

The City Council met in regular session in the Council Chambers on Wednesday, January 20, 2010 at 7:30 p.m.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski, and Thompson. 7. Nays. 0. (Mr. Cappabianca was out of town but participated by telephone.)

On motion of Mr. Schember, Seconded by Mr. Aleksandrowicz, the reading of minutes of the meeting of January 6, 2010 were dispensed with and same adopted with copies given to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

Copies of the bills under date of January 15th and January 22nd, 2010 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

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By Mrs. Horan-Kunco, Council File Ordinance #15,698, Pending Official File Ordinance #2-2010

an ordinance amending Official Ordinance #80-2005, known as the Zoning Ordinance of the City of Erie by adding to Article 6 (Definitions) the definitions of **"Small Wind Energy System"**, **"Turbine Height"**, **"Wind Energy Conversion System"** and **"Wind Turbine"**, by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulations Criteria) a new Section 305.52 (Wind Energy Conversion Systems); Section 305 (Conditional Uses Special Exceptions and Special Regulation Criteria) a new Section 305.53 (Small Wind Energy Systems).

January 20, 2010. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Thompson, having read Council File Ordinance #15,698, Pending Official File Ordinance #2-2010 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Horan-Kunco, Council File Ordinance #15,699, Pending Official File Ordinance #3-2010

an ordinance approving the editing and inclusion of certain ordinances, as parts of the various component codes of the **Codified Ordinances of Erie**.

January 20, 2010. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones, having read Council File Ordinance #15,689, Pending Official File Ordinance #3-2010, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File Ordinance #15,700

an ordinance amending Official Ordinance #80-2005 known as the Zoning Ordinance of the City of Erie, by adding to Article 6 (Definitions), the definitions of **"Solar Collection System"** and **"Urban Solar Farm"**, by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria), a new Section 305.54 (Solar Collection Systems) and by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria), a new Section 305.55 (Urban Solar Farms).

January 20, 2010. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Thompson, having read Council File Ordinance #15,700, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

By Mr. Schember, Council File Ordinance #15,701

an ordinance amending Zoning Ordinance #80-2005 known as the Zoning Ordinance of the City of Erie, by revising Article 2 (District Regulations), Section 201 (Zoning Map) to **rezone property** located on the south side of West 3<sup>rd</sup> Street to then 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)**; by amending Article 2 (District Regulations), Section 204 (Permitted and Conditional Uses and Regulations), Section 204 (Permitted and Conditional Uses, and Special Exceptions), Subsection 204.17 of the Zoning Code to allow dormitories as permitted uses in C-3 District; by revising Article 3 (General Regulations), Section 302 (Off-Street Parking) to require that dormitories in C-3 districts provide off-street parking spaces; by adding

new subsection 305.56 (Dormitories C-3 Central Business District) to identify the number of off-street parking spaces that must be provided by dormitories in C-3 Districts; and by amending Article 6 (Definitions) to exclude dormitories from the definition of "Dwelling".

January 20, 2010. City Council on motion of Mr. Schember, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,701, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

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Pursuant to the provisions of Zoning Ordinance #80-2005 and of the proper legal advertising, the City Council proceeded to hold a **Public Hearing** at approximately **8:00 p.m.** regarding an amendment to Zoning Ordinance #80-2005 by adding "**Dormitories**" to C-3 (Central Business Districts), with parking restrictions.

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

That the **Erie Parking Authority** is respectfully requested to hold meetings with downtown businesses, i.e., the Erie County Government officials, Hamot Medical Center, Gannon University, Erie Insurance Group and other members of the Erie Downtown Partnership, to study the feasibility and local needs for additional off-street parking facilities to help alleviate both short and long term development plans for all involved entities and provide City Council a detailed report within the next four months so we may properly consider requests for future business expansion and zoning changes that affect downtown parking.

January 27, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 27, 2010. Signed by the President. Attested by the City Clerk.

