

The City Council met in regular session in the Council Chambers on Wednesday, March 4, 2009 at 9:00 a.m.

Council Members present: Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0. (Mrs. Jenkins-Husband was out-of-town and communicated by telephone.)

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of February 18, 2009 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

Copies of the bills under date of February 27, and March 6, 2009 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

-----  
By Mrs. Jenkins-Husband, Council File Ordinance #15,635, Pending Official File Ordinance #11-2009

an ordinance appropriating the sum of **\$40,000.00** from unappropriated and anticipated revenue to be received from Account #259-1219-0000-3641 Contributions and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

March 4, 2009. City Council on motion of Mr. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,635 and now known as Pending Official File Ordinance #11-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,636, Pending Official File Ordinance #12-2009

an ordinance appropriating the sum of **\$120,000.00** from Debt Service Fund - Fund Balance, Account #460-0000-0000-3111 and providing for the expenditure thereof by allocating said funds to Account #460-0963-0000-4078 Machinery & Equipment.

March 4, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, having read Council File Ordinance #15,636, Pending Official File Ordinance #12-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,637

an ordinance amending Part Three (Business Regulation and Taxation Code), Article 330 **Landlord and Rental**, Section 330.12 Sunset Provisions, of the Codified Ordinances by extending the Sunset date of from March 31, 2009 to March 31, 2013.

March 4, 2009. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,637, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

By Mr. Thompson, Council File Ordinance #15,638

an ordinance submitted pursuant to the provisions of 53 Pa. C.S.A. 2301, et seq., authorizing intergovernmental cooperation with the **delegation to the County of Erie** with respect to provision of fire, police, emergency and other dispatch communication services; setting forth the terms of such authorization and delegation; approving the initial agreement and authorizing the appropriate City of Erie officials to implement and, as necessary, amend such agreement(s).

March 4, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, having read Council File Ordinance #15,638, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending the Codified Ordinances of the City of Erie by amending Part One, Administrative Code, Title Three, Article 112, Rules of Council, by amending the following sections as noted: (Language in parentheses is deleted - changes and/or additions are underlined)

#### 112.01 MEETINGS

(b) (Executive) Caucus Meetings will be held at least 30 minutes before all City Council meetings. Administrative personnel and individuals approved by the City Council President can attend to make presentations and answer questions concerning Agenda items. (Two executive meetings of Council shall be held during the month of January of each year with the Mayor and his representatives for establishing priorities in the City's legislative program and to discuss executive programs contemplated by the Mayor for the current year.)

#### 112.02 PLACE OF MEETINGS

All meetings of Council, except in the case of emergencies, shall be held in the Council Chambers on the first floor of the Municipal Buildings. The display of placards and/or signs in the Council Chambers during such times as Council is in session is hereby banned; there shall be no political endorsements of individuals or candidates during City Council Meetings and/or Public Hearings.

#### 112.03 EXECUTIVE SESSIONS

City Council shall hold executive sessions as per Pennsylvania Sunshine Law requirements. (Council shall hold an executive session prior to the regularly scheduled meetings, except for evening and special meetings, commencing at 8:30 a.m. and terminating not later than 9:30 a.m. Attendance shall be limited to members of Council, personnel of the Office of the City Clerk, or any other interested person granted clearance to attend by permission of the Council President and any officials of the various departments and bureaus who are requested to attend jointly, by the President and the respective Council Liaison Chairman.)

#### 112.09 AGENDA

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to Council shall be filed in the Office of the City Clerk not later than (Wednesday at 4:30 p.m.) Thursday at Noon preceding the regular bi-monthly meetings of Council, whereupon the City Clerk, with the approval of the Council President, shall immediately arrange an agenda or such matters according to the order of business. The City Clerk shall furnish each member of Council, the Mayor and Solicitor with a copy of the (same delivered or mailed at such time as will permit each member of Council to receive the same not later than twenty-four hours prior to the time of such meeting) agenda as soon as possible after it is prepared. (Also, the City Clerk shall release a copy of the agenda at 9:00 a.m. on the Monday preceding the regular bi-monthly meeting of Council to newspapers, television and/or radio stations.)

