

The City Council met in regular session in the Council Chambers on Wednesday, May 6, 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. Aleksandrowicz, the reading of the minutes of the meeting of April 15, 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 24th, May 1st and May 8th, 2009 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 invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

By Mr. Cappabianca, Council File Ordinance #15,644, Pending Official File Ordinance #20-2009,

an ordinance closing and vacating two public alleyways; the first being 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.

May 6, 2009. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, having read Council File Ordinance #15,644 and now known as Pending Official File Ordinance #20-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,645

an ordinance appropriating the sum of **\$2,149,750.21** from unappropriated and unanticipated revenue from Account #460-0000-0000-3911 Debt Service Sale of Fix Assets and providing for the expenditure thereof by allocating said fund to Account #460-0963-0000-4895 Washington County Authority expenses (\$2,125,485.34) and #4041 Professional Services (\$24,264,87).

May 6, 2009. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,645 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 #15,646

an ordinance appropriating the sum of **\$800,000.00** from unappropriated and anticipated revenue from Account #271-0707-0000-3332 State Operating Grant - PennDOT and providing for the expenditure thereof by allocating said funds to Account #201-0707-0000-4075 Bridges and Streets. (For the construction phase of Parade Street Phase 2 from East 12th Street to East 15th Street.

May 6, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Cappabianca, having read Council File Ordinance #15,646 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. Jones, Council File Ordinance #15,647

an ordinance appropriating the sum of **\$164,380.00** from unappropriated and anticipated revenue from Account #338-1338-0000-3340 State Operating Grant-Department of Health and providing for the expenditure thereof by allocating said funds to various #338-1338 accounts:

| | |
|--|------------------------------------|
| #4566 St. Martin Center - \$105,994.05 | #4623 Penn State - \$26,444.00 |
| #4011 Salaries - \$19,130.98 | #4016 FICA/Medicare - \$1,463.52 |
| #4017 Pension Cont. - \$2,415.15 | #4018 Group Insurance - \$5,236.51 |
| #4021 Deferred Comp. - \$259.00 | #4031 Office Supplies - \$1,907.19 |
| #4039 Consumable Items - \$900.00 | #4043 Education/Trng. - \$629.60 |

May 6, 2009. City Council on motion of Mr. Jones, Seconded by Mr. Thompson, having read Council File Ordinance #15,647 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. Horan-Kunco, Council File Ordinance #15,648 an ordinance appropriating the sum of \$63,450.00 from unappropriated and anticipated revenue from Account #262-0725-000-3333 DCNR Conservation Development Grant and providing for the expenditure thereof by allocating said funds to Account #262-0725-0000-4072 Land & Buildings. (Skate Erie Association)

May 6, 2009. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones, having read Council File Ordinance #15,648 does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

During the Citizens to be Heard portion of the Agenda, the following communications were submitted to City Council:

Mr. Jim Klemm, City Clerk April 28, 2009
626 State Street, Eire, Pa. 16501

Dear City Council Members:
The Erie County Medical Society is proud to accept the responsibility with which you have entrusted us of reviewing the three documents commissioned by Erie Renewable Energy, namely, ERE Air Quality Impacts, ERE Model Values and ERE Risk Assessment. The Medical Society will provide the council with a response that is timely and objective. The Erie County Medical Society appreciates the opportunity to serve City Council and the health needs of the citizens of Erie.
Yours truly,
Thomas Falasco, DO, Secretary
Erie County Medical Society

May 6, 2009. City Council receive and enter in the minutes of May 6, 2009.

