

The City Council met in regular session in the Council Chambers on
Wednesday, April 15, 2009 at 7:30 p.m.

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

On motion of Mr. Thompson, Seconded by Aleksandrowicz, the reading of the minutes of the meeting of April 1, 2009 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, Jones, Thompson and Schember. 7. Nays. 0.

Copies of the bills under date of April 17th and April 24th, were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0. with the exception of bills to the NATO Centers on which Mrs. Jenkins-Husband, abstained from voting.

Approximately twenty individuals spoke to Council under the Citizens to be Heard portion of the Agenda at this evening's meeting. Mr. Waydell Johnson presented documentation to members of City Council and Mr. Randy Barnes submitted a report on the Bruce Mansfield Power Station, Shippingport, Pa. including Plant Data, Emissions/Toxic Waste Data, Litigation/Controversy and Accident and Negligence Data.

By Mrs. Jenkins-Husband, Council File Ordinance #15,642, Pending Official File Ordinance #18-2009

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 15, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,642 and now known as Pending Official file Ordinance #18-2009, does hereby adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,643, Pending Official File Ordinance #19-2009

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 15, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,643 and now known as Pending Official file Ordinance #19-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,644

an ordinance closing and vacating two public alleyways located on **Walnut Street between West 16th and West 17th Street** and the other located on West 16th Street between Walnut Street and Cherry Street, both being adjacent to St. Paul's Clinic and being approximately 10' x 160' in length.

April 15, 2009. City Council on motion of Mr. Cappabianca, by Mr. Thompson, having read Council File Ordinance #15,644, 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, Seconded by Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember and Thompson, Resolved, etc.,

WHEREAS, the City Council of the City of Erie wishes to pay tribute to the **Gannon University Men's Basketball Team** for completing a most successful season by capturing the PSAC League Championship and the 2009 PSAC State Tournament and being selected to host the first round games of the NCAA Division II Atlantic Region Tournament Championships, having advanced to the Elite-8 Tournament in Springfield, Massachusetts and completing their season with a record of 30 wins against only 4 losses, finishing with a school record of most wins by any previous Gannon University team, and

WHEREAS, the Gannon Men's Basketball Team accomplished this record through hard work personal sacrifice and conscientious dedication to their sport and are a credit to this school and the entire Erie Community, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to the Gannon University Men's Basketball Team and their head coach, John Reilly and we extend to them our sincere congratulations on an excellent season with best wishes and good luck in the years to come.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the City Council of the City of Erie wishes to pay tribute to the Gannon University Women's Basketball Team, for completing a successful season finishing with a record of 26 wins against only 4 losses, and ended their season as runner-up in the NCAA Division II Atlantic Regional Tournament, and

WHEREAS, the Lady Knights accomplished twenty-six wins over thirty games with hard work, sacrifice and conscientious dedication to their sport, and are a credit to their school and the entire Erie Community, so.

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to the Gannon University Women's Basketball Team and their head coach, Cleve Wright and we extend to them our best wishes and good luck in the years to come.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the City Council of the City of Erie wishes to recognize and endorse a proclamation in support of **"Save the Planet"** from April 17th thru the 26th, encouraging our citizens to participate in the events scheduled during this time in supporting our environment, and

WHEREAS, the local Save the Planet Committee is seeking help through their "Bucket Brigade" volunteers who hopefully will raise funds to support the activities of organizations such as Habitat for Humanity, Earth Force, Lake Erie Region Conservancy, and the Pennsylvania Lake Erie Watershed Association, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this proclamation is hereby presented to the Save the Planet Committee and urge our area citizens to support and take part in this very worthwhile effort to improve our environment now and in the future and we extend to them our best wishes for great success in this effort and all of their future endeavors.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That members of City Council signify their recognition of Saturday, April 25, 2009 as the **United Way Day of Caring** and encourage all citizens of Erie to volunteer their time to beautify Erie's neighborhoods, streets, parks and playgrounds and invite members of City Council to participate in graffiti clean-up with the Graffiti Task Force.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the Erie Renewable Energy (ERE), has submitted an Inhalation Risk Assessment Report to the Pennsylvania Department of Environmental Protection, and

WHEREAS, the Medical Society has submitted a Position Statement regarding the proposed tire burning plant on July 15, 2008, requesting an independent health impact assessment be obtained on the ERE proposal, and

WHEREAS, the Erie County Board of Health has unanimously adopted a resolution on October 27, 2008 recommending four (4) actions including that an independent health impact assessment be obtained on the ERE proposal, and that the developers provide a risk assessment and the data supporting it, and

