

The City Council met in regular session in the Council Chambers on Wednesday, October 21, 2009 at 7:30 p.m.

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

On motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the meeting of October 7, 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 October 16th and October 23<sup>rd</sup>, 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.

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By Mrs. Jenkins-Husband, City Council Ordinance #15,685, Pending Official File Ordinance #61-2009

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 21, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #15,685 and now known as Pending Official File Ordinance #61-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

October 21, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,686, Pending Official File Ordinance #62-2009

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 21, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Jones, having read Council File Ordinance #62-209, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

October 21, 2009. Signed by the President. Attested by the City Clerk.

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President and Members of City Council  
Municipal Building, 626 State Street, Erie, Pa. 16501

October 8, 2009

We request that the property we own from the south side of West 3<sup>rd</sup> Street to the north side of West 5<sup>th</sup> Street and from the west line of Peach Street to the east line of Sassafras Street, now zoned as RLB be rezoned to C-3 for the following permitted uses, as set forth in Zoning Ordinance #80-2005 for semi-public uses and to add dormitories as a permitted use.

S/ Gannon University  
Linda L. Wagner

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

That the communication from the City Planning Commission recommending that the request from Gannon University to rezone property located on the south side of West 3<sup>rd</sup> Street to the north side of West 5<sup>th</sup> Street and between the west line of Peach Street and the East line of Sassafras Street from RLB (Limited Residential Business) to C-3 (Central Business District) be approved and

Be It Further Resolved, that the City Clerk is authorized and directed to publish legal notice of a Public Hearing to be held in the City Council Chambers, 626 State Street, on Wednesday, **December 2, 2009** at approximately **10:00 a.m.**

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, and Schember.6. Nays. Mr. Thompson. 1.

October 21, 2009. Signed by the President. Attested by the City Clerk.

President and Members of City Council  
Municipal Building, 626 State Street, Erie, Pa. 16501

October 13, 2009

Dear Members of Erie City Council and Members of the City of Erie Planning Commission:

This is to respectfully request an amendment to the City of Erie Zoning Code to allow dormitories as a permitted use in the C-3 zoning classification regarding the property owned by Gannon University from the south side of West Third Street to the north side of West Fifth Street, from the west line of Peach Street to the east line of Sassafras Street. Please see the enclosed map.

This request is in addition to the Petition for Rezoning of the area described above requesting a change in zoning classification from RLB to C-3.

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

That the communication from the City Planning Commission recommending that the request from **Gannon University** to amend the City of Erie Zoning Code to allow dormitories as a permitted use in the C-3 Central Business Districts is hereby approved, and

Be It Further Resolved, that the City Clerk is authorized and directed to advertise legal notice of a Public Hearing to be held before City Council on Wednesday, **December 2, 2009** at approximately **10:00 a.m.**

October 21, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, to TABLE the above resolution, FAILED TO ADOPT by yeas Council Members Aleksandrowicz, Jones and Thompson. 3. Nays. Cappabianca, Horan-Kunco, Jenkins-Husband and Schember. 4.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones and Schember. 6. Nays. Mr. Thompson. 1.

October 21, 2009. Signed by the President. Attested by the City Clerk.

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

That the communication from the City Planning Commission amending Zoning Ordinance #80-2005 concerning the usage of **Wind and Solar Energy Systems** including height requirements, performance standards and decommissioning processes and the City Clerk is authorized and directed to advertise legal notice of a Public Hearing regarding same to be scheduled for Wednesday, **December 16, 2009** at **10:00 a.m.**

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

October 21, 2009. Signed by the President. Attested by the City Clerk.

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

That City Council is requested to hold a Study Session on **October 29<sup>th</sup>** at **7:00 p.m.** to begin drafting an ordinance for a **Citizen Police Review Board** and

That session input be requested to include the Solicitor's Office, Administration, City Council Members, FOP, Community and Erie Police Chief, with discussion to include the review of various ordinances and models for **Citizens Review Boards**. (This item was tabled at the Council meeting of September 2, 2009)

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

October 21, 2009. Signed by the President. Attested by the City Clerk.

TO: Rubye Jenkins-Husband, Council Liaison October 15, 2009  
FROM: Doug Mitchell, Director of Public Works, Property & Parks  
RE: Energy Aggregation MOU

On the Agenda for the Council Meeting of October 21, 2009 is a resolution authorizing the proper City officials to execute a Memorandum of Understanding (MOU) to participate in the County of Erie's Energy Aggregation Procurement Contract.