C.A.L.L. - Congregational Action to Lift Lives
901 East 6th Street - Erie, Pa. 16509

Dear Mayor Sinnott and the City Council of Erie
We, the Spiritual Leaders of Congregational Action to Life Lives (C.A.L.L.) have a passionate interest in what transpires in the City of Erie and its environs. The homicide of Mr. Rondale Jennings, Jr. on March 28th was a sad occurrence in a city already riddled with violence. The insensitive prejudicial lack of self-control of off-duty Police Officer James Cousins II, not only exacerbated the racial friction in our city but besmirched and ridiculed the last throes of a dying man. The homicide victim's mother, Mrs. Yvette Jennings, graciously began her press conference on April 20th by showing gratitude to the Erie Police Bureau for apprehending her son's killer. Mrs. Jennings also expressed that she was shocked, disturbed and distraught by the conduct of the police officer who so crudely described her son's death as documented in that widely circulated videotape.

The philosophical basis for members of C.A.L.L. is primarily the Judeo-Christian religious tradition and humanist ethical practice. The public trust is sacred, as well as the inherent dignity and worth of every individual person. The bridge between religion and society can be found in the biblical inscription on the Liberty Bell: "Proclaim liberty throughout all the land to every inhabitant thereof".

As the Spiritual Leaders of C.A.L.L., we like the Prophet Jeremiah, cry and lament over the travesties on our city. And like Jeremiah, we have "bought a field in the city" advocating for urban development and a more wholesome life for the poor. We are unabashed in declaring that "we are our brother and sister's keepers". We heed the injunctions to "judge not" (lest we be judged) but we cannot condone poor judgment. We affirm together that justice must be brought about before healing and reconciliation can occur.

Therefore, we recommend that a mechanism for independent review be established to investigate and resolve the immediate issues and that this mechanism be crafted in such a way to pre-empt and properly evaluate further occurrences. As the Spiritual Leaders of C.A.L.L., we are willing to be representatives for the community for such a review board.

As civil servants you are "called" as we are "called:", to unleash "the better angels of our nature" and to pursue and enact justice in the lives of all the peoples of our beloved city!

Peacing it together,
Rev. Steve Ashmann for the Spiritual
Leaders of C.A.L.L.

May 6, 2009. City Council receive and enter in the minutes of May 6, 2009.

ISSUES TO BE ADDRESSED BY THE MAYOR AND CITY COUNCIL

By Jos. K. Curlett

May 6, 2009

The insurgence of paramilitary racist organizations are increasing in this area directed at minorities and lower class peoples. Is the city aware and doing anything about their encroachment in this community. For skin-heads are seen everywhere, even it seems on the police force, in trucks, motorcycles, etc. There is an apparent fear in the community of these elements. Is the city going to safeguard us from them. What is currently in place?

In the stimulus plan, the police are gearing up with lasers, surveillance cameras, bullet proof vests, hand-held portable radios, more cars. other enforcement equipment. Why ???

When is the city planning on implementing the diversity training Councilman Jones has been championing by contacting individuals in the community to develop and conduct the training?

City crews need instruction on paving the streets... as they are merely laying down the blacktop with no consideration for the damage to the cars.

What is the dollar amount in the \$170 million in stimulus money that will directly benefit African Americans?

What is the administration's plans for job training and placement of African Americans since that are few in number in the unions for the shovel ready projects?

What are the qualifications and eligibility for the revolving loans in Kim Green's office?

Is there going to be an increase in funding for youth summer jobs and cultural activities? How much?

Though the Erie Community Foundation/Non-Profit Partnership Association is shepharding the center's consolidation, what has become of their debt and when will be final plans be made public?

When will the Public Works Department begin doing a better job at planning its street repairs, so traffic flows smoother and less inconvenience?

Where are the African American positions for the current construction jobs in progress right now, since AA unemployment is over 21%?

May 6, 2009. City Council receive and enter in the minutes.