WHEREAS, the American Lung Association presented a Position Statement on October 30, 2008 fully supporting the Erie County Medical Society's call for an independent health impact assessment, so

THEREFORE, the Council of the City of Erie does hereby respectfully request that the Erie County Medical Society, the Erie County Board of Health and the American Lung Association review the Inhalation Risk Assessment Report provided by the ERA and make their findings known to the Erie City Council and the general public.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, and Thompson. 6. Nays. 0. Mr. Schember abstaining)

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the members of City Council of the City of Erie hereby recognize Arbor Day as Friday, April 24, 2009 and

WHEREAS, the Council recognizes the need to promote and encourage the proper care and planting of trees, and

WHEREAS, the Council recognizes that trees are a valuable resource which provides oxygen, clean the air by absorbing odors and pollution, conserve energy by shading and cooling homes and buildings and by breaking up heat islands, prevent water runoff and soil erosion by breaking rainfall and holding soil, provide a canopy and habitat of wildlife, increase property values and improve business traffic, transform barren areas into area of beauty and provide buffers from harsh urban landscapes, serve as friends, companions, playmates and teachers, produce a sense of rootedness, connectedness, and community and act as a symbol of life, peace, hope for the future.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

Joseph Schember, President, Erie City Council
626 State Street, Erie, Pa.,

March 31, 2009

Dear Mr. Schember:

Recently, I viewed a map detailing the proposed high-speed rail routes in the United States and found a serious flaw that should concern all municipalities in Erie County. As it exists, the proposed high-speed rail route does not include a Cleveland to Erie to Buffalo corridor. I am very concerned our area will miss the economic benefits of high-speed rail which include employment, infrastructure projects and economic development.

Attached is Resolution Number 12, 2009 passed at Council's meeting on March 24, 2009 in support of the inclusion of this area in the proposed high speed rail route through the Great Lakes Region. In order to garner support from our federal officials and the Governor's Office for what could be one of the most important infrastructure projects of this century, I ask you to consider passing a similar resolution in your own municipality. If you decide to pass a resolution, please forward a copy to our elected representatives in Harrisburg, Washington, D.C., and to the Governor so they can see firsthand the regional support the high speed rail corridor has in our area. I would also appreciate you forwarding a copy to the County Council office.

Respectfully,

Kyle Foust, County Council Vice-Chairman

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

WHEREAS, the proposed plan for the high speed railroad does not currently include a Cleveland to Erie to Buffalo corridor; and

WHEREAS, the inclusion of Erie, Pennsylvania in the proposed high speed rail routes will provide a critical connection between New York and Ohio and Synergize economic activity throughout the Northeast while providing a crucial connection to the Midwest; and

WHEREAS, high speed rail trains, especially at distances of less than 400 miles, can deliver passengers to their downtown destination as fast as an airplane, but at a fraction of the cost, and in virtually any weather; and\

WHEREAS, high speed rail construction is one-tenth the cost of highway construction per mile, provides an income stream to pay for maintenance, and yields between \$1.70 and \$2.50 in benefits for every dollar expended; and

WHEREAS, the inclusion of the Cleveland to Buffalo corridor in the nation's high speed rail plan is a cog in the wheel of economic progress in the northeast, as it is crucial to increased job creation, commerce, improved air quality and the generation of billions of dollars in economic activity, so

NOW, THEREFORE, BE IT RESOLVED that our Federal legislators are hereby respectfully urged to fight for the inclusion of a Cleveland to Erie to Buffalo corridor in the nation's high speed rail plan so that the benefits of the President's Stimulus Plan may come to fruition in Northwest Pennsylvania, and

BE IT FURTHER RESOLVED, that a copy of this resolution is conveyed to Senators Specter and Casey, as well as to Representative Dahlkemper to that the Pennsylvania Delegation may speak in one voice.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the City Traffic Engineer is respectfully requested to study **Truck Traffic Signage** issues along **Fairmont Parkway** between Broad Street and McClelland Avenue and report her findings thereon to City Council.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That by this resolution, the City Council of the City of Erie notifies the Department of Environmental Protection of their concerns for the public health, and

Furthermore, that Erie Renewable Energy's (ERE) proposed emission project according to studies could potentially affect the health of our public,

Therefore, we officially state that we say "no" to this proposed project in the residential area.

