of **West Bay Drive** (formerly West Dobbins Landing), Section 523.07, by adding the **Convention Center Hotel Site**

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to create an amendment to the City of Erie Zoning Ordinance #80-2005 defining **"Wind Energy Systems"** and to refer same to the City Planning Commission for review and recommendation to City Council.

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Traffic Engineer is respectfully requested to conduct a traffic study at **West 38th Street and Ellsworth Avenue** for installation of **stop signs** and to report their findings to City Council. (Neighbors have reported observing several accidents at this intersection)

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

Erie Wastewater Treatment Plant
68 Port Access Road, Erie, Pa. 16507-2202

December 15, 2008

Dear Mr. Gorski:

Process and Data Automation will provide computer and PLC integration services for the Erie Plant in 2009 for \$85.00/hour. This rate will be effective until December 31, 2009. Items included in the scope of this agreement include periodic maintenance of site controllers, networks and field devices as well as on-call service and no premium charge for all of the above.

Best regards,
S/ Joseph Snyder
Process and Data Automation

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

That the proper City officials are authorized and directed to enter into an agreement with **Process & Data Automation** for professional services for an amount **not to exceed \$20,000.00** for the integration of the Wastewater Treatment Plant computer system. (This firm has previously written software programs fitted to the Wastewater Treatment Plant operation. This software integration is also essential to insure that the computer system is operable at the Plant) which ultimately could influence compliance with our NPDES permit.

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

January 7, 2009. Signed by the President. Attested by the City Clerk.

Mr. Armand Chimenti
Zoning Officer, 626 State Street, Erie, Pa.,

October 29, 2008

RE: Proposal for Stenography Services - 2009

Mr. Chimenti:

Thank you for allowing Ferguson & Holdnack Reporting, Inc. the opportunity to quote the 2009 Stenography contract for the City of Erie's Zoning Board and Building Code Appeals Board hearings formerly held by Court Reporter Ann McDonald.

Understanding that the Zoning Board of Hearings are held on the fourth Tuesday of each month at 1:00 a.m. in Council Chambers., we propose a flat fee of \$100.00 for each daytime hearing. Zoning Hearings scheduled to commence at 6:00 p.m. or later, if any, shall be billed at \$125.00.

The same rates will apply to the Building Code Appeals Board hearings held on the first Thursday of each month at 1:00 p.m. at the Intermodal Center.

Ann McDonald has requested that Ferguson & Holdnack Reporting finish out the current year of these hearings. Therefore, the above rates will apply for the balance of 2008, as well.

We have been advised the dates for the remaining Zoning Board hearings are November 25, 2008 and December 23, 2008; and dates for the Building Code Appeals Board are November 6, 2008 and December 4, 2008. Kindly advise if these are incorrect.

Our policy is to place a confirming telephone call the business day before the hearing is to be held in the event of any changes.

Should you have questions or you require further information, please feel free to call me. We look forward to hearing from you soon with regard to this contract for services. Thank you again for the opportunity and for your consideration.

Respectfully,
S/ Angela R. Orlando, Office Manager

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

That the proper City officials are authorized and directed to execute an agreement between the City of Erie and **Ferguson & Holdnack Reporting, Inc.** for Stenography Services for the City of Erie's Zoning Board and Building Code Appeals Board Hearings for the 2009 calendar year @ \$100.00 for daytime hearings and \$125.00 for hearings scheduled to commence at 6:00 p.m. or later, as more fully described in Exhibit "A".

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
January 7, 2009. Signed by the President. Attested by the City Clerk.

Jason Sayers, P. E.
626 State Street, Erie, Pa. 16501-1128

December 15, 2009

RE: Proposed Jasmine Restaurant - 461 East 6th Street
Request for Easement in 6th Street R. O. W.

Dear Mr. Sayers:

We have attached the following sketch for your reference:

Z-1 15 Dec. 2008 Reduced Site Plan showing encroachment of ramp into 6th St
Street Right-of-Way

We are working on the proposed Jasmine Restaurant at 461 East 6th Street, with Owners Carmen Santos and Ayad Alaboudi who reside at 437 East 2nd Street, Erie, Pa. We are preparing the building code submittal and one of the requirements for code approval is to provide an accessible entrance. We propose a ramp at the front door as shown on the attached sketch.

On behalf of our client, we are requesting an easement from the City that would allow us to construct the ramp inside the 100' wide 6th Street right-of-way.

The Southern limit of the 100' wide street right-of-way occurs right at the face of the building, so the existing stoop at the entrance is already encroaching into the r.o.w. area. The proposed ramp would encroach into the r.o.w. by approximately 7' 5" +/- . We will keep the limit of the ramp South of the sidewalk line, so that there is no interruption of the clear sidewalk way as it runs down 6th Street (see attached sketch).

Please advise if your request is approved. Please call if you have any questions. Thank you for your consideration and we look forward to your reply.

Sincerely,
Thomas J. Freeman, Architect
S/ Adam J. Trott AIA

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

That the proper City officials are authorized and directed to execute the following Easement Agreements between the City of Erie and:

- a) **Carmen Santos and Ayad Alaboudi**, owners of **461 East 6th Street**, Index #(14) 1010-406, locating an accessible entrance which will protrude 7' 5" into the East 6th Street right-of-way for the Jasmine Restaurant. (There will be no encroachment into the sidewalk) (See letter above)
- b) **ExpERIENCE Children's Museum**, owners of **420 French Street**, Index #(14) 1002-200, for the placement of a handicapped ramp in the French Street right-of-way.

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
January 7, 2009. Signed by the President. Attested by the City Clerk.

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

That Change Order #2 on the contract of **Doan Pyramid**, LLC Keystone Electric Division, 3125 Brandes Street, for the proposed Perry Square Renovation, Phase 1- Electrical Construction, Bid #1616-08 for the Net Change of \$7,814.00 consisting of:

| | | |
|---|--------|-------------|
| Fountain Electrical Upgrades for Code Compliance - | Deduct | \$1,750.00, |
| Ground/bond top light fixtures per Electrical Inspector - | Add | \$1,600.00 |
| (8) Underground Connection points in lieu of pole mount receptacles, single phase to three phase | - Add | \$2,264.00 |
| Add circuits/feeders, labor to install (2) non-fused Disconnects required by Penelec | - Add | \$5,700.00 |

The current contract amount is \$364,860.00

The revised contract amount is \$372,674.00

This change order is hereby received by City Council and 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. To be charged to Budget Code #018-0713-0000-4075 \$7,814.00

January 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunoc, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
January 7, 2009. Signed by the President. Attested by the City Clerk.

January 7, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 11:15 a.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7.
Nays. 0.

Attest:

President of City Council

City Clerk