In preparation for the removal of rate caps at the end of next year (2010), Erie County is looking to partner with local governments, authorities, school districts, hospitals and other large users of electricity in order to increase buying strength in contracting with a supplier of electric power. Representatives from the city have attended sessions held by Erie County explaining the formation of an energy aggregation consortium, how the purchasing process would work and how it would benefit participants. A similar arrangement was undertaken previously in Allegheny County with the city of Pittsburgh, authorities and others and the financial benefits were significant. Representatives from there made presentation outlining details regarding the success of their efforts.

Approval of the MOU is the first step in the energy aggregation process. If there are any questions, do not hesitate to contact me at Ext. 1453.

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

That the proper City Officials are authorized and directed to execute a Memorandum of Understanding (MOU) to participate in the **County of Erie's Energy Aggregation Procurement Contract**, whereby the City of Erie agrees to all terms and conditions of the Procurement Contract including any reverse auction or negotiation that may be conducted thereunder.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to amend the agreement between the City of Erie and **Mullin and Lonergan Associates, Inc.**, 2370 York Road, Suite E-2, Jamison, Pa., for Community Development Block Grant and Housing Consulting Services for the Department of Economic and Community Development, thereby increasing the contract amount by \$5,000 from \$38,000 to \$43,000.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 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 a Reimbursement Agreement between the City of Erie and the **Erie-Western Pennsylvania Port Authority** for the construction of the State Street Enhancements from the Bayfront Parkway to Dobbins Landing for an amount not to exceed \$200,000.00.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

To: Rubye Jenkins-Husband, City Council Liaison October 14, 2009  
From: Jason W. Sayers, P. E., Assistant City Engineer  
Re: Resolution to approve Easement Agreement - Hamot Medical Center

On the agenda for the City Council meeting of October 21, 2009 is a resolution authorizing the proper City officials to enter into an Easement Agreement with Hamot Medical Center.

Hamot requests the use of City of Erie rights-of-way to install two (2) four inch underground conduits, containing fiber optics and telecommunication wiring. Approximately 85 linear feet of the conduits will be installed at the intersection of East 2<sup>nd</sup> and Holland Streets. The project will provide voice and data services between the existing Hamot campus and the new location of the Lake Erie Women's Connection.

Please contact me at 870-1397 if you have any questions.

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

That the proper City officials are authorized and directed to enter into an Easement Agreement with **Hamot Medical Center**, 201 State Street, Erie, Pa., for the installation of two underground conduits containing fiber optics and telecommunication wiring, in the intersection right-of-way of East 2<sup>nd</sup> and Holland Streets in accordance with Exhibit "A".

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

City of Erie Planning Commission, % Armand Chimenti October 12, 2009  
626 State Street, Erie, Pa.

Dear Planning Commission:

We, the undersigned property owners, request that City Council provide us with approval to legally abandon approximately half of the current alley that runs from West 13<sup>th</sup> Street 125.51 feet north to accommodate the first phase of the ERA's Union Square development. This project will bring a mixed residential and commercial development to the West 13th Street and Peach Street frontage area.

Specifically, Phase One of our Union Square project will bring 7 new townhouses and one retail unit to downtown Erie.

Please view the accompanying map for specifics on our request. We appreciate your cooperation.

Sincerely,

ERIE REDEVELOPMENT AUTHORITY  
s/ R. Larry Bossolt,  
Executive Director

ERIE PARKING AUTHORITY  
s/ Ray Massing,  
Executive Director

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

That the communication and Petition from the Erie Redevelopment Authority and the Erie Parking Authority requesting the closing and vacating of a **public alleyway** located on **West 13th Street** between **Peach and State Streets**, running north 125.51' and being approximately 30' wide is hereby received by and referred to the City Planning Commission for recommendation and report thereon.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property located at **2017 Oneida Street**, Erie, Pa., and identified by Erie County Assessment Index #15-021-024.0-208.00 by the Erie County Tax Claim Bureau to **Holly Hess** for the sum of \$250.0 is hereby approved. (Holly Hess appeared before City Council in regard to this matter on Wednesday, October 7, 2009).

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 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 an agreement(s) 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. **Bobcat of Erie**, 9 Circuit Street, Waterford, Pa., for a Bobcat All-Wheel Steer Loader with attachments and extended warranty for the Bureau of Sewers of the City of Erie at a total cost of \$52,505.72.