#### 112.10 ORDER OF BUSINESS

The Order of Business of Council, in the consideration and disposition of matters coming before it, shall be as follows:

- (a) Roll Call
- (b) Pledge of Allegiance and Silent Meditation
- (c) Approval of Minutes and Payment of Bills
- ((d) Payment of Bills)
- (d) Citizens to be Heard

Any such person addressing Council shall step up to the front of the podium, shall give his/her name and address and, unless further time is granted by Council, shall limit his/her address to five minutes. All remarks shall be addressed to Council as a body and not to any member thereof. No person, other than a member of Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of Council, without the permission of the presiding officer. No question shall be asked a Councilperson except through the presiding officer. Reports from officials, boards, commissions and other bodies may be received, and also reading of written communications to Council on any matter concerning the City's business or any matter over which Council has control.

((e) (Committee reports of Council: At the Conclusion of the regularly scheduled meetings of Council, each member shall be permitted to give a report on matters pertaining to the Councilperson's Committee assignment and such report shall not exceed (5) minutes. The City Clerk shall be assigned the responsibility of monitoring each Councilperson's time usage.)

(e) Ordinances in strict order of Council file numbers, including action, upon vetoed ordinances, starting with the lowest Council file number and proceeding forward in consecutive order, through and including newly introduced ordinances.

((f) (Citizens to be Heard. Any such persons addressing Council shall step up to the front of the podium, shall give his name and address and, unless further time is granted by Council, shall limit his address to five minutes. All remarks shall be addressed to Council as a body and not to any member thereof. No person, other than a member of Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of Council, without the permission of the presiding officer. No question shall be asked a Councilman except through the presiding officer.)

(f) Old Business - resolutions or ordinances that have been addressed or acted on at previous City Council meetings.

((g) Ordinances in strict order of Council file numbers, including action upon vetoed ordinances, starting with the lowest Council file number and proceeding up, through and including newly introduced ordinances.)

(g) New Business - resolutions, transfers, contracts and purchase orders on the Agenda of Council.

((h) (Resolutions on the agenda of Council.)

(h) Committee Reports of Council. At the conclusion of the regularly scheduled meetings of Council, each member shall be permitted to give a report on matters pertaining to the Councilperson's Committee assignment and such report shall not exceed (5) minutes. The City Clerk shall be assigned the responsibility of monitoring each Councilperson's time usage.

((i) (Reports from officials, boards, commissions and other official bodies.)

((j) (Reading of written communications to Council on any matter concerning the City's business or any matter over which Council has control.)

(i) Adjournment - a motion to adjourn shall always be in order and shall be decided without debate (Ord. 8-1966 ss13. Passed 3-9-66)

#### 112.11 PRESIDENT OF COUNCIL

The President of Council shall be the presiding officer of Council. (He) He/She shall be elected annually at the first meeting in January of each year and shall be eligible for re-election. The President of Council shall assume the duties of the chair immediately after (his) his/her election. (He) He/She shall preserve strict order and decorum of all meetings of Council. (He) He/She shall summarize every ordinance coming to vote and shall likewise announce the decision of Council on every final vote on the passage of ordinances and resolutions by signifying that Council adopts or fails to adopt the same. The presiding officer may move, second and debate measures from the chair and shall not be deprived of any of the rights and privileges of a member of Council by reason of (his) his/her acting as a presiding officer. In the absence of the President, Council shall elect a temporary presiding officer from among the members present. (Ord. 79-1970 ss 3. Passed 13-10-70)