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

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the **Northwest Pennsylvania Collegiate Academy High School Academic Sports League Team** upon winning the Pennsylvania State Championship the past eight of the last nine years and placed first in Division III competition at the United State Academic Decathlon in Memphis Tennessee, and

WHEREAS, the NPCA team members won six of the nine finalist medals in the Division III Small School category and placed junior Rachel Vandervert third in the National Speech Showcase, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this commendation is hereby presented to the Northwest Pennsylvania Collegiate Academy Academic Sports League Team members Stephanie Engel, Sujay Sayakar, Rachel Vandervert, Amal Abukar, John Luke Galla, Josh Ohmer, Reeve Hunsaker, Stan Tuznik and Vid Yogeswaran, Coach Colleen Holmes and Dean Lori Gornall and extend to them our sincere congratulations and best wishes as they pursue academic excellence.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

At approximately 10:00 a.m., the City Council proceeded to hold a **Public Hearing** regarding the approval of a substantial amendment to the City's FY2008 Annual Consolidated Plan for the inclusion of the **Homeless Prevention and Rapid Re-housing Program Fund (HPRP)**, Title XII of the American Recovery and Reinvestment Act of 2009, whereby the City will receive entitlement funds in the amount of \$1,458,364.00.

After the Public Hearing, the following resolution was adopted:

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

WHEREAS, under American Recovery and Reinvestment Act of 2009, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to communities under the Homeless Prevention and Rapid Re-Housing Program for households below 50% of median income, and

WHEREAS, the U. S. Department of Housing and Urban Development has advised the City of Erie that it is eligible to receive a Homeless Prevention and Rapid Re-Housing Program entitlement grant in the amount of **\$1,458,364.00**; and

WHEREAS, the City of Erie has prepared a Substantial Amendment to the city's RY 2008 Annual Consolidated Plan that describes the eligible activities under this program and how the city plans to expend these funds for households who are below 50% of median income and in need of the funds, and

WHEREAS, the substantial Amendment to the FY 2008 Annual Consolidated Plan also identifies the activities to be undertaken to address those needs as shown in the

City's Five Year Consolidated Plan and certifies the commitment of the City to comply with specific related laws and regulations under this program; and

WHEREAS, in accordance with the City's approved Citizen Participation Plan, a draft copy of the City's Substantial amendment was on public display for the required 12 days and the City held the required public hearing on said Substantial Amendment and all public comments were taken into consideration in the preparation of the final Substantial Amendment document.

IT IS HEREBY RESOLVED by the Erie City Council, Erie County, Pennsylvania that:

1. The Substantial Amendment to the City's Fiscal Year 2008 Action Plan for Homeless Prevention and Rapid Re-housing Program Entitlement Grant is hereby in all respects approved.

2. The City Council is cognizant of the conditions that are imposed in undertaking and carrying out activities with federal financial assistance under the Homeless Prevention and Rapid Re-Housing Program.

3. The City's Department of Economic and Community Development is hereby authorized to file the Substantial Amendment to the Fiscal Year 2008 Consolidated Annual Action Plan in the amount of \$1,458,364 with the U. S. Department of Housing and Urban Development on or before May 18, 2009.

4. That the Mayor is hereby authorized to provide such assurances and/or certifications as required by the Homeless Prevention and Rapid Re-housing Program under the American Recovery and Reinvestment Act of 2009, and also any supplemental or revised data which HUD may request in connection with HUD's review of the City Substantial Amendment.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Clerk is authorized and directed to advertise legal notice of a **Public Hearing** to be held on Wednesday, **June 3, 2009** at approximately **10:00 a.m.** in the Council Chambers, regarding the **amendments/additions to Zoning Ordinance #80-2005** by (1) adding a new Section 305.51 Licensed Massage Therapy which requires a degree or certificate of all persons performing therapeutic massage techniques and grandfathering existing practitioners, as provided by new Pennsylvania legislation and amending the definitional provision of the ordinance accordingly; (2) amending Section 305.16 Fraternities, Sororities and Dormitories to provide that one off-street parking space shall be required for each 4 residential occupant; (3) amending the Definition of Dormitory by reducing from five to four the minimum number of persons qualifying for a Dormitory, deleting reference to cooking and eating areas and excluding single and two-family dwellings and (4) amending Section 305.45 (b) by establishing a 15 square footage maximum of directional or panel communications antennas.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is respectfully requested to attend a City Council Study Session scheduled as soon as possible to discuss the progress of his work involving the preparation of the **Continuous Emissions Monitoring Systems Ordinance (CEMS)**, thus allowing City Council to review its current status and offer suggestions and assistance, if needed, to aid the City Solicitor in his final draft of said ordinance and after these final discussions again request that the First Reading of the CEMS Ordinance appear on our Council agenda no later than the meeting of July 1, 2009.

