

The City Council met in regular session in the Council Chambers on Wednesday, December 16, 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. Schember, the reading of the minutes of the meeting of December 2, 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 December 11<sup>th</sup> and December 18<sup>th</sup>, 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 Mr. Schember, Council File Ordinance #15,689, Pending Official File Ordinance #67-2009 an ordinance fixing the **tax rate** for all city purposes for the fiscal year 2010 (beginning on January 1, 2010 and ending on December 31, 2010. (For Government Purposes - 11.45 mills; For levy for debt service - 1.40 mills; For Real estate Tax Purposes - 10.05 mills)

December 16, 2009. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #67-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,690, Pending Official File Ordinance #68-2009 an ordinance adopting the **General Fund** and certain other budgets for the fiscal year beginning January 1, 2010 and ending December 31, 2010. (Appropriating the sum of \$58,086,027 to the General Fund with the total budget including the Other Fund Budgets totaling \$113,348,012.)

December 16, 2009. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #68-2009 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Jenkins-Husband, Jones, Thompson and Schember. 5. Nays. Cappabianca and Horan-Kunco. 2.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,693, Pending Official File Ordinance #69-2009 an ordinance appropriating the sum of **\$6,500.00** from unappropriated and anticipated revenue from Account #215-0613-0000-3342 Police Drug & Vice Account and providing for the expenditure thereof by allocating said funds to Account #215-0613-0000-4078 Machinery & Equipment.

December 16, 2009. City Council on motion of Mr. Thompson, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,693, Pending Official File Ordinance #69-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,694, Pending Official File Ordinance #70-2009

an ordinance amending the Streets, Utilities and Public Services Code of the City of Erie, Article 951, **Residential Refuse**, by increasing the annual fee from \$155.00 to \$192.00 per year for each dwelling containing not more than four dwelling units. The \$192.00 collection fee shall be assessed against each dwelling unit.

December 16, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,694, Pending Official File Ordinance #70-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Jenkins-Husband, Jones, Thompson and Schember. 5. Nays. Cappabianca, Horan-Kunco. 2.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance 15,695, Pending Official File Ordinance #71-2009

an ordinance amending the **Sewer Rental Ordinance** of the City of Erie, Article 933, Section 933.02 by increasing the Meter Quantity Charges to read as follows:

"The sewer meter rate schedule applicable to all users, in addition to a service charge of twelve dollars (\$12.00) per bill, shall be as follows:

Meter Quantity Charges	Rate per
100 Cubic Feet Per Quarter	100 Cubic Feet
First 70	\$ (1.85) \$2.20
Next 4,930	\$ (1.75) \$2.10
All over 5,000	\$ (1.55) \$2.00

December 16, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr. Thompson, having read Council File Ordinance #15,695, Pending Official File Ordinance #71-2009, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Jenkins-Husband, Jones, Thompson and Schember. 5. Nays. Cappabianca and Horan-Kunco. 2.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,696, Pending Official File Ordinance #72-2009

an ordinance amending the General Offenses Code of the City of Erie, Part 7, by adding a new Article 739 Prohibition of **Driving with Hand-held Mobile Phones** and providing for penalties for violation thereof.

December 16, 2009. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, having read council File Ordinance #15,696, Pending Official File Ordinance #72-2009, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File Ordinance #15,697

an ordinance appropriating the sum of **\$285,000.00** from unappropriated and anticipated revenue in Account #340-1340-0000-3336 State Operating Grant DCED and providing for the expenditure thereof by allocating said funds to Account #340-1340-0000-4617 Downtown Partnership (\$282,000.00) and 4041 Professional Services (\$3,000.00).

December 16, 2009. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance #15,697, does hereby adopt on First Reading by yeas council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson, and Schember. 7. Nays. 0.

To: Joseph Schember, City Council President  
From: Gregory A. Karle, Esq., City Solicitor  
Re: City Council Solicitor

November 25, 2009

This is in response to your request for an opinion relative to the legal appropriateness of City Council appointing a solicitor for their exclusive guidance in legal matters.