#### 112.12 PERMANENT STANDING COMMITTEES, LIAISON CHAIR(man)PERSON

(a) Retain this section

(b) Liaison (Chairmen) Chairpersons between Council and the various departments, bureaus, authorities, commissions and other offices of the city shall be appointed by the President of Council and shall have such duties and jurisdiction as designated by the President of Council. The Bureaus (authorities, commissions) and other offices of the City include, but are not limited to, (Department of Public Safety), Department of Public Works, (Department of Parks and Public Property) Parks and Property, (Office of Budget, Accounts and Finance), Finance Department, (Redevelopment, Planning and Zoning, Port Commission, Industrial Development), Department of Economic and Community Development, Bureau of Police, Bureau of Fire. (Boards, Commissions and Authorities). The Liaison Chairperson shall study and become familiar with the work and operation of the respective spheres of the municipal government to which (he) he/she may be assigned so that (he) he/she may be able to make property recommendations and furnish detailed information to Council when so requested.

(c) The proper Liaison (Chairman) Chairperson, together with the Council President, shall review the official agenda (not later than 4:00 p.m. on the Monday) prior to the (executive) caucus session meeting and notify the Office of the Mayor, in writing, of any department directors or bureau chiefs or other employees of the City whose presence is requested at the (executive) caucus session meeting.

#### (112.13 ADJOURNMENT)

(A motion to adjourn shall always be in order and shall be decided without debate.)

March 4, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into a contract between the City of Erie and **Building Inspection Underwriters of Pennsylvania, Inc.**, 4583 Peach Street, Erie, Pa., for Inspection Services for the Rental Licensing Program at the following unit prices with contract to run through March 31, 2011:

- Cost for initial inspections (fee shall include one re-inspection, if necessary) - \$50.00/inspection
- Cost for subsequent inspections beyond initial inspection - \$45.00/inspection;
- Hourly rate for filing citations, testifying in court and administrative reviews - \$65.00/hour.

March 4, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

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

That the communication submitted by Mayor Joseph E. Sinnott notifying City Council that he has appointed **David Calabrese** to the Redevelopment Authority Board replacing Bob Banks who recently resigned and whose term ends in December, 2010 is hereby received by City Council and entered in the minutes for information.

March 4, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and 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. **Sherwin Williams**, 1815 Peach Street, Erie, Pa. 16511, for Paint for Street Line Painting for the Bureau of Streets, Paint and Sign Division, for the sum of \$28,681.55.
2. **Walter's Tree Service**, 5214 Lake Pleasant Road, extending their current contract for providing Emergency removal or trimming of trees for the City of Erie, Bureau of Parks, according to Proposal #6141 which states a unit price of \$95.00 per hour.

March 4, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Schember, 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. **BSN Sports**, Collegiate Pacific, P. O. Box 7726, Dallas, Texas, for a baseball backstop for the Bureau of Parks for the sum of \$6,752.60.
2. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, Pa., for the printing and distribution of the 2009 Summer Parks & Recreation Guide in the amount of \$8,954.00.
3. **Potters Industries, Inc.**, P. O. Box 840, Valley Forge, Pa., for 14,000 lbs. of Fiberglass Beads for the Bureau of Streets, Paint & Sign Division, for the sum of \$5,600.00.
4. **William T. Spaeder Co.**, 1602 East 8<sup>th</sup> Street, Erie, Pa., for Grit Shaft Replacement for the Bureau of Sewers at a total cost of \$4,263.00.
5. **Gerster Trane**, 45 Earhart Drive, Buffalo, New York, for one (1) year Service Agreement for the Plant Chillers, for the Bureau of Sewers, for the sum of \$6,300.00.
6. **ONEX, Inc.**, 2225 Colonial Avenue, Erie, Pa., for the Annual Preventive Maintenance Repair of the doors, burners and damper seal on #1 Incinerator at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost not to exceed \$6,325.00.

March 4, 2009. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays 0.

March 4, 2009. Signed by the President. Attested by the City Clerk.

-----  
March 4, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Jones, adjourned at 9:55 a.m. by yeas Council Members Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 5. Nays. 0. (Mr. Aleksandrowicz left the meeting at 9:40 a.m.)

Attest:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk