

The City Council met in regular session in the Council Chambers on Wednesday, March 3, 2010 at 9:00 a.m.

Council members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

On motion of Mr. Schember, Seconded by Mr. Winarski, the reading of the minutes of the meeting of February 17, 2010 were dispensed with and same adopted with copies furnished 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 February 26th and March 5th, were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mrs. Horan-Kunco, Council File Ordinance #15,703, Pending Official File Ordinance #7-2010

an ordinance appropriating the sum of **\$2,050,000.00** from appropriated and anticipated revenue from Account #460-0000-0000-3111 Debt Service Fund Balance and providing for the expenditure thereof by allocating said sum to Account #460-1061-0000-3930 Operating Transfer - Water Reserve Fund.

March 3, 2010. City Council on motion of Mrs. Horan-Kunco. Seconded by Mr. Jones, having read Council File Ordinance #15,703 and now known as Pending Official File Ordinance #7-2010, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 3, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,704, Pending Official File Ordinance #8-2010

an ordinance amending Official Ordinance #72-2009 **Prohibition of Driving with Hand-Held Mobile Phones**, by making violations secondary to another violation of motor vehicle law, specifically

"No person shall be convicted of a violation of this Ordinance unless the person is also convicted of a violation of law involving a moving vehicle committed at the same time as the use of a hand-held mobile phone."

March 3, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,704, Pending Official File Ordinance #8-2010, does hereby adopt on Final Passage by yeas Council Members Jones, Schember, Winarski and Thompson. 4. Nays. Aleksandrowicz, Cappabianca, and Horan-Kunco. 3.

March 3, 2010. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That Official ordinance #8-2010 known as the **Cell Phone Ordinance**, will be reviewed by City Council in detail after one full year from the effective date to analyze the provisions contained therein and decide at that time if changes need to be made.

March 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 3, 2010. Signed by the President. Attested by the City Clerk.

To: Joseph Schember, City Council Liaison February 26, 2010
FROM: Dave Mulvihill, Assistant Director of Public Works
SUBJECT: Appropriation - Park and Playground Improvement Funds

On the Agenda for the March 3, 2010 City Council meeting, is an ordinance appropriating the Park and Playground Improvement account fund balance in the amount of \$150,093.27 to be utilized for the Perry Square Streetscaping Project and to make repairs to the Frontier Park tennis courts.

The Park and Playground Improvement account consists of Project 70 funds received by the city several years ago for the purchase of 12.67 acres of Project 70 land located a West Grandview Boulevard and Ellsworth Avenue by the Lake Erie College of Osteopathic Medicine. The use of these funds is restricted to park improvement.

In 2009, the City received a federal Transportation, Community and System Preservation Program Grant (TCSP) in the amount of \$380,000 for the streetscape portion of the Perry Square Master Plan. In order to receive the \$380,000 grant funding, the city is required to provide twenty percent (20%) matching funds (\$76,000) for the project. Utilizing the Project 70 funds for this purpose provides the city with a unique opportunity to leverage the Project 70 funds towards a much larger park improvement project that the city otherwise would have had difficulty procuring the necessary funds. In addition to the

construction costs, the appropriated funds will also be utilized for project design costs and development of biddable plans and specifications. Shown below are conceptual drawings of the proposed project area taken from the Perry Square Master Plan.

The following excerpt from the Perry Square Master Plan (Plan) describes the State Street Streetscape portion of the Plan:

Both asset and challenge, State Street pumps life through the parks in the form of busy traffic and "eyes on the street". It introduces potential users to the park and when close during events greatly enlarges the useable paved gathering space and transforms the overall square into a festive space. Although the objective of this master plan is to make recommendations for the two halves of the square, it is imperative to look at their interaction with State Street. Like the other surrounding streets, State Street has several lanes of traffic (two in each direction) as well as parallel parking with transitions to bus lanes at the south end of the block. With safety as a primary objective, improved pedestrian crossing can be achieved through curb island bumpouts at the north and south ends of the street. Relocating the existing bus stops and shelters is recommended in order to reduce three-harming pollution from the idling busses. These stops could be re-located to adjacent blocks north and south.

Beyond issues of basic safety and tree health, the treatment of the spaces along State Street hold great potential to take a fresh look at enhancing the functionality of large events and strengthening the identify of the park with gateway structures. With a crescent shaped plaza framed by the new stage along the west side of the street, the east side of the street would be a natural space for a overflow of activity. For large events or even a weekly farmer's market, vendors can set up under the trees while a new arching walkway continues the circular form of the east park stage and plaza. The lawn area within the walkway would remain, with the help of a grid of reinforcement that would handle the foot traffic of an event without being visible.

Gateway arches at both the north and south ends would announce the presence of the park and define the festive area of State Street activity during large events. The structure could match the stage structure for continuity and include "Perry Square" lettering. The arches would create a memorable landmark for visitors and locals as well.

This construction project will primarily focus on the circular pavement area pictured in the first illustration, including the semi-circular plaza areas located in the east and west park areas adjacent to State Street, sidewalk bumpouts and gateway arches. Construction of the stage area is not included in this project as it will require significant additional future funding.

The remainder of the funds will be utilized to perform much-needed repairs to the Frontier Park tennis courts. These courts have fallen into disrepair and areas have become hazardous to the players.

