

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

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

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of September 16, 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 September 25th, October 2nd and October 9th, 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. Thompson, Council File Ordinance #15,679, Pending Official File Ordinance #55-2009 an ordinance appropriating the sum of **\$17,000.00** from unappropriated and anticipated revenue from Account #222-0613-0000-3304 Federal Forfeiture Revenue and providing for the expenditure thereof by allocating said funds into Account #222-0613-0000-4039 Consumable Items (\$2,000) and 4045 Communications (\$15,000).

October 7, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,679 and now known as Pending Official File Ordinance #55-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

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

By Mr. Jones, Council File Ordinance #15,684, Pending Official File Ordinance #60-2009 an ordinance appropriating the sum of **\$2,089,416.00** from unappropriated and anticipated revenue from Account #387-1387-0000-3336-State Operating Grant-PA Department of Community and Economic Development and providing for the expenditure thereof by allocating said funds to various #387-1387-0000-40XX accounts.

October 7, 2009. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance #15,684 and now known as Pending Official File Ordinance #60-2009, does hereby adopt on final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

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

By Mrs. Jenkins-Husband, City Council Ordinance #15,685 an ordinance appropriating the sum of **\$1,100,000.00** from unappropriated and anticipated revenue from Account #271-0707-0000-3332 State Operating Grant-PennDOT and providing for the expenditure thereof by allocating said sum to Account #271-0707-0000-4075 Bridges and Streets for the construction phase of State Street Enhancements from the Bayfront Parkway to Dobbins Landing.

October 7, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #15,685 does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

By Mrs. Jenkins-Husband, Council File Ordinance #15,686 an ordinance appropriating the sum of **\$1,031,500.00** from unappropriated and anticipated revenue from Account #016-0707-0000-3310 Federal Operating Grant-Department of Energy and providing for the expenditure thereof by allocating said sum to Account #016-0707-0000-4077 Other Improvements.

October 7, 2009. City Council on motion of Mr. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #15,686, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

James Klemm, City Clerk
626 State Street, Erie, Pa.

October 1, 2009

Re: Board Appointments

Dear Jim:

Please be advised that I have made the following appointment to the Erie-Western Pennsylvania Port Authority Board.

* Mike Redlawsk has been appointed to replace Art Doloresco, who resigned and whose term expired 01/01/2012

If you have any questions, please do not hesitate to contact me.

Sincerely,
S/ Joseph E. Sinnott, Mayor

October 7, 2009. City Council receive and enter in the minutes for information.

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

WHEREAS, the City Council on the City of Erie wishes to recognize October as Breast Cancer Awareness Month which is held each year to encourage public support for research, education and screening to save more lives and win the battle over this deadly disease, and

WHEREAS, the American Cancer Society is continuing to work for a cure for breast cancer by providing information about early detection and urges support of the Pink Ribbon campaign to honor survivors and those lost to the disease, so

THEREFORE, BE IT RESOLVED by the Council of the City of Erie that this proclamation is hereby presented to the local chapter of the American Cancer Society in recognition of Breast Cancer Awareness Month and extend to them our best wishes for continued success in all of their future endeavors.

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

By Mr. Cappabianca, Seconded by

That the Letter of Engagement with **Michael Fiorentino, Esq.**, be extended to include the addition of \$5,000.00 to continue to represent City Council in the preparation, filing and litigation of a Land Use Appeal of the Zoning Hearing Board's decision to invalidate a portion of the City of Erie's Zoning Ordinance pertaining to height restrictions in the M2 district.

October 7, 2009. The foregoing resolution was withdrawn from consideration at the request of the sponsor.

By Mr. Cappabianca, Seconded by

That the following amount is transferred in the Office of the City Controller and the Office of the City Clerk:

Transferred From			Transferred To		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$5,000	002-0421-0000-4041	Prof. Services	\$5,000	002-0101-0000-4041	Prof. Services

October 7, 2009. The foregoing resolution was withdrawn from consideration at the request of the sponsor.

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

That the Investment Policy for the **City of Erie Water Authority Reserve Fund**, as prepared by Merrill Lynch, for the City Council and recommended by the Sinking Fund Committee, effective October 7, 2009, is hereby adopted.