April 15, 2009. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Jenkins-Husband amended the foregoing resolution by adding the following:

"Be It Further Resolved, that the City Clerk is authorized and directed to forward copies of this resolution to Senator Jane Earll and to our local delegation in the Pennsylvania House of Representatives."

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones and Thompson. 6. Nays. 0. (Mr. Schember abstaining)

April 15, 2009. City Council adopt, as amended, by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones and Thompson. 6. Nays. 0. (Mr. Schember abstaining)

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the City Administration is hereby respectfully requested to study the feasibility of adopting an ordinance similar to one in Pittsburgh, Pennsylvania, requiring gun owners to report the loss or theft of a firearm to an appropriate law enforcement agency within 24 hours of said loss or theft, and prescribing penalties for failure to do so and report their findings thereon to City Council.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, the Zoning Hearing Board has overruled the City Zoning Ordinance and proceeded to invalidate part of Section 205 being Lot, Yard and Height requirements in (M-2) Heavy Industrial Districts, and

WHEREAS, the City Council has the desire to appeal the decision of the Zoning Hearing Board in reference to the above matter, so

THEREFORE, Be It Resolved, by the Council of the City of Erie that we hereby agree to hire private legal counsel to represent the City Council in handling this appeal.

April 15, 2009. A lengthy discussion ensued regarding the above resolution with a motion presented by Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, requesting that a "Letter of Engagement" be prepared before the hiring of private legal counsel is officially retained to represent City Council in handling this appeal.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones and Thompson. 6. Nays. (Mr. Schember abstaining)

April 15, 2009. City Council on motion of Mr. Aleksandrowicz to amend the foregoing resolution by substituting the word "represent" the City Council in handling this appeal to "advise" the City Council in handling this appeal. This motion was not considered as it did not obtain a second.

April 15, 2009. City Council adopt, as amended, by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco and Jenkins-Husband. 4. Nays. Council Members Jones and Thompson. 2. (Mr. Schember abstaining)

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

TO: Mrs. Rubye Jenkins-Husband April 7, 2009
FROM: Jon Tushak, P. E., City Engineer
SUBJECT: City Council resolution to execute Federal Aid Reimbursement Agreement
PROJECT: Parade Street Phase 2 from East 12th Street to East 15th Street

A resolution to execute a reimbursement agreement between the City of Erie and PennDOT in the amount of \$800,000.00 for the above referenced project will be presented to City Council at their Wednesday, April 15, 2009 meeting

The Federal Aid Contribution is \$800,000.00 for the Construction phase. There is no local match requirement. The City of Erie, Bureau of Engineering, has provided design services and will provide inspection services.

PennDOT will reimburse the City of Erie upon receipt of certified invoices (submitted monthly) from the City and upon receipt of funds from PHWA. The City of Erie must pay the Contractor within 10 calendar days of the date on the PennDOT check.

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

That the Mayor and City Controller are authorized and directed to execute the **Federal Aid Reimbursement Agreement** No. 010R20 between the City of Erie and the Commonwealth of Pennsylvania, Department of Transportation for the construction of Parade Street Phase 2 from East 12th Street to East 15th Street in the total amount of **\$800,000.00**.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

TO: Mrs. Jenkins-Husband, City Council Liaison April 7, 2009
FROM: Jon Tushak, P.E., City Engineer
SUBJECT: City Council Resolution to Execute Reimbursement Agreement
PROJECT: Parade Street Revitalization and Streetscape from East 6th Street to East 12th Street

A resolution to execute a reimbursement agreement between the City of Erie and the Erie Redevelopment Authority (ERA) in the amount not to exceed \$475,488.96 for the above referenced project will be presented to City Council at their Wednesday, April 15, 2009 meeting.

The City of Erie has committed \$750,000 to the project from the 2004 Bond issue. The City of Erie has already directly spent \$274,511.04 on the project for consultant traffic signal design, light poles and fixtures materials, signal poles and mast arms materials and junction box materials. The remaining balance in the bond issue for the project is \$475,488.96 available for construction for payment to the contractor for work performed on the project.

The City of Erie will reimburse the ERA upon receipt of certified invoices (submitted monthly). The ERA must pay the contractor within 10 calendar days of the date on the City of Erie check.

Please contact me at extension 1377 if you have any questions.