Please contact me at 870-1451 if you have any questions.

By Mr. Schember, Council File Ordinance #15,705

an ordinance appropriating the sum of **\$150,093.27** from unappropriated Park and Improvement Account Fund Balance #345-0000-0000-3111 and allocating said sum to Account #345-0707-0000-4077 Other Improvements.

March 3, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,705, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,706

an ordinance amending Ordinance #26-1958 known and cited as the Traffic Code of the City of Erie by installing **stop signs** at the following intersections:

- 1) West 21st Street and Emerson Avenue, stopping NB Emerson Avenue
- 2) West 22nd Street and Emerson Avenue, stopping EB West 22nd Street
- 3) West 23rd Street and Emerson Avenue, stopping EB West 23rd Street
- 4) West 28th Street and Schley Street, stopping EB West 28th Street
- 5) West 3rd Street and Plum Street, stopping Plum Street
- 6) Kahkwa Avenue and Superior Avenue, stopping Superior Avenue

March 3, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #8-2010, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

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

That the City Solicitor is authorized and directed to prepare an amendment to the Codified Ordinances of the City of Erie, being Part One, Administrative Code, Title Seven, Article 147 Police Pension Plan by establishing a **COLA** for officers that retire on the **75% disability benefit** due to traumatic injury suffered in the line of duty.

March 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 3, 2010. Signed by the President. Attested by the City Clerk.

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

That **Thomas Kownacki**, 965 South Hill Road, Erie, Pa., is appointed to a five year term on the Erie City Water Authority, to expire the first Monday of January 2015.

March 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.
March 3, 2010. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending the Administrative Code, Part One, Title Seven, Article 142, Section 142.08 **Appointments**, known as Official Ordinance #78-2004, by requiring that an appointee to any board, commission or authority may serve only two consecutive 5 year terms and once completed may not be re-appointed to said board, commission or authority and shall not be appointed to fill the unexpired term of another member of said board, commission or authority, until 5 years has elapsed. A new appointee to an unexpired term with less than two years remaining on said term shall be entitled to serve 2 more consecutive 5 year terms and an appointee to an unexpired term with more than 2 years remaining on that term shall be considered one full term and entitled to be reappointed for one more consecutive 5 year term.

March 3, 2010. City Council on motion to adopt, **fail to adopt**, by yeas Council Members Aleksandrowicz, Cappabianca, and Horan-Kunco. 3. Nays. Council Members Jones, Schember, Winarski and Thompson. 4.

By Mr. Schember, 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 to the respect Budget Code Numbers, viz

1. **Polydyne, Inc.**, P. O. Box 279, Riceboro, GA, extending the current contract for Cationic Polymer/Clarifloc C-311, for the Bureau of Sewers for an additional year through February 28, 2011, at the current price of \$.089/lb. delivered.
2. **Sherwin Williams**, 1815 Peach Street, Erie, Pa., for Line Painting Paint for the Department of Streets at a total cost of \$27,879.00. (12 - 55 gallon White @ \$5,002.80; 48 - 55 gallon drums Yellow @ \$20,011.20; 60 - 5 gallon pails White @ \$2,865.00.)

March 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.
March 3, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Jones, 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 confirmed he said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Federal Signal Corporation**, 2645 Federal Signal Drive, University Park, IL, for a police car Light Bar for the Bureau of Police, for the sum of \$2,887.62.
2. **Smoracy LLC**, P. O. Box 77000, Detroit, MI for a dolly system for the Beast Grinder, for the Municipal Garage, for the sum of \$6,363.88.
3. **Chemung Supply Corp.**, Route 14, P. O. Box 527, Elmira, New York for 300 - 4' Green Channel Posts @ \$6.03 each and 300 - 9' Channel Posts @ 11.28 each for the Bureau of Streets, at a total cost of \$5,193.00.
4. **Vulcan Signs**, 408 East Berry Avenue, P. O. Box 1850, Foley, AL, for 300 Signs for the Bureau of Streets, at a cost of \$7,126.64.
5. **Kaman Industrial Technologies**, 2335 West 50th Street, Erie, Pa., for 3 Transmissions for the East Primary Tanks, for the Bureau of Sewers at a total cost of \$8,264.29.
6. **Potters Industries**, 2380 West 3rd Street, Cleveland, Ohio, for 24,000 lbs. of PA Certified Contractor Beads at a cost of \$0.34/lb. (delivered) for the Bureau of Streets, for the sum of \$8,160.00.
7. **Polydyne, Inc.**, P. O. Box 279, Riceboro, GA, for one 2,300# tote of Anionic Polymer, for the Bureau of Sewers for the sum of \$2,300.00.
8. **PA Electric Motor Service**, 4693 Iroquois Avenue, Erie, Pa., for the Repair, Cleaning and Balancing of ID Fan #1 Incinerator, for the Bureau of Sewers, in the sum of \$4,750.00.
9. **Myers Industries**, 1601 Brookline Blvd., Pittsburgh, Pa., for the purchase of 15 Grit Buckets, for the Bureau of Sewers, in the sum of \$8,075.00.

March 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.
March 3, 2010. Signed by the President. Attested by the City Clerk.

March 3, 2010. City Council on motion Mr. Schember, Seconded by Mr. Aleksandrowicz, adjourned at 10:07 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

Attest:

City Clerk

President of City Council