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

That **Mary Tseng**, 218 Niagara Point Drive, is appointed to the **Erie Regional Airport Authority** for a term of five (5) years expiring December 31, 2014.

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to place the satisfaction of a Demolition Lien on property known as **612 West 16th Street** on the County Docket. The property was the subject of a Redevelopment Authority Declaration of Taking on August 18, 2005, thereby divesting any lien on the property. The Authority desires to transfer the property free of liens appearing on the public record.

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute **Federal Aid Bridge Project Reimbursement Supplemental Agreement** No. 01059-A between the City of Erie and the Pennsylvania Department of Transportation, for the Final Design, Utilities and Right-of-Way of the State Street Bridge over Canal Basin. The estimated costs for Preliminary Engineering are \$150,000.00; The estimated costs for Final Design are \$180,000.00; The estimated cost for Right-of-Way are \$10,000.00, Total estimated pre-construction costs totaling \$440,000.00. The total amount of the reimbursement is **\$418,000.00**. (Cost sharing: Federal - 80%; State - 15%; Municipality - 5%)

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to accept **Ferguson & Holdnack Reporting, Inc.**, proposal for stenography services for the City of Erie's Zoning and Building Code Appeals Board Hearings for the 2010 calendar year. The terms of this contract will be \$100.00 for daytime hearings and \$125.00 for hearings scheduled to commence at 6:00 p.m. or later as set forth in Exhibit A attached.

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

**AGREEMENT BY AND BETWEEN THE CITY OF ERIE AND ATTORNEY DONALD L. WAGNER**

This Agreement is entered into this 1st day of January, 2010 by and between Attorney Donald L. Wagner, 731 French Street, Erie, Pennsylvania 16501 (hereinafter referred to as Attorney Wagner) and the City of Erie through its Department of Code Enforcement, having offices in Room 407, 626 State Street, Erie, Pa., 16501 (hereinafter referred to as the City;

WHEREAS, Section 617.3, Article #, p. 45 of the Pennsylvania Municipal Planning Code, Act of 1968, P.L. 805, no. 247 as re-enacted and amended states that the zoning hearing board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

WHEREAS, the City is desirous of entering into a contract to provide legal counsel to the Zoning Hearing Board of the City of Erie.

WHEREAS, Attorney Wagner is an attorney and is licensed to practice law in the State of Pennsylvania.

NOW, therefore, in consideration for the covenants and promises provided herein, the parties agree:

1. Legal Services

A. Attorney Wagner will attend all regularly scheduled or special meetings of the Zoning Hearing Board of the City of Erie. The regular meetings of the Zoning Hearing Board are on the second Tuesday of the month, in City Council Chambers, beginning at 1:00 p.m.

B. Attorney Wagner will draft for review and approval by Zoning Hearing Board Members:

1. Findings of Fact and Conclusions for Zoning Hearing Board decisions appealed to the Court of Common Pleas of Erie County, Pennsylvania.
2. Reasonable conditions and safeguards for special exception uses.
3. Procedural rules for Board hearings.
4. Correspondence to be directed to the branches of the city government involving zoning issues.
5. Responses to legal questions raised by the Zoning Hearing Board of the City of Erie and/or the Secretary of the Zoning Hearing Board.
6. Be available to the Zoning Officers on an "as needed basis to consult pending decisions".
7. Represents the Zoning Hearing Board on Court appeals.

C. For the professional services described in B, above, Attorney Wagner will be paid a flat fee of \$1,200 per month and \$120 an hour for every hour in excess of 12 hours per month commencing January 1, 2010 and ending on December 31, 2010.

D. Telephone conversations with the Zoning Hearing Board members, the Secretary to the Zoning Hearing Board or related participants of on-going appeals, and requested facsimiles are considered part of the yearly contract amount.

IN WITNESS WHEREOF, the City of Erie and Attorney Donald L. Wagner have caused this agreement duly signed and executed as of the day and year indicated in this Agreement.