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

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

That it is respectfully requested that a Study Session with City Council and the Administration be scheduled to discuss some action plan recommendations for reducing the **POVERTY RATE in the City of Erie**.

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

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

That City Council is respectfully requested to give their approved consent to the expansion of **Public Access Channel 2** to areas of Time-Warner Cable beyond the limits of the City of Erie.

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

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

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

That the proper City officials are authorized and directed to execute an amendment to an Agreement between the City of Erie and **Hamot Medical Center and Hamot Health Foundation (Property Owners)**, which amendment recognizes all of the property owned by the property owners. Any and all increases in PILOT payments from the property owners resulted from this Amended Agreement shall be payable prior to December 31, 2009. (This will add approximately 169 various listed properties as submitted to the original Pilot Agreement dated June 1996.)

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

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

HONORABLE MAYOR, PRESIDENT AND MEMBERS OF CITY CONCIL September 23, 2009

The City of Erie Planning Commission, at its regular meeting on September 15, 2009, reviewed a Waterfront Conditional Use submitted by Jim McCormick of Port Harbor Homes in conjunction with the Bayfront Eastside Taskforce (BEST) for the construction of a single family dwelling located at 537 East 2nd Street.

Mr. McCormick presented plans that have similar architectural character providing consistency within the neighborhood. The lot will be landscaped with shrubs and flowers.

The Design Review committee met on September 2, 2009 and recommended approval without any revisions or conditions.

After inspection and due consideration, the project was unanimously recommended for approval without revision.

Respectfully submitted,
S/ Armand Chimenti, Secretary
City Planning Commission

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

That the communication from the City Planning Commission recommending the request for **Waterfront Conditional Use** submitted by Jim McCormick of Port Harbor Homes in conjunction with the Bayfront Eastside Task Force for construction of a single family dwelling located at **537 East 2nd Street**, be approved and the City Clerk is authorized and directed to advertise notice of a Public Hearing to be held before City Council on Wednesday, **November 4, 2009 at 10:00 a.m.** concerning the said request.

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

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

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

That the Mayor and City Council approve the recommendation to change the time requirement for taking the **Fire Promotion Test** from five (5) years to eight (8) years as a firefighter before taking the Lieutenant's test, and two (2) years as Lieutenant before taking the Captain's test. Candidates will be required to have Firefighter I (Advanced Training) at the time of promotion. Promotion List effective June 1, 2010.

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

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

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

That the appropriate City officials are authorized and directed to satisfy the City's demolition lien against the property at **250 West 17th Street**, docketed at 50086-2007, a demolition lien with a current debt of approximately \$9,334.90 as said parcel has been acquired by HANDS as part of its redevelopment of the area commonly referred to as Historic Little Italy and should have been forgiven as part of that acquisition. (The Solicitor's office has reviewed this request by Charles G. Scalise, President/CEO of HANDS and defers to Council's discretion in discharging the lien.)

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

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

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

That the appropriate City officials are authorized and directed to satisfy the City's demolition lien against the property at **254 West 17th Street**, docketed at No. 500132-2008, a demolition lien with a current debt of approximately \$6,542.61 as said parcel has been acquired by HANDS as part of its redevelopment of the area commonly referred to as Historic Little Italy and should have been forgiven as part of that acquisition. (The Solicitor's office has reviewed this request by Charles G. Scalise, President/CEO of HANDS and defers to Council's discretion in discharging the lien.)

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

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

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

That the Resolution for Plan Revision for New Land Development submitted pursuant to Section 5 of the Act of January 24, 1966, known as the "Pennsylvania Sewage Facilities Act" for the installation of sewer tap-ins, at the request of **HANDS, Inc.**, land developer, for development of a parcel of land identified as North Coast Place Apartments on the northeast corner of **West 18th and Hickory Streets**, and submitting same to the Department of Environmental Protection for its approval, is hereby received and approved by City Council.

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

October 7, 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 **Blue Wireless**, tenant of **929 State Street**, Index No. (15) 2001-113, in compliance with the City Engineer's metes and bounds description, locating an identification sign in the State Street right-of-way.

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

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

That the proposed Repository Sale of property commonly known as **240 East 22nd Street**, and identified by Erie County Assessment Index #18-050-009.0-141.00 by the Erie County Tax Claim Bureau to the Erie Redevelopment Authority for the sum of \$255.00, is hereby approved.