The Study Sessions shall be held on Thursday, May 21st at 6:30 p.m. and Thursday, June 4, at 6:30 p.m. The final draft to be voted on no later than July 1st (less than 30 days after the second study session)

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

May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Administration along with the Special Events Coordinator and the Public Works Department are respectfully requested to designate either portions of streets or other special close available areas as **handicapped only parking areas**. This is to provide close at hand parking for events held on State Street or other adjoining streets, which are organized by the Erie Downtown Partnership or other similar promoters, in which the main purpose of the specified event is to attract large crowds into the downtown area at which times either portion(s) of State Street or other adjoining streets may be closed temporarily to vehicle traffic for the duration of these events. An appropriate number of handicapped only parking spaces will be provided, as determined by the nature and specifics of the event. The purpose of this is to provide special events handicapped parking in the immediate vicinity of the special event location.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare amendments to the **Downtown Improvement District Ordinance #42-2004**, as submitted by the Erie Downtown Partnership and approved by City Council.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Administration is respectfully requested to explore available Grant Options for **Police and Community Diversity Training**.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor's office is respectfully requested to conduct a feasibility study regarding **Citizens Review Boards and Ordinances** in various cities and to report their findings thereon to City Council.

May 6, 2009. City Council adopt by yeas council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

NOTICE OF CLAIM AND CIVIL ACTION

To: City Clerk, City of Erie
Gregory Karle, Esq., City Solicitor

April 22, 2009

Pursuant to the statutory notice requirements as contained in Title 42 of the Pennsylvania Consolidated Statutes Annotated, notice is hereby given to the entities named about of a claim for injuries and/or damages as follows:

1. Name and residence address of the person to whom the cause of action has accrued - Steven E. Lunger, Jr., 620 East 26th Street, Erie, Pa 16504
2. Name and residence address of the person injured - Steven E. Lunger, Jr., same address as above.
3. Date and hour of the accident - April 8, 2009 about noon.
4. Approximate location where accident occurred - East 21st and Parade Street intersection.
5. Name and address and attending physician - Saint Vincent Medical Center - Emergency Room, West 24th Street, Erie, Pa., and Elk Valley Medical Center, 5165 Imperial Parkway, Girard, Pa.

Description - Steven Lunger and his father were crossing East 21st Street on the west side of Parade. A City of Erie yellow pick up truck with a City coat of arms in the doors and with an amber light on its roof did not yield or stop for the red light but struck Steven Lunger, Jr. and injured his left shoulder. The driver of the truck, a middle aged white male with gray hair, did not stop to either identify himself or see if Lunger was injured, but left the accident scene. Lunger immediately went to Saint Vincent to receive (care) for injuries for a left shoulder injury and then went to the police station the next day.

Attached is a copy of the complete driver's accident report which Lunger was given to complete and which he sent to the Pennsylvania Department of Transportation.

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

That the Notice of Claim and Civil Action as submitted by Attorney Howard Hain on behalf of his client **Steven E. Lunger**, 620 East 26th Street, alleging that a City of Erie vehicle was involved in a hit and run accident at East 21st and Parade Street on April 8, 2009 which resulted in injury to Mr. Lunger is hereby received by City Council and forwarded to the Office of the City Solicitor.

