

The City Council met in regular session in the Council Chambers on Wednesday,

April 1, 2009 at 9:00 a.m.

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

On motion of Mr. Thompson, Seconded by Mr. Jones, the reading of the minutes of the meeting of March 18, 2009 dispensed with the same adopted with copies furnished to members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

Copies of the bills under date of March 27th and April 3, 2009 were given to members of City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

After presentations were made to the Villa Maria Girl's Basketball Team and the Mercyhurst College Hockey Teams as noted later in these minutes, Council commenced with the Citizens to be Heard portion of the Agenda. There were many citizens present who spoke in opposition to the construction of the Tire-to-Energy Plant. Among those who signed their name to a listing to be heard were:

Randy Barnes	Edwina Gateley	Dorothy Scholze
Debra Johnson	Lori Duska	Martin Visnosky
Dr. W. Gento	Mary H. Wheaton	Dr. Ron Merski
Richard Wagner	Cathi Thi	Lee Coleman
Dr. Tom Falasco	Mary Wierzbicki	Denice Manus
Sister Clair M. Sarnik	Mary Maloney	Adrian Ewing
Sister Norma Jean Sengaley	Louise Jorgensen	Bob Henninger

Written statements were also submitted by Anne Zaphiris, PhD and I. L. Coleman, Jr.,. The Council then considered the following resolutions:

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

That the City of Erie Zoning Hearing Board's filing on the validity of the smoke stack provision of the City of Erie Zoning Code is hereby appealed.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, and Thompson 6. Nays. 0. (Mr. Schember abstaining)

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That due to the recent decision of the Zoning Hearing Board that **unilaterally invalidated Section 205(f)** of the City of Erie Zoning Ordinance, the City Council does hereby reinstate said section until a formal Study Session can be held to obtain a legally valid interpretation of the actions and ramifications of the Zoning Hearing Board decision as it applies to all other sections and parts of Section 205 being Lot, Yard and Height requirements of the city of Erie Zoning Ordinance.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson. 6. Nays. 0. (Mr. Schember abstaining)

April 1, 2009. Signed by the President. Attested by the City Clerk.

April 1, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Jones recessed at 12:30 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. City Council reconvened at 1:20 p.m. by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. 0. (Mr. Cappabianca returned to the Council Meeting at 1:30 p.m.)

By Mr. Thompson, Council File Ordinance #15,639, Pending Official File Ordinance #15-2009

an ordinance appropriating the sum of **\$85,000.00** from unappropriated and anticipated revenue from Account #245-0613-0000-3911 Police Vehicle Grant and

providing for the expenditure thereof by allocating said sum to Account #245-613-0000-4078 Machinery & Equipment.

April 1, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, having read Council File Ordinance #15,639 and now known as Pending Official File Ordinance #15-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,640, Pending Official File Ordinance #16-2009

an ordinance amending Part One of the Administrative Code, Title Three, Article 112 (**Rules of Council**), by amending certain sections as noted pertaining to Meetings, Executive Sessions, Agenda, Citizens to be Heard, Permanent Standing Committees and Committee Reports, etc.

April 1, 2009. City Council on motion of Mr. Schember, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,640 and now known as Pending Official File Ordinance #16-2009 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,641, Pending Official File Ordinance #17-2009

an ordinance appropriating **\$7,500.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 to be received from Highmark Blue Cross/Blue Shield and allocating said sum to Account #259-1219-0000-4552 Summer Recreation Program.

April 1, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,641 and now known as Pending Official File Ordinance #17-2009, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,642

an ordinance appropriating the sum of **\$566.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions (Erie Community Foundation) and providing for the expenditure thereof by allocating said sum to Account #259-1219-000-4552 Summer Recreation Program.

April 1, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,642, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,643

an ordinance appropriating the sum of **\$612,146.56** from unappropriated and anticipated revenue from Account #264-0707-0000-3332 State Operating Grant-PennDOT and providing for the expenditure thereof by allocating said funds to Account #264-0707-0000-4075 Bridges and Streets.

April 1, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,643, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

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

That pursuant to a Public Hearing held before City Council on March 18, 2009, the request of the Erie County Public Safety Department to install a **Bayfront Surveillance System** on top of a 75' monopole to be located at the foot of the Port Access Road in a Waterfront Manufacturing Zoning District (W-M) is hereby approved.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute an **Easement Agreement** between the City of Erie and Erie-Western Pennsylvania Port Authority in compliance with the City Engineer's metes and bounds description, locating a security communications tower in the Port Access Road right-of-way bordering property owned by Erie-Western Pennsylvania Port Authority at Index No. (14) 1048-100.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

HONORABLE MAYOR, PRESIDENT AND MEMBERS OF CITY COUNCIL March 20, 2009

The City Planning Commission reviewed **St. Paul's Neighborhood Clinic's** proposal to abandon two portions of an alley as presented to you this evening - One to the West of the Clinic and one to the South.