2. **Russell Standard Corporation**, P. O. Box 86, Union City, Pa., for proposed Crack Filling at various City Streets, for the sum of \$75,000.00. (Awarded under COG)

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Schember, 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. **Schillings Carpet One**, 2726 West 8<sup>th</sup> Street, Erie, Pa., for Carpet Removal and Installation in Room 500 for the Office of General Government in the sum of \$5,785.00.
2. **DCED**, Governor's Center for Local Government Services, Commonwealth Keystone Blvd., 400 North Street, 4<sup>th</sup> Floor, Harrisburg, Pa., for 825 Building Permits @ #4.00 each for the department of Economic and Community Development at a total cost of \$3,300.00.
3. **Metropolitan Veterinary Hospital**, 1053 South Cleveland-Massillon Road, Akron, Ohio, for Decompression Surgery on K-9 Ruby (Officer Jay White) for the Bureau of Police for the sum of \$3,000.00.
4. **Holzberg Communications, Inc.**, P. O. Box 322, Totowa, NJ, for Motorcycle Helmet Kits, Wireless Microphones and Cable Kits (8 each) for the Bureau of Police for the sum of \$9,900.00.
5. **GraybaR Electric**, 1220 Myrtle Street, Erie, Pa., for Lighting Equipment for the Parade Street Revitalization and Streetscape, in the sum of \$1,016.64.
6. **The Fire Station Resources Center**, P.O. Box 18, Beaver Falls, Pa., for the Emergency Repair of the Hurst Tool, for the Bureau of Fire, at a total cost of \$3,000.00.
7. **Bruske Products**, P. O. Box 669, Tinley Park II, for Strip Brushes for the Street Sweepers at the Bureau of Streets, for the sum of \$2,840.22.
8. **PlayPower LT Farmington, Inc.**, % Accounts Receivable, 6078 Paysphere Circle, Chicago, Ill., for Posts and a See-saw Snake, for the Bureau of Streets, for the sum of \$4,518.61.
9. **Smoracy LLC**, P. O. Box 77000, Detroit, MI, for Repair Work on the Beast Grinder, for the Municipal Garage, for the sum of \$2,273.75.
10. **Ace Viking**, 2222 East 30th Street, Erie, Pa., for a new variable Speed Drive for #4 Chopper Pump, for the Bureau of Sewers, in the sum of \$2,930.00.
11. **SEEPEX, Inc.**, 511 Speedway Drive, Enon, Ohio, for Raw Sludge Pump Parts, for the Bureau of Sewers, in the amount of \$5,187.50.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
October 21, 2009. Signed by the President. Attested by the City Clerk.

TO: City of Erie  
SUBJECT: Request to install irrigation system at West 8th and Bayfront Parkway

October 19, 2009

Request by the Sons of Lake Erie Fishing Organization to install, at no cost to the City of Erie, an irrigation system at the corner of West 8th and the Bayfront Parkway.

The Sons adopted this corner in 1992 and have maintained this gateway to the bayfront for 18 years by hand watering every year. The S.O.N.S. have made arrangements to have this system installed by Rainmaker Company.

Our problem is weather conditions at this time of year and we are asking for a resolution at the October 21st meeting to allow us to proceed.

All other permits will be had before any work is done PennDOT has already marked their area. Call One is being contacted. The City Engineer has been contacted and also the Mayor's office.

Sincerely,  
S/ Jerry Skrypzak, President (453-2270)  
For Ed Kissell

**WAIVE RULES**

By Mr. Cappabianca, 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 **S.O.N.S. of Lake Erie**, P. O. Box 3805, Erie, Pa., for the placement of an irrigation system in the residual land of the Bayfront Parkway Project (outside the ROW) near the northeast corner of the intersection of West 8<sup>th</sup> Street and the Bayfront Parkway for the purpose of watering the adopted grass and garden in accordance with the Easement Agreement.

October 21, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

October 21, 2009. Signed by the President. Attested by the City Clerk.

**WAIVE RULES**

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

That the City Administration is respectfully requested to televise and/or record for future viewing, the City Council Study Session scheduled for Thursday, **October 22, 2009** regarding the poverty problems in the City of Erie.

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October 21, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, adjourned at 10:39 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

Attest:

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President of City Council

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City Clerk