May 6, 2009. City Council adopt by yeas Council Member Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

To: Joseph Schember, City Council President and Members of City Council
From: Thomas J. McIntire, Erie Enterprise Zone Coordinator
Re: Resolution to Request an Amendment to our New Communities Program Grant Contract No. C0000035735 increasing it from \$50,000 to \$100,000 for the Fiscal Year starting July 1, 2009- June 30, 2010

Resolution for funding of Erie Enterprise Zone: The Grant contract referenced above provides a portion of the funding of our Erie Enterprise Zone. The funding received throughout his contract pays part of the salary of the zone coordinator, who provides loan and technical assistance to clients in the zone. The balance of our zone funding, which is obtained from our revolving loan fund interest and investment income is used to pay the balance of that salary along with the administrative costs.

The grant funding comes from the PA Department of Community and Economic Development (DCED) through the State's New Communities Program. Under the program parameters, which are set for our State designated enterprise zone annually during the life of the zone, which is in effect until June 30, 2011. In order to request funding for the upcoming Fiscal Year of July 1 2009 - June 30, 2010, we need a resolution authorizing the submission of an amendment or our present contact with the PA Department of Community and Economic Development.

Therefore, we respectfully request that City Council authorize the attached resolution so we can request continued assistance from the PA Department of Community and Economic Development through their New Communities Program.

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

That the Mayor and other appropriate officials are hereby authorized to request an amendment from the Pennsylvania Department of Community and Economic Development of our **New Communities Program Grant Contract NO. C0000036836** (July 1, 2008 - June 30, 2011). This amendment will increase the contract from \$50,000 to \$100,000 for upcoming fiscal Year July, 2009- June 30, 2010. This funding pays part of the salary of the Zone Coordinator, thus enabling the operation of the Zone, whereby the Zone Coordinator can provide loan and technical services to manufacturing, industrial and certain other business clients leading to job creation and job preservation within the Zone.

Be It Further Resolved, that the City of Erie will reimburse the Commonwealth of Pennsylvania for the state's share of any expenditure found by DCED to be ineligible.

Be It Further Resolved, that the City Clerk of the City of Erie is directed to issue a certificate attesting to the adoption of this resolution and to furnish a copy of the resolution to DCED.

Further, the Mayor and other appropriate officials are hereby authorized to enter into an amended contract with the Pennsylvania Department of community and Economic Development upon approval of this New Communities Program Grant request.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nay. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

To: City Council Members April 29, 2009
From: Thomas J. McIntire, Enterprise Zone Coordinator
Re: City Council Ratification of Enterprise Zone Loan

On April 15, 2009, our EZ Loan Review Committee acted favorably on the loan proposal listed below. Therefore, we have prepared a resolution which requests ratification of the approval at the city Council meeting scheduled for Wednesday, May 6, 2009

Greater Erie Industrial Development Corporation (GEIDC) (John R. Elliott, President and CEO): Our Loan Renew Committee approved a \$250,000 Enterprise Zone Revolving Loan Fund proposal to assist GEIDC with a \$250,000 EZ Loan. This request ties to Accuride Corporation's November 2008 announcement of a multi-million dollar expansion in Erie at its present location at 1015 West 12th Street that could create up to 103 new jobs for Erie. The Erie expansion comes about through the closing of an Ohio manufacturing operation that compliments the work done in Erie. To encourage this development the Governor's Action Team provided an offer letter that encompasses low interest loans, tax credits and an opportunity grant. In addition, we sought and obtained approval for a contiguous expansion of the Keystone Opportunity Expansion Zone (KOEZ) which takes in our unoccupied buildings of the Accuride complex. This action was taken in order to provide the company with additional tax benefits under the State's KOEZ Program. The PA Department of Economic and Community Development approved the KOEZ expansion on March 27, 2009.