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

That the Mayor and City Controller are authorized and directed to execute a **Reimbursement Agreement** between the City of Erie and the Erie Redevelopment Authority for the construction of the Parade Street Revitalization and Streetscape from East 6th Street to East 12th Street, for a reimbursement not to exceed **\$475,488.96**.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

WHEREAS, under this Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight or activities which will benefit low and moderate income persons, or other urgent community development needs, and

WHEREAS, under the HOME Investment Partnerships Program created by the National Affordable Housing Act of 1990 (NAHA) and amended by the Housing and Community Development Act of 1991, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing, and

WHEREAS, under the emergency shelter grants program contained in the Steward B. McKinney homeless assistance amendments Act of 1988, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial

assistance to grantees and nonprofit agencies which provide essential services, operations, homeless prevention and shelter rehabilitation for homeless persons, and

WHEREAS, the U. S. Department of HUD has advised the City that FY2009 entitlements are as follows CDBG \$3,511,461; HOME \$971,094 and ESG \$156,342; and

WHEREAS, in addition to the entitlement funds, the City expects to receive \$80,000 in program income, and \$545,459 in reprogramming funds, and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2009 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals and others with special needs, and

WHEREAS, the draft Annual Plan for 2009 was on public display since March 13, 2009, and the City held a Public Hearing on said Annual Plan and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document, and

THEREFORE, Be It Resolved by the Council of the City of Erie, Pennsylvania, and it is hereby resolved by the authority of the same, as follows:

Section 1: That the Annual Plan for the FY2009 CDBG, HOME and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Plan with the minutes of this meeting.

Section 2: That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status or national origin and other assurances as set forth under the certifications.

Section 3: That the Mayor, on behalf of the City of Erie, is authorized to file an application for financial assistance with the U. S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$3,511,461, HOME in the amount of \$971,094 and ESG in the amount of \$156,342 and is further authorized to act as an authorized representative of the City of Erie to sign any and all documents in regard to these programs.

Section 4: That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the Steward B. McKinney Homeless Assistance Act and also any supplemental or revised data which the U. S. Department of HUD may request in connection with the review of this application.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the Mayor and appropriate City officials to enter into a grant agreement with the Pennsylvania Department of Health for a **Healthy Homes Foster Care Grant** in the sum of \$164,380, and

WHEREAS, the City of Erie desires to provide approximately 20 Healthy Home assessments/inspections and 10 Healthy Home remediations for City of Erie Foster Care families, so

BE IT FURTHER RESOLVED, that the Mayor and other elected officials are authorized to execute a contract and further between the City of Erie and Penn State University in the sum of \$26,440.00 for Healthy Homes Trainings

BE IT FURTHER RESOLVED, that the Mayor and other elected officials are authorized to execute a contract and a between the City of Erie and St. Martin's Center in the sum of \$106,000 for Healthy Homes Foster Care inspections/assessments, remediation and other incidental costs.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City officials are authorized and directed to file an application for a grant from the Pennsylvania Department of Conservation and Natural Resources for the Renovation of the **Perry Square Project**.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the Mayor and City Controller to file an Grant Application to the **Erie County Regional Assets Funding Committee** in the amount of \$18,000 to assist in the presentation of the City's 4th of July Boom Over the Bay celebration.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the proper City Officials are authorized and directed to file a Renewal Application with the Pennsylvania Liquor Control Board for the purpose of exempting the areas identified as Zone I (Cranberry Street to Parade Street, North edge of Second Street to the Water's Edge) and Zone 2 (Holland Street to Peach Street, Fourteenth Street north to the northern edge of Second Street) on the map attached hereto as Exhibit A from the Board's regulations regarding amplified music being heard off-premises. Council authorized the initial application by resolution of March 8, 2006. This renewal application shall be for a 2-year period if the Board approves. The City will enforce its own Noise Control ordinance at Article 705 of the Codified Ordinances.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Mrs. Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. Mrs. Horan-Kunco. 1.

April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

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

That the following amounts are hereby transferred in the Office of Debt Service and Risk Management Fund:

| Transferred From | | | Transferred To | | |
|------------------|---------------------|---------------|----------------|--------------------|-----------------------------------|
| Amount | Account | Title | Amount | Account | Title |
| \$ 14,000 | 460-0963-0000-4870 | Note Interest | \$14,000 | 460-0963-0000-4895 | Washington Count Auth. Expense |
| <u>7,000</u> | 024-05630-0000-4041 | Prof.Services | <u>7,000</u> | 024-0563-0000-4065 | Misc.Ins.& Bonds |
| \$ 21,000 | | | \$ 21,000 | | |