The appointment of solicitor is addressed in Section 410(b) of the Optional Third Class City Charter Law, Act of July 25, 1957, P. L. 662, No. 164, as amended. That provision provides that "council may provide for the manner of appointment of a city solicitor..."

In response, the City Council enacted Sections 107. A.1, A.2 and 108 of Official Ordinance #2-1962, Codified Ordinances Sections 115.02, 03 and 04. Section 115.02 provides that "(t)he Mayor shall appoint a City Solicitor with the advice and consent of Council." (emphasis added). This has already occurred earlier when Mayor Sinnott initially took office. In furtherance of Section 115.03, Council ratified the appointment of Christine Ferguson as Deputy City Solicitor, also early in the Mayor's term of office.

Section 115.04 provides that the City Treasurer, City Controller, City Clerk and City Solicitor shall each appoint all assistants and employees of his office. (emphasis added). Neither the Optional Third Class City Charter Law or city ordinance makes a provision for a council solicitor. In fact, the Third Class City Code directs that the city solicitor shall have the superintendence, direction and control of the law matters of the city. The Code also requires that he exclusively furnish council, or any other elected official with legal opinions.

As historical background, many years ago Attorney Gerald Villella acted as a solicitor for City Council. This practice was discontinued when it was learned that the position was contrary to the Charter Law and ordinance. It is my opinion that any such appointment is inappropriate because it is not provided for in law and would potentially conflict with statutory duties of the city solicitor. If you have any questions, please do not hesitate to contact me.

December 16, 2009. City Council receive and enter in the minutes for information.

Immediately following the presentation of tributes to Mrs. Jenkins-Husband, Councilman Patrick Cappabianca requested the floor to speak on the request of Gannon University to rezone certain properties in the vicinity of West 5<sup>th</sup> and Sassafras Streets from RLB to C-3 on which Council had held a Public Hearing on December 2, 2009. The following motion was then presented.

**WAIVE RULES**

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

That the City Solicitor is authorized and directed to prepare an ordinance rezoning **property located between West 3<sup>rd</sup> and West 5<sup>th</sup> Streets and between Peach and Sassafras Streets** from RLB to C-3 at the request of **Gannon University** and pursuant to a Public Hearing held on December 2, 2009 and the City Clerk is authorized to advertise this ordinance for First Reading at a Special City Council Meeting to be held on Wednesday, December 30, 2009 at 10:00 a.m. to consider passage of said rezoning ordinance on first reading only.

December 16, 2009. City Council on motion to Waive the Rules for consideration of the above resolution adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco and Jenkins-Husband. 4. Nays. Council Members Jones, Thompson and Schember. 3.

December 16, 2009. City Council on motion to adopt the above resolution **FAIL TO ADOPT** by yeas Council Members Cappabianca, Horan-Kunco and Jenkins-Husband. 3. Nays. Council Members Aleksandrowicz, Jones, Thompson and Schember. 4.

**The following resolution was then presented:**

**WAIVE RULES**

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

That the City Clerk is authorized and directed to advertise notice of a **Public Hearing** to be held on **Wednesday January 20 , 2010** at 8:00 p.m. to consider an amendment to the City of Erie Zoning Code by adding "Dormitories" to C-3 (Central Business District), with parking restrictions.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

December 16, 2009. Signed by the President. Attested by the City Clerk.

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Pursuant to the provisions of Zoning Ordinance #80-2005 and of the proper legal advertising, the City Council will proceed to hold a **Public Hearing** at approximately 10:00 a.m. regarding an amendment to Zoning Ordinance #80-2005 concerning the usage of **Wind Energy Systems** including height requirements performance standards and decommissioning processes.