We will provide a \$250,000 EZRLF Loan for 10 years at 3.0% per annum, which will be used in conjunction with \$1.2 million of PIDA financing, \$1,050 million from an Industrial Revenue Bond (FNBP) and \$500,000 (\$300,000 Accuride & \$200,000 State Opportunity Grant) of company equity. We will have a second mortgage lien on the property and a security interest in the lease between the Greater Erie Industrial Development Corporation and Accuride, Erie, L. P.

Note: The lease is guaranteed by Accuride Corporation. Our financing is contingent upon other financing also being in place. Evidence of the other offers has already been provided. The company presently employes 147 people in family sustaining jobs and they anticipate that 103 new positions will be added within two years.

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

That the Enterprise Zone Loan Review Committee approval of the following loan be formally ratified:

| | Amount | Term | Fee |
|--|--------------|----------|------------|
| Greater Erie Industrial Development Corporation | \$250,000.00 | 10 years | \$1,250.00 |

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Revolving Loan Fund and loan repayments. This loan will be charged against Account Number 310-0000-0000-1007. The interest rate is fixed at 3.00% per annum. A one-time loan processing fee based on 1/2 of 1.0%, not to exceed \$1,500.00 of the amount financed will be assessed to this client. The City Solicitor's Office will assist with the preparation of the loan documents for this transaction.

City Council further directs that the proper City officials are authorized to sign the necessary documents and agreements effectuating same.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

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

That the Financial Statements of the **Erie Regional Airport Authority** as compiled by Malin Bergquist & Company, LLP for the years ending December 31, 2008 and 2007 are hereby received by City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

May 6, 2009. City Council adopt by yeas council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

To: Erie City Council
From: City of Erie Fire Department - Anthony J. Pol, Chief
Re: FEMA Clothing Gear
April 29, 2009

The accompanying resolution will allow the City of Erie Fire Department to enter into an agreement with FEMA, the United States Federal Emergency Management Agency, for the on-going receipt of FEMA grant funds. This agreement will allow the City of Erie to accept grant funds from the agency which will be used in the purchase of Fire Safety equipment, turnout gear, training and instructors fees using the current City of Erie contracts with the 3 Rivers Fire Equipment, Northeastern Uniform Company, Lynn Koloja Fire Equipment and Kaza Fire Equipment and Mercyhurst College. Under current FEMA regulations the City of Erie will be responsible for a 20% match on any items purchased and funds expended. The City of Erie funds will be paid from Budget line item 002-0639-0000-4024, the General Fund Fire Department Tools and Uniform expense line item.

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

That the proper City officials are authorized and directed to execute an agreement authorizing the City of Erie and FEMA, the United States Federal Emergency Management Agency, to enter into reoccurring grant agreements benefitting the City of Erie Fire Department. Funds received by the City of Erie Fire Department from FEMA under these agreements will be used to purchase fire employee turnout gear, fire department equipment, fire department training and fees for instructors and proctors as specified in the City of Erie grant applications.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

CITY OF ERIE EASEMENT DESCRIPTION - RICHARD HODGES (AVANTI'S RESTAURANT & VARIETY STORE) 1660-62 WEST 8TH STREET, CITY INDEX #(17) 4114-226

OUTSIDE DINING AREA (TABLES AND CHAIRS)

BEGINNING at the point of intersection of the north line of West 8th Street and the east line of Lincoln Avenue;

THENCE: east along the north line of West 8th Street a distance of forty-nine feet (49') to a point;

THENCE: south perpendicular to the north line of West 8th Street a distance of eleven feet (11') to a point;

THENCE: west parallel to the north line of West 8th Street a distance of forty-nine feet (49') to a point;

THENCE: north perpendicular to the north line of West 8th Street a distance of eleven feet (11') to the point of Beginning.

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

That the proper City officials are hereby authorized and directed to execute an Easement Agreement between the City of Erie and **Richard Hodges**, tenant of 1660-62 West 8th Street, Index #17) 4114-226, in compliance with the attached City Engineer's metes and bounds description locating an outside dining area (tables and chairs) in the West 8th Street right-of-way.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

May 6, 2009. Signed by the President. Attested by the City Clerk.