October 7, 2009. The foregoing resolution was withdrawn from consideration at the request of the Administration.

That the proposed Repository Sale of property commonly known as **631 East 21st Street**, and identified by Erie County Assessment Index #18-050-025.0-108.00 by the Erie County Tax Claim Bureau to the Redevelopment Authority for the sum of \$255.00 is hereby approved.

October 7, 2009. The foregoing resolution was withdrawn from consideration at the request of the Administration.

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

That the following amounts are hereby transferred in the Public Works Department, Bureau of Municipal Garage:

Transferred From			Transferred To		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$110,000	002-0719-0000-4033	Operating Supplies	\$110,000	002-0719-0000-4035	Repair & Maintenance Supplies

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

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

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

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and the following individuals 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 Account numbers; viz

1. **Fire & Police Selection, Inc.**, 193 Blue Raven Road, Folsom, CA, for Test Prep Booklets for Fire for the Human Resources Department at a total cost of \$12,428.95.

2. **McLallen Construction, Inc**, 8349 Edinboro Road, Erie, Pa., for Emergency Repairs to the site of the Ore Dock Road bridge which invoice includes all mobilization, equipment, labor, and material necessary to successfully complete the project, for the sum of \$16,051.30.

October 7, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.
October 7, 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. **Patricia A. Ambrose**, 319 West 8th Street, Erie, Pa., for Police & Fire Psychological Evaluations for the Human Resources Department at a total cost of \$2,250.00.
2. **McCarty Printing Corporation**, 246 East 7th Street, Erie, Pa., for 6,700 LEAD Hazard Control 2010 Calendars for the Department of Economic and Community Development at a total cost of \$6,248.00.
3. **Traffic Detectors & Signs**, 7521 Forest Hill, Youngstown, Ohio, for three (3) Detector Loops at 38th and State Street at \$850.00 each for the Bureau of Traffic Engineering at a total cost of \$2,550.00.
4. **Hagan Business Machines**, 1112 Peach Street, Erie, Pa., for a Lease of a Ricoh MP 6000 Machine for the Print Shop at a total cost of \$25,515.00 (\$405.00 per month) for a period of 63 months. (COSTARS Contract)
5. **Kolaja Fire Equipment Sales**, 36820 Lake Road, Union City, Pa., for lights, flashers, siren, speakers and brackets for the Chief's Impala for the Bureau of Police at a total cost of \$2,014.34.
6. **Potter Silkscreening Co.**, 155 East 10th Street, Erie, Pa., for the purchase of 190 Shirts and 50 Hats for the Project Safe Neighborhood Grant for the Bureau of Police for the sum of \$2,192.00.
7. **Erie General Tire, Inc.**, 121 West 12th Street, Erie, Pa., for 30 Tires for the Bureau of Police for the sum of \$2,995.50.
8. **Markl Supply Co.**, 904 Perry Highway, Pittsburgh, Pa., for six (6) Replacement Ballistic Vests for the Quebec Unit Officers whose current vests expire soon, for the Bureau of Police at a total cost of \$4,734.00.
9. **Al Xander Co., Inc.**, 36 East South Street, Corry, Pa., for 275 gallons of Intercool NFC Concentrate for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,525.00 (only supplier)
10. **RAM Industrial Service**, 5460B Pottsville Pike, Leesport, Pa., for Repair Parts for the Flotation Sludge Pumps for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,814.35.
11. **Wm. T. Spaeder Co.**, 1602 East 18th Street, P. O. Box 10066, Erie, Pa, for an Emergency Storm Sewer Repair for the Bureau of Sewers for the sum of \$3,583.64.
12. **David Milano Construction**, 1827 West 36th Street, Erie Pa., for performing Repair Services for the Bureau of Sewers by repairing the Catch Basin & Street Cave-in at 1629 West 44th Street, for the sum of \$4,366.36 and rebuilding the Storm Chamber at 6th & Myrtle Streets for the sum of \$5,613.17 (both for material costs only).
13. **David Milano Construction**, 1827 West 36th Street, Eire, Pa., for replacing the Sanitary Sewer Main at 248 East 3rd Street for the Bureau of Sewers for the sum of \$13,366.50 (material costs only).

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

October 7, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 11:05 a.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