HONORABLE MAYOR, PRESIDENT AND MEMBERS OF CITY COUNCIL December 9, 2009

The City of Erie Planning Commission, at their regular meeting on September 15, 2009, concluded several months of review on the draft amendment to add regulations for wind energy to the Zoning Ordinance #80-2005. This was done in accordance with Council's request in January 2009.

The Ordinance concerns the usage of wind energy systems for both large-scale industrial and small-scale residential. It contains such information as height and setback requirements, performance standards, permit application materials, process of decommissioning, and neighborhood meeting requirements. Working in conjunction with the Zoning Office, the commission has provided suggestions to revise the document over the past few months.

Following the September Planning Commission meeting, Jessica Horan-Kunco called a study session for further refinement of the proposed amendment. This took place on November 12, 2009, and as a result, the amendment now includes the input of the City Planning Commission, Erie City Council, the Zoning Office and the City Solicitor's Office.

The Planning Commission recommends that the draft wind energy amendment to the Zoning Ordinance be approved by City Council as submitted.

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

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By Mr. Cappabianca, Seconded by Council Members Aleksandrowicz, Horan-Kunco, Jones, Thompson and Schember,  
Resolved, by the Council of the City of Erie, That

WHEREAS, the City Council wishes to pay special tribute to Mrs. Rubye Jenkins-Husband, who will be leaving us on December 31, 2009 in her capacity as City Councilwoman after successfully completing three consecutive four-year terms during which she was elected City Council President three times, and

WHEREAS, Rubye has been a leader in Economic Development Projects during her tenure, by single handedly achieving the near impossible by convincing Wal-Mart corporation to locate a super-center within the City of Erie thus providing hundreds of jobs during our failing national economy. She was instrumental in obtaining state grants of over two million dollars for the revitalization of Parade Street, Erie's first Main Street and she also organized an effort to completely renew the historic Dickson tavern, supported the Airport runway extension and International Trade Center Project, coordinated the effort to provide major improvements to the Railroad crossings at Greengarden Boulevard and Downing Avenue. She finished her twelfth year by sponsoring the ordinance banning the use of handheld cell phones while driving in the City of Erie and organized the first ever Poverty Forum in Erie to help reduce the rate of poverty in the City of Erie, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation is hereby presented to Mrs. Rubye Jenkins-Husband, the first African-American Woman elected to Erie City Council and we extend to her our best wishes for continued success in all her future endeavors and hope that she will continue to be involved in civic matters and issues for years to come.

December 16, 2009. City Council adopt by yeas council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

By Mr. Aleksandrowicz, Seconded by

That the City Solicitor is authorized and directed to prepare an ordinance amending the Rules of Council by creating the position of **vice-president of City Council**. Immediately following the election of a president of City Council for the new year, there will be nominations accepted for this position with a following election for same. There is to be no change in salary as this position is to only provide a consistent replacement to chair the Council meetings in the absence of the Council President.

December 16, 2009. The foregoing resolution was withdrawn from consideration by the sponsor.

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

That the City Clerk is authorized and directed to advertise notice of a Public Hearing to be held on Wednesday, **January 6, 2009 at 10:00 a.m.** to consider an amendment to the City of Erie Zoning Code by adding a provision for the **creation and installation of Urban Solar Farms** within the City of Erie.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

James Klemm, City Clerk  
626 State Street, Erie, Pa., 16501

December 2, 2009

RE: Marcella Plonski

Dear Mr. Klemm:

The purpose of this letter is to advise you that the Erie Sewer Authority would request the reappointment of Marcella Plonski as our newest member of the Authority. As you will recall, Ms. Plonski was appointed to complete Mr. John Kohler's term which expires December 31, 2009. We are requesting Ms. Plonski be reappointed for a full term, effective January 1, 2010. Thank you for your cooperation.

Very truly yours,  
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.  
By Timothy M. Sennett

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

That **Marcella Plonski** is hereby appointed to the Erie Sewer Authority for a five year term of office, beginning on January 1, 2010. (Ms. Plonski was previously appointed to serve the unexpired term of John Kohler which expired December 31, 2009. Mrs. Plonski's term will expire December 31, 2014.)