**CITY OF ERIE EASEMENT AGREEMENT DESCRIPTION - ARLENE R. KUBIT, DMD
3703 OLD FRENCH ROAD - CITY INDEX #(18) 5365-101**

ACCESSIBLE RAMP, STAIRS, PORCH AND CANOPY

Beginning: at a point in the south line of East 37th Street, said point being forty-eight feet (48') east of the intersection of the east line of Old French Road and the south line of East 37th Street;

Thence: east along the south line of East 37th Street a distance of forty-one feet (41') to a point;
Thence: north perpendicular to the south line of East 37th Street a distance of four feet (4') to a point;
Thence: west parallel to the south line of East 37th Street a distance of forty-one feet (41') to a point;
Thence: south perpendicular to the south line of East 37th Street a distance of four feet (4') to the point of beginning.

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 **Arlene R. Kubit, DMD**, owner of **3703 Old French Road**, Index No. (18) 5365-101, in compliance with the attached City Engineer's metes and bounds description locating an accessible ramp, stairs, porch, and canopy in the East 7th Street right-of-way.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays 0.
May 6, 2009. Signed by the President. Attested by the City Clerk.

To: Mrs. Rubye Jenkins-Husband April 30, 2009
From: Jon Tushak, P. E., City Engineer
Subject: City Council Resolution - Change Order No. 1
Project: Proposed Act 2 Environmental Remediation and Site closure
Erie Golf Course Expansion Site

A resolution to award Change Order No. 1 on the contract for the above referenced project to Environmental Remediation a& Recovery, Inc., 4250 Route 6N, Edinboro, Pa., in an amount not to exceed \$26,597.00 will be presented to City Council at their Wednesday, May 6, 2009 meeting. The original contract amount was not to exceed \$59,041.00. The revised contract amount is not to exceed \$85,638.00.

The change order will provide for the City's contracted portion of the remediation work required to comply with the DEP approved site cleanup plan. Millcreek Township and City of Erie personnel will perform the balance of the required construction work.

This project is to be charged to Budget Code #460-0963-0000-4041. Please contact me at extension 1377 if you have any questions.

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

That Change Order #1 on the contract for the proposed Act 2 Environmental Remediation and Site Closure at the Erie Golf Course Expansion Site as awarded to **Environmental Remediation & Recovery, Inc.**, 4250 Route 6N, Edinboro, Pa. is amended by adding (1) excavation of solid waste in AO1 for the additional sum not to exceed \$5,978.00 and (2) Grading and cover in AO2 with removal of flagged debris in AO3 in an amount not to exceed \$20,619.00, thereby increasing the contact amount from a sum not to exceed \$59,041.00 to a sum not to exceed \$85,638.00.

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

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 6. Nays. Mr. Cappabianca. 1.
May 6, 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. **American Red Cross**, 4961 Pittsburgh Avenue, Erie, Pa., for Summer Learn to Swim Recreation Program in the sum of \$73,000.11.
2. **The Greater Erie Auto Auction**, 770 Avonia Road, Fairview, Pa. to conduct public auctions for the sale of used surplus city equipment at their site in Fairview. (Obsolete equipment, vehicles and miscellaneous parts from the City of Erie, Water Authority, Parking Authority and other governmental agencies will be sold)
3. **Kolaja Fire Equipment Sales**, 36820 Lake Road, Union City, Pa., for Light Bars for 8 new Motorcycles for the Bureau of Police at a total cost of \$13,268.00. (COSTARS State Contract)
4. **North Eastern Uniforms & Equipment, Inc.**, 2305 West 12th Street, Erie, Pa., for Work Uniform Items for the Department of Public Works, at unit prices.
5. **Scott Electric**, 1000 South Main Street, Greensburg, Pa., for Jackets and Overalls for the Department of Public Works, at unit prices.
6. **Raven Rock Workwear**, 7610 McEwen Road, Dayton, Ohio, for Screen Printed Items and Work Shoes for the Department of Public Works, at unit prices.
7. **Mayer Brothers Construction Co.**, 1225 West 18th Street, Erie, Pa., for Street and Road Maintenance Materials for the Bureau of Streets at unit prices (per COG bid).