The purpose of the alley closing is to provide the opportunity for expansion of the Neighborhood Clinic, which the Planning Commission highly supports. All abutting properties have given the Clinic consent to carry through with this proposal.

However, after reviewing comments from the City Engineer and Fire Department, the Commission has concluded that only one of these entrances should be vacated - in order to allow proper ingress and egress within the alley. If the two entrances in question were closed, this would create a dead end and pose a potential safety hazard.

The Planning Commission recommends that the portion of the alley south of the site, measuring approximately 160' feet in length, be vacated for the purpose of expanding St. Paul's Neighborhood Clinic.

Respectfully submitted,
S/ Katy Deible, Secretary
CITY PLANNING COMMISSION

That the communication from the City Planning Commission forwarded pursuant to the request of St. Paul's Neighborhood Clinic to abandon two portions of an alley which border Lot 212 and 517 West 16th Street and Lot 238 at 520 West 17th Street, with the recommendation that only the portion of the alleyway to the south of the Clinic measuring approximately 10 x 160' in length located on **Walnut Street between West 16th and West 17th Street** be closed and vacated is hereby approved by City Council and the City Solicitor is authorized and directed to prepare an ordinance effectuating said change.

After discussion of the above item for consideration, City Council amended the foregoing resolution and submitted the following resolution in lieu thereof:

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

That the City Solicitor is authorized and directed to prepare an ordinance closing and vacating two (2) public Alleyways located on **Walnut Street between West 16th and West 17th Streets** and the other located on **West 16th Street between Walnut Street and Cherry Street**, both adjacent to St. Paul's Clinic and being approximately 10' x 160' in length.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City Council of the City of Erie wishes to honor the 2008-2009 **Mercyhurst College Women's Hockey Team** upon winning their sixth straight American League College Hockey Championship, was ranks second in Division I NCAA College Women's Hockey, earned the right to the national NCAA Frozen Four Finals in Boston, Massachusetts, where they played in the National Final game and finished a most successful season with a record of 31 wins against only 6 losses, and

WHEREAS, the Mercyhurst College Women's Hockey Team has accomplished this goal with hard work, sacrifice and conscientious dedication to their sport thus placing Mercyhurst College as one of the premier Women's Hockey programs in the nation, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to the Mercyhurst College Women's Hockey Team, along with our best wishes for continued success in the years to come.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the 2008-2009 **Mercyhurst College Men's Hockey Team** upon completing a most successful year with a record of 22 wins against only 15 losses and 3 ties and competed in the Atlantic Hockey League Championships, and

WHEREAS, the Mercyhurst Men's Hockey Team ranks as the highest-scoring team in the NCAA Division I Hockey, averaging 3.95 goals per game and has accomplished many goals this year with hard work, sacrifice and conscientious dedication to their sport, so

THEREFORE, BE IT RESOLVED, by the Council of the city of Erie that his commendation is hereby presented to the Mercyhurst College Men's Hockey team along with our best wishes for continued success in all of their future endeavors.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7 Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City Council wishes to pay special tribute to **the Villa Maria High School Girl's Basketball Team** upon winning the 2009 Pennsylvania Interscholastic Athletic Association Class AA State Championship at Penn State University, finishing a most successful season with a record of 27 wins against only three losses, and

WHEREAS, Villa Maria High School Girl's Basketball Team, ranked No. 1 in the State this year defeated York Catholic three-time Class AA Girl's Championship team on March 20, 2009 with their ultimate goal achieved thru hard work, sacrifice and conscientious dedication to their sport thus placing them as a premier girl's basketball program in the Commonwealth of Pennsylvania, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to the Villa Maria High School Girl's Basketball Team and we extend to them our best wishes and good luck in all their future endeavors.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That City Council wishes to recognize **Mercyhurst College** for their outstanding leadership in sponsoring and promoting college athletics over the years which has now resulted in receiving their selection as the right to host the 2011 NCAA Women's Hockey Frozen Four National Championship Tournament.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Council does hereby recognize the employees of our City of Erie **Elm Street Wal-Mart Store** for their monetary contributions to our Police and Fire Department Budgets and tribute them for their outstanding show of community spirit and support for the betterment of the City of Erie.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Clerk is authorized and directed to advertise for a **Public Hearing** to be held on Wednesday, **April 15, 2009** at 8:00 p.m. to consider extending the Sunset provisions of the **Downtown Improvement District Ordinance** and possible amendments thereto.