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

To: Ms. Rubye Jenkins-Husband, City Council Liaison  
From: Jon Tushak, P. E., City Engineer  
Subject: City Council Resolution to Execute Federal Aid Reimbursement Agreement  
December 16, 2009 meeting  
Project: Union Square Redevelopment and Streetscape Improvements from West 12th Street to West 14th Street and from State Street to Sassafras Street MPMS No. 87066

A resolution to execute a reimbursement agreement between the City of Erie and PennDOT in the amount of \$3,350,000.00 for the above referenced project will be presented to City Council at their Wednesday, December 16, 2009 meeting.

The Federal Aid Contribution is 100% for the Construction phase. There is no local match requirement. PennDOT will reimburse the City of Erie upon receipt of certified invoices (submitted monthly) from the City and upon receipt of funds from FHWA. The City of Erie must pay the Contractor within 10 calendar days of the date on the PennDOT check.

Urban Engineers/Glatting Jackson/Dahlkemper Landscaping are currently developing a Master Streetscape Plan for the seventy block downtown District and are developing final design of the midtown Union Station Opportunity Zone Streetscape within the Downtown District. The Pa DECD has issued a grant to the City of Erie in the amount of \$250,000 to fund the design of the project. The Downtown Partnership and the Erie Redevelopment Authority will each contribute \$50,000 to the design of the project.

The City of Erie, Bureau of Engineering will provide inspection services. The construction of the project is scheduled to be bid in March of 2010.

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. 010R36 between the City of Erie and the Commonwealth of Pennsylvania, Department of Transportation for the construction for the **Union Square Redevelopment and Streetscape Improvements** from West 12th Street to West 14th Street and from State Street to Sassafras Street in the reimbursement amount of \$3,350,000.00.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Sember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

Gregory A. Karle, Esquire  
Erie City Solicitor, 626 State Street, Erie, Pa. 16501  
Re: Purchase of 916 German Street

November 6, 2009

Dear Attorney Karle:

The undersigned represents the City Mission of the Evangelical Churches of Erie, Pennsylvania (Erie City Mission) who wish to purchase property commonly known as 916 German Street which is presently owned by the City of Erie. Enclosed is a copy of the current deed of record and the profile information from the County website. In a conversation with Kim Green, she indicated that neither the city nor the development Authority has any plans for the property and confirmed the same in writing (see enclosed).

In consideration of the conveyance by quit claim deed to the Erie City Mission, the Mission will pay the back taxes (itemized on the enclosed sheets) in the amount of \$407.06, plus the sum of \$250.00 for a total of \$657.06.

In the event you approve this purchase, it would be appreciated if you could present a recommendation and resolution to the City Council for placement on their agenda for the last meeting of this year, which I understand is scheduled for December 16, 2009.

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

Very truly yours,  
SESLER & SESLER  
S/ William G. Sesler

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

That the communication from Attorney William G. Sesler for and on behalf of the **City Mission of the Evangelical Churches of Erie**, (commonly referred to as Erie City Mission), including a bid for the purchase of property located at **916 German Street**, (located north of Bethany Lutheran Church and being some 30 x 82-1/2 feet in area), identified by Erie County Assessment Index #(15) 2011-103, for the sum of \$250.00, plus payment of back taxes in the amount of \$407.06, for a total purchase price of \$657.06 is hereby received and said request is approved.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Sember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of Property commonly known as **1022 McCarter Avenue**, Erie, Pa., and identified by Erie County Assessment Index #14-010-035.0-219.00 by the Erie County Tax Claim Bureau to Debra Goetz of Stillwater Property Management LLC, for the sum of \$250.00 is hereby approved.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Sember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of Property commonly known as **Plum Street ET West 11th Street**, being 30 x 82.5 feet in area, and identified by Erie County Assessment Index #16-030-046.0-200.00 by the Erie County Tax Claim Bureau to Ernesto Vazquez, for the sum of \$250.00 is hereby approved.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Sember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

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

That Change Order #1 on the contract of **Russell Standard Corporation**, P. O. Box 86, Union City, Pa. for the 2009 proposed milling and asphalt resurfacing of various City Streets and installation of Concrete Curb Ramps-1, Bid #1636-09 adding the sum of \$109,669.79 to the original contract price of \$1,033,344.28, revising the contract price to \$1,143,014.07 is hereby approved.