City of Erie

Attorney Donald L. Wagner

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Donald L. Wagner, Esquire

\_\_\_\_\_  
City Controller

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Secretary, Zoning Board

Attest:

\_\_\_\_\_  
City Clerk

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

That the proper City officials are authorized and directed to enter into an agreement between the City of Erie and **Attorney Donald L. Wagner** to provide legal counsel to the Zoning Hearing Board of the City of Erie from January 1, 2010 through December 31, 2010 for the sum of \$1,200.00 per month, not to exceed 10 hours per month.

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

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

That the following proposed **Repository Sales** of properties by the Erie County Tax Claim Bureau to the Redevelopment Authority of the City of Erie for the sum of \$250.00 each. These properties are part of the City's Neighborhood Stabilization Program are hereby approved for sale by the City Council:

- 420 West 17th Street, Index #16030021024100
- 413 West 16th Street, Index #16030021020800
- 240 East 22<sup>nd</sup> Street, Index #18050009014100
- 631 East 21st Street, Index #18050025010800

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Aleksandrowicz, Seconded by Mr. Winarski, 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 the proper Budget Code Numbers, viz,

1. **Roof Craft Systems, Inc.**, 3031 Flower Road, Erie, Pa., for Maintenance on the Refuse Building at 20<sup>th</sup> and French Streets for the sum of \$14,959.00.
2. **Process and Data Automation**, 670 West 36<sup>th</sup> Street, Erie, Pa., for a one (1) year contract to service the WWTP Computer System, for the Bureau of Sewers, at the rate of \$85.00/hour, not to exceed \$20,000.00. (This contract is essential to insure that the computer system is operable at the Plant, which ultimately could influence compliance with our NPDES system. They have a working knowledge of the system in place and are the integrator used by the Erie Sewer Authority on all past expansion and refurbishment projects. The Authority is in agreement that they also handle all future integrator tasks associated with future projects.)

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Winarski, 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 Budget Code Numbers, viz.

1. **Rohrer Trucking, Inc.**, 3180 Route 6, Waterford, Pa., 16441, for the Demolition of Property at 935 West 17<sup>th</sup> Street for the Department of Economic & Community Development, at a total cost of \$5,950.00. (This was emergency demolition due to damages from a fire in the rear building and collapse of the west foundation wall.)
2. **Executive Pulse**, 11 East 4<sup>th</sup> Street, Erie, Pa., for Civic Pulse Enhancements which is the updating of the Landlord Leasing Software Program for the Code Enforcement Department for the sum of \$6,875.00. (The software upgrades will provide the Rental Licensing Program with increased capability to track payment of inspection fees and will also help to simplify and track the billing of multi-property owners)
3. **Heise Rebuilding**, 1291 Walbridge Road, Erie, Pa., for the Emergency Replacement of the Alternator for Tower 2 for the Bureau of Fire for the sum of \$2,584.95.
4. **Vulcan Signs**, 408 East Berry Avenue, P. O. Box 1850, Foley, AL., for 300 Stop Signs for the Bureau of Streets for the sum of \$7,506.00. (Under current COG Contract)
5. **Graybar**, 1220 Myrtle Street, Erie, Pa., for the emergency purchase of two (2) Battery Modules to back up the WWTP Computer System for the Bureau of Sewers in the amount of \$2,604.16.
6. **Miller Pump**, 9910 Peach Street, Waterford, Pa., for a new Pump for the Greengarden Lift Station, for the Bureau of Sewers for the sum of \$3,570.00. (This is the back-up pump for this lift station. If the on-line pump would fail, we would have to terminate sewer service to an industrial park.)

January 20, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 6. Nays. 0.

January 20, 2010. Signed by the President. Attested by the City Clerk.

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January 20, 2010. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Aleksandrowicz, adjourned at 9:25 p.m. by yeas Council Members Aleksandrowicz, Horan-Jones, Winarski and Thompson. 5. Nays. 0. (Mr. Schember left the meeting at 8:40 p.m. and Mr. Cappabianca's telephone conference was disconnected at 9:00 p.m.)

Attest:

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President of City Council

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City Clerk