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting 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 the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Oasis Design Group, Inc.**, 1608 Eastern Avenue, Baltimore, Maryland, for Professional Services in designing of a Master Site Plan for McClelland Park, for the total cost of \$22,499.00 with the majority paid by DCNR Conservation Planning Grant funds plus \$3,000.00 in matching city funds. The plan will identify current conditions and land uses and will recommend protection, restoration, development and maintenance options.
2. **W. C. Weil Company**, P. O. Box 199, Allison Park, Pa., for the Perry Square Fountain Pump, they being the sole bidder in the amount of \$15,947.00.
3. **Golden Equipment**, P. O. Box 873, Mars, Pa., for Streets Equipment Sweeper Parts for the Bureau of Streets for the sum of \$10,000.00.
4. **A & H Equipment Co.**, P. O. Box 337, Bridgeville, Pa., for Streets Equipment Sweeper Parts for the Bureau of Streets for the sum of \$10,000.00.

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

April 15, 2009. Signed by the President. Attested by the Acting 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. **Miller Brothers Fencing Co.**, 201 East 14th Street, Erie, Pa., for a Zero Turn Mower for the Bureau of Parks for \$7,151.76.
2. **Miller Brothers Fencing Co.**, 201 East 14th Street, Erie, Pa., for replacement Backstop Panels at various parks for the Bureau of Parks for \$7,608.40.
3. **Bitting (Gametime)**, P. O. Box 6445, Harrisburg, Pa., for Playground Repair and Replacement Items for the Park sand Recreation Department for the sum of \$9,579.51.
4. **S & S Processing**, P. O. Box 373, Old River Road, West Pittsburgh, Pa., for Fielder's Choice Infield Mix for the Parks and Recreation Department for \$5,104.00.
5. **Ehrich**, 2667 West 12th Street, Erie, Pa., for monthly extermination services at city firehouses from May through October 2009 for the Bureau of Fire @ \$45.00/month per house or a total cost of \$2,160.00.
6. **CDW-Government, Inc.**, 75 Remittance drive, Suite 1515, Chicago, IL, for Scanners, Printer and Media Tray/Feeder for the Bureau of Police for the sum of \$3,867.58.

7. **APEX Hydraulic & Machine Co.**, 2859 Phillipsburg Bigler Highway, Phillipsburg, Pa., for a Tailgate Cylinder for the Municipal Garage for \$2,463.00.
8. **Ram Industrial Services**, 5860B Pottsville Pike, P. O. Box 748, Leesport, Pa., for parts for the Belt Press Sludge Feed Pumps for the Bureau of Sewers for the sum of \$7,034.26.
9. **Kaman Industrial Technologies**, 2335 West 50th Street, Erie, Pa., for a Replacement Chain for a Grit Chambers for the Bureau of Sewers for \$7,483.32.
10. **NWL**, 312 Rising Sun, Bordertown, NJ, for Emergency Repairs/Retrofit of HV Controls for the Bureau of Sewers for the sum of \$9,950.00. (The repairs will be made on an emergency basis by the factory representative. The incinerators must be switched as soon as possible for preventative maintenance as per verbal agreement with the DEP.)
11. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for performing Repair Services (Material Costs Only) for the Bureau of Sewers:

| | |
|---|------------|
| Repair Street Cut on 7 th between Liberty & Poplar Streets | \$8,841.00 |
| Repair Sanitary Main at 801 East 7 th Street | \$2,220.75 |
| Street Repairs on Liberty Street between 21st & 27 th | \$3,248.71 |

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
 April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

WAIVE RULES

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

That the proper officials of the City of Erie are authorized to enter into a Consent Order and Buyer-Seller Agreement on terms to be mutually agreed to between and among the City of Erie ("City"), Township of Millcreek ("Township") and the Commonwealth of Pennsylvania, Department of Environmental Protection ("PADEP"). The purpose of the agreement is to memorialize the responsibilities of the City and the Township in connection with the environmental remediation of certain areas of the property known as the **Erie Golf Course** in furtherance of the agreement to transfer the course to the Township, which was previously set forth in Articles of Agreement between the City and Township and also addressed in a Memorandum of Understanding ("MOU") that provided for the funding for the course transfer. (A copy of the Agreement was provided to each member of City Council and to the City Clerk to file with the original resolution)

April 15, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson, and Schember. 7. Nays. 0.
 April 15, 2009. Signed by the President. Attested by the Acting City Clerk.

April 15, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 11:40 p.m., by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

Attest:

 President of City Council

 (Acting) City Clerk