April 1, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, **TABLED** the foregoing resolution by yeas Council Members Aleksandrowicz, Jenkins-Husband, Jones, Thompson and Schember. 4. Nays. Cappabianca, Horan-Kunco and Jenkins-Husband. 3.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Council of the City of Erie records it's support of the **Youth Workforce Investment Program** in President Obama's stimulus plan for youth-to-work programs and the City Clerk is authorized and directed to forward said resolution to President Barack Obama, members of the United States Congress and the local Youth Workforce Investment Program.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Traffic Engineer is respectfully requested to conduct a traffic study for **Stop Signs** on **East 8th Street** intersecting with Pennsylvania Avenue and Brandes Street and to report the findings thereon to City Council. (Neighbors report speeding and accidents in the area.)

April 1, 2009. City Council adopt by yeas Council Member Alekksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 1, 2009. Signed by the President. Attested by the City Clerk.

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

That a loan maturity extension be formally approved as follows:

	Amount	Term
Nickel Plate Mills, Inc.	\$ 20,000.00	Six Years

This is a request to extend the loan maturity from March 20, 2009 allowing for the continuation of quarterly interest payments for 12 more months followed by a 60 month amortization of the loan. The interest rate on this obligation is 2.25% per annum. These loan funds were originally made available through the city of Erie Urban Development Action Grant Fund on March 20, 2006, requiring quarterly interest payments and a balloon payment of the principal amount on March 20, 2009.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
April 1, 2009. Signed by the President. Attested by the City Clerk.

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

1. David P. Madurski, 3309 Washington Avenue, Erie, Pa. 16508
2. Jason A. Lantzy, 9125 Perry Highway, Waterford, Pa. 16441
3. Jeffrey Keller, 2860 Cabernet Court, Erie, Pa. 16506

The above listed three (3) names are as they appear on the current Civil Service Eligibility List for Police Officers.

Be It Resolved, that **David P. Madurski**, 3309 Washington Avenue, Erie, Pa., being #1 on the current Police Civil Service Eligibility List, having been nominated by Chief Stephen E. Franklin, is hereby appointed as a Probationary Patrolman at the current salary of \$31,599.00 and that he is on probation for one (1) year from the date of his appointment on April 6, 2009.

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
April 1, 2009. 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 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 transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Day Automotive Resources**, 1600 Golden Mile Highway, Monroeville, Pa., for a Ford F-250 4x4 with power lift gate, for the Bureau of Sewers in the sum of \$24,360.00. (COSTAR purchase) This will replace a lift gate truck at the Plant that will no longer pass State inspection without extensive and expensive repairs.
2. **A & H Equipment Co.**, 1124 McLaughlin Run Road, Bridgeville, Pa., for two (2) Compactor Packer Bodies for the Bureau of Refuse at a cost of \$118,791.20 (\$59,395.60 each).

April 1, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
April 1, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Cappabianca, 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. **Pirrello Enterprises**, 721 Parade Street, Erie, Pa., for Microfilming Services of 2007 Accounts Payable Files for the City of Erie Finance Department, for the sum of \$2,029.63.
2. **Miller Brothers Fencing Co.**, 201 East 14th Street, Erie, Pa., for installing a Baseball Backstop for Joseph Wronek Field at 12th & Hess Avenue for the Bureau of Parks, for the sum of \$5,408.90 consisting of 2 Wing Panels @ \$570.00 and 22 rectangular panels @ \$4,838.90 to replace the current back stop panels.
3. **Turfsource**, 517 Parker Road, Sarver, Pa., for a pre-owned Locke Rough Mower, for the Bureau of Parks, (Golf) for the sum of \$5,500.00. The current mower is no longer functional and beyond repair.
4. **The Door Company**, 2002 West 16th Street, Erie, Pa., for all parts required for the installation of two doors at the Municipal Garage for the Parks & Recreation Bureau, at a total cost of \$2,494.60.
5. **SBM Electronics, Inc.**, 628 California Avenue, Erie, Pa., for the Annual Racal Maintenance agreement for the City of Erie Police Department for the sum of \$3,495.00, to be effective from 2/28/09 to 2/27/10.

6. **WSG & Solutions**, 160 Commerce Drive, Suite 400, Montgomeryville, Pa., for twenty (20) Grit Buckets for the Bureau of Sewers for \$9,568.00. (These buckets will be required when the Plant rehabs one of the Grit chambers this spring and are being purchased from an only supplier)
7. **Bucks Fabrication**, 3547 Perry Highway, Hadley, Pa., for two (2) roll-off Ash Cans for the Bureau of Sewers, in the sum of \$9,766.00. (These cans are used to haul the incinerator ash at the Plant to the landfill.)

April 1, 2009. city Council adopt by yeas Council Member Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
April 1, 2009. Signed by the President. Attested by the City Clerk.

April 1, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Jones, adjourned at 1:46 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

President of City Council

Attest:

City Clerk