8. **Joseph McCormick Construction Co**, 5340 Pearl Avenue, Erie, Pa., for Street and Road Maintenance Materials for the Bureau of Streets at unit prices (per COG bid)
9. **Russell Standard Corporation**, P. O. Box 86, Union City, Pa., for Street and Road Maintenance Materials for the Bureau of Streets at unit prices (per COG bid)

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
 May 6, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Aleksandrowicz, Seconded by Mr. Thompson, 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. **Pitney Bowes**, 1 Elmcroft Road, Stamford, CT, for one DA 300 Envelope Printer and Envelope Designer plus Software for the sum of \$3,755.50.
2. **Gannon University Small Business Development Center**, 120 West 9th Street, Erie, Pa. for the reimbursement of expenses for the Micro-Enterprise Program as part of the Weed & Seed Initiative for the City of Erie Police Department in the total sum of \$5,064.26.
3. **Thayer Power Communication Construction Co.**, 5700 Market Road, Fairview, Pa., for the Installation of Poles at (1) West 12th & Chestnut Streets; (2) Bayfront Parkway & Chestnut Street and (3) Bayfront Parkway & East 10th Street in the sum of \$5,700.00, for the Bureau of Traffic Engineering.
4. **Creative Imprint Systems, Inc.**, 2670 West 11th Street, Erie, Pa., for LEAD Outreach Materials for the Department of Economic & Community Development for the sum of \$4,642.73.
5. **APEX Hydraulic & Machine Co.**, 2859 Philipsburg Bigler Highway, Philipsburg, Pa., for Rebuilding of an Air/Hydraulic Shop Press and Ram for the Bureau of Municipal Garage for \$3,560.00.
6. **Smoracy LLC**, P. O. Box 77000, Detroit, MI, for Carbide Teeth, Nuts, Washers and Bolts for the Beast Grinder for the Bureau of Municipal Garage in the sum of \$3,654.54.
7. **David Milano Construction**, 1827 West 368th Street, Erie, Pa., for performing Repair Services to the Sanitary Sewer Connection at 17 West 4th Street for \$2,522.10 and Installing Sanitary Manhole for \$2,402.95 (both material costs only).
8. **HACH Co.**, P. O. Box 608, Loveland, CO, for replacement of the PH Meter and Probe West Discharge Line for the Bureau of Sewers for the sum of \$3,203.47.
9. **Kaman Industrial Technologies**, 2335 West 50th Street, Erie, Pa., for 12 replacement Sprockets for a Grit Chamber for the Bureau of Sewers at a total cost of \$7,462.00.
10. **NWL**, 312 Rising Sun, Bordentown, NJ, for Spare Parts for the Wet Electrostatic Precipitator Units at the Wastewater Treatment Plant for the Bureau of Sewers in the sum of \$4,483.73.
11. **Master Fire & Security System**, 1019 West 26th Street, Erie, Pa., for Upgrading the Building Security System for the Wastewater Treatment Plant for the sum of \$6,650.00.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
 May 6, 2009. Signed by the President. Attested by the City Clerk.

Waive Rules

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

That the Mayor and other appropriate City officials are hereby authorized to enter into an agreement with the Commonwealth of Pennsylvania, Department of Community and Economic Development (DCED), for a **New Communities Program Grant** in the sum of \$250,000.00.

May 6, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thomson and Schember. 7. Nays. 0.
 May 6, 2009. Signed by the President. Attested by the City Clerk.

May 6, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 12:35 p.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