(The change order is required in part due to the adjustment from estimated plan quantities to actual field quantities. When the work was actually performed, due to field conditions, it was necessary to increase the milling and resurfacing quantities.

Due to field conditions related to curb ramps, it was necessary to increase the curb and sidewalk quantities. Other related quantities increased proportionately. It was decided to include additional streets in this contract that were budgeted for other types of surface treatments.)

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
 December 16, 2009. Signed by the President. Attested by the City Clerk.

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

That the following amounts are hereby transferred in the Community Development Block Grant accounts:

Amount	Account	Title	Amount	Account	Title
\$ 415.01	501-1251-2007-4020	Workers Comp.	\$26,982.32	501-1251-2007-	Pension
66.41	"	4031 Office Supplies		4017	Contribution
131.58	"	4033 Opertg. Supplies			
200.00	"	4035 Repair/Maint.Supplies			
4,940.80	"	4039 Consumable Items			
2,635.99	"	4043 Education/Training			
2,805.92	"	4045 Communications			
1,428.54	"	4046 Postage			
500.00	"	4048 Technology Support			
5,538.94	"	4053 Advertising			
714.38	"	4056 Repair/Maint. Services			
2,604.75	"	4059 Other Services/Charges			
<u>5,000.00</u>	"	4079 Office Equipment			
\$ 26,982.32					

These are remaining balances of grant funds budgeted for various grant administration items and will be used to reimburse the City for a share of the pension costs associated with City employees who work in the CDBG program.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
 December 16, 2009. Signed by the President. Attested by the City Clerk.

TO: City of Erie Council  
 FROM: Paul A. Lichtenwalter, Finance Department  
 RE: Police Department Transfer

Appearing on the December 16, 2009 Erie City Council Agenda is a transfer in the General fund, Police Department, Police Civilian and Traffic Court budgets for various line item shortages.

Police Civilians Department 603 - The Salary line item will be short due to the late transfer of the data entry and civilian communication specialist operator (CSOs) duties and the employees to the County 911 Center. In the 2009 City budget these positions were to be kept through the first quarter of the year based upon information provided to the city. With the 911 Center not being able to operationally handle the City of Erie until May we had to continue fully staffing our operation in our building after we had hoped to stop.

The line item for Crossing Guards is over budget due to the increase in hours worked for guards at various school locations. These extra guards and hours worked transfer a portion of the crossing duty from higher paid Police officers to the lesser paid crossing guards when and where possible.

Police Department 613 - The Overtime, Shift differential, Salaries and FICA line items are over budget due to the anticipated amount used in the 2009 City Budget for Police retroactive salary payment being under budgeted. These retroactive salary payments were made due to the September 2009 settlement of the City/FOP employment contract and the subsequent payment of the items that were awarded to the officers.

Traffic Court Department 617 - The Salaries and FICA line items are over budget due to a transfer in of an employee through contractually negotiated "bumping rights" that had a higher benefit entitlement and grade level than the employee who had been originally budgeted.

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

That the following amount is transferred in the Police General Fund Accounts:

Amount	Account	Title	Amount	Account	Title
45,000.00	002-0603-0000-4006	Overtime	33,000.00	002-0603-0000-4011	Salaries
			12,000.00	002-0603-0000-4014	Crossing Guards
150,000.00	002-0613-0000-4018	Group Ins.	30,000.00	002-0613-0000-4006	Overtime
			15,000.00	"	4007 Shift Diff.
			100,000.00	"	4011 Salaries
			<u>5,000.00</u>	"	4016 FICA
			\$150,000.00		
4,000.00	002-0617-0000-4018	Group Ins.	5,200.00	002-0617-0000-4011	Salaries
<u>1,500.00</u>	002-0717-0000-4046	Postage	300.00	"	4016 FICA
\$5,500.00			\$ 5,500.00		

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the City Clerk.

TO: City of Erie Council  
FROM: Paul A. Lichtenwalter, Finance Department  
RE: Fire Department Transfer

December 10, 2009

Appearing on the December 16, 2009 Erie City Council Agenda is a transfer in the General Fund, Fire Department budget for line item shortages in the Overtime and Salaries budget accounts.

The overtime line item is over budget due to the increase in need for employee work hours in 2009 because of various fire incident, training and employee benefit issues and also an under budgeting of this line item for 2009.

These accounts are also over budget due to the payment of arbitration award benefits to departmental employees based upon the contract settlement between the City of Erie and the Fire employees union (IAFF) and the amount of the subsequent retroactive payments being less than anticipated in the 2009 budget.

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

That the following amount is hereby transferred in the Office of General Government and Bureau of Fire:

<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$ 65,000.00	002-0963-0000-4012	Employee Payouts	\$115,000.00	002-0639-0000-4006	Overtime
			<u>150,000.00</u>	002-0639-0000-4011	Salaries
<u>200,000.00</u>	002-0639-0000-4018	Group Ins.			
\$ 265,000.00			\$265,000.00		

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
December 16, 2009. Signed by the President. Attested by the 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. **Urban Engineers of Erie, Inc.**, 1319 Sassafras Street, Erie, Pa., for the proposed inspection of the McBride Viaduct (East Avenue Bridge) for the sum of \$9,300.00. (The Bureau of Engineering has recently completed the required PennDOT inspection of the bridge and has concerns about the condition and safety of the bridge. Urban Engineers has been asked to submit a proposal to provide a supplemental inspection, expert opinion and confirmation about the condition of the bridge.)
2. **Traffic Products, Inc.**, 385 Lancaster Avenue, Malvern, Pa., for traffic signal Controllers for the Bureau of Traffic Engineering, at a total cost of \$5,330.00. (This vendor is the authorized dealer for all of Pennsylvania. This brand and model is needed to match the systems originally installed. These controllers will be utilized as needed to replace existing malfunctioning units.)
3. **Overhead Door of Franklin**, 204 Mercer Road, Franklin, Pa. for the installation of a Replacement Door including all appurtenances, for the Public Works Department Carwash for the Municipal Garage in the sum of \$3,360.00. )Lowest of three bids solicited.)
4. **Washtronics**, 521 Ridgeview Drive, Erie, Pa. for Repair Maintenance Services to the Carwash at the Municipal Garage for the sum of \$4,146.25. (They are the local service company for the car wash.)
5. **Gerster Trane**, 45 Earhart Drive, Suite 103, 5 & 8, Buffalo, New York, for a one (1) year Service Agreement for the plant chillers for the Bureau of Sewers, at for the sum of \$6,426.00.
6. **David Milano Construction**, 1827 West 36<sup>th</sup> Street, Erie, Pa., for Repair Services at a street cave-in at 18th & Peach Streets for \$9,996.53 and installing a new Catch Basin and Pavement at 12th & French Streets for the sum of \$7,851.94.

December 16, 2009. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.  
December 16 2009. Signed by the President. Attested by the City Clerk.

December 16, 2009. City Council on motion of Mr. Thompson, Seconded by Mr.

Schember, adjourned at 11:26 a.m. by yeas Council Members Aleksandrowicz, Cappabianca,

Horan-Kunco, Jenkins-Husband, Jones, Thompson and Schember. 7. Nays. 0.

Attest:

\_\_\_\_\_  
City Council

\_\_\_\_\_  
President of City Council