

The City Council met in regular session in the Council Chambers on Wednesday, April 21, 2010 at 7:30 p.m.

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

On motion of Mr. Schember Seconded by Mr. Thompson the reading of the minutes of the meeting of April 7, 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 April 16th and April 23rd 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 Mr. Cappabianca, Council File Ordinance #15,711, Pending Official File Ordinance #15-2010,

an ordinance appropriating the sum of **\$2,880.00** from unappropriated and anticipated revenue from Account #215-0613-0000-3342 Police Drug & Vice PA Opr. Acct. and providing for the expenditure thereof by allocating said sum to Account #215-0613-0000-4096 Operating Transfer Out Account.

April 21, 2010. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,711 and now known as Pending Official File Ordinance #15-2010, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,712, Pending Official File Ordinance #16-2010,

an ordinance appropriating the sum of **\$500.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions received from the Erie Community Foundation and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

April 21, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance #15,712 and now known as Pending Official File Ordinance #16-2010, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,713, Pending Official File Ordinance #17-2010,

an ordinance appropriating the sum of **\$40,000.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions received from the Erie School District and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

April 21, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance #15,713 and now known as Pending Official File Ordinance #17-2010, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,714, Pending Official File Ordinance #18-2010,

an ordinance appropriating the sum of **\$472,679.00** from unappropriated and anticipated revenue from Account #263-0731-2010-3334 DEP Recycling Grant-PA OPR GNT-Environmental Resources and providing for the expenditure thereof by allocating said funds to Account #263-0731-2010-4072 Land & Buildings (\$116,429.00) and 4078 Machinery and Equipment (\$356,250.00).

April 21, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance #15,714 and now known as Pending Official File Ordinance #18-2010, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Council File Ordinance #15,715, Pending Official File Ordinance #19-2010,

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

"739.99 Penalty. Any person convicted of violating this article shall be guilty of a Summary Offense and shall be subject to a fine of not less than \$150.00 nor more than \$300.00 if the primary motor vehicle offense did not cause a collision, property damage or injury to any person. In the event of such motor vehicle violation conviction which resulted from a collision, property damage or personal injury caused by the defendant who was also violating this article, the first violation of this article by any person shall be subject to a fine of \$500.00 and the second or subsequent violation shall be subject to a fine of \$1,000.00. (Language underlined is new amendment)

April 21, 2010. City Council on motion of Mr. Thompson, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,715 and now known as Pending Official File Ordinance #19-2010, does hereby adopt on Final Passage by yeas Council members Aleksandrowicz, Horan-Kunco, Jones, Schember, Winarski and Thompson. 6. Nays. Cappabianca 1.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,716,

An ordinance appropriating the sum of **\$7,500.00** from unappropriated and anticipated revenue from Account #259-1219-0000-3641 Contributions (Blue Cross/Blue Shield) and providing for the expenditure thereof by allocating said funds to Account #259-1219-0000-4552 Summer Recreation Program.

April 21, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,716, 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 #15,717,

An ordinance appropriating the sum of **\$143,606.90** from the Paving and Sewer Revolving Accounts fund balance #017-000-0000-3001 Fund Balance and providing for other expenditure thereof by allocating said sum to Account #017-0707-0000-4075 Bridges and Streets.

April 21, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson, having read Council File Ordinance #15,717 does hereby adopt on First Reading by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

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

That City Council recognizes Saturday, April 24, 2010 as the **United Way Day of Caring** and encourages all citizens of Erie to volunteer their time to beautify Erie's neighborhoods, streets, parks and playgrounds and inviting members of City Council to participate in graffiti clean-up with the Graffiti Task Force.

April 21, 2010. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

To: Jim Thompson, Council President and Members of City Council April 21, 2010
From: Kim Green, Director of Economic & Community Development
Re: Request from the Erie Redevelopment Authority for \$197,000 of UDAG Funding as submitted by R. Larry Bossolt, Executive Director

The Erie Redevelopment Authority (ERA) has submitted a request for \$197,000 of Urban Development Action Grant (UDAG) Funding to payoff certain obligations with the Northwest Savings Bank as relates to vacant lots at 319, 323, 327 and 331 West 18th Street and residential properties at 531, 535 and 556 West 5th Street. Encumbrances include PNC Bank's second mortgage lien on the lead-free home at 2120 Parade Street which is now owned by St. Martin Center. The Parade Street property was used as additional collateral when the West 5th Street properties were acquired. Attached, please find a narrative from Larry Bossolt, Executive Director of ERA, which defines the need for the requested funding - See ERA narrative for full detail.

The City of Erie Loan Review committee that governs the use of UDAG funding has reviewed and approved ERA's request for a \$173,000 Grant and a \$60,000 Loan. The combined proceeds of the grant and loan will be used to payoff \$197,000 of loans owned to the Northwest Savings Bank for the referenced properties and it will also enable ERA to remove PNC's second mortgage lien that it holds on St. Martin Center's lead-free home at 2120 Parade Street. \$160,000 will be applied to the first mortgage debt and \$37,000 will

be applied to Line of Credit debt. The payoff of these obligations enables ERA to improve their cash flow and sets the stage for the sale of the West 5th Street properties and the land-banking of the West 18th Street properties.

Sister Mary Hermann, of the Sisters of St. Joseph has provided a support letter as relates to the land-banking of the West 18th Street properties, while Cheryl A. Kobel, CEO of St. Martin Center provided a support letter relative to their interest in the lead-free home at 2120 Parade.

Please see the attached resolution, which requests Council's authorization for the Mayor and appropriate city officials to execute a loan and grant agreement between the city of Erie and the Erie Redevelopment Authority.

If you have any questions, please direct them to Larry Bossolt at 453-4505.

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

That the Mayor and appropriate City officials are authorized and directed to execute an agreement between the City of Erie and the **Redevelopment Authority of the City of Erie (ERA)**, whereby the City of Erie will make available Urban Development Action Grant (UDAG) funds to enable ERA to pay off \$197,000 in obligations that are owed to the Northwest Savings Bank. The \$197,000 provided to the Redevelopment Authority was a \$137,000 Grant and a \$60,000 non-interest bearing Loan. The grant does not have to be repaid to the city, however, the \$60,000 loan will be repaid from the proceeds of the sale of certain properties, namely, 531, 535 and 556 West 5th Street.

April 21, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Winarski and Thompson. 5. Nays. Horan-Kunco 1, Abstain Schember 1.

April 21, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to **auction** and seek the best price for vehicles from the police inventory which are unserviceable due to excessive mileage and/or are in need of repairs and are not warranted because of their general condition:

1995 Cadillac Seville - 138,000 miles 1999 Chrysler 300M - 127,000 miles
2000 Volvo S80 - 69,000 miles

April 21, 2010. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sales of the following properties for the sum of \$250.00 each are hereby approved:

- a) **236-1/2 West 19th Street**, County Index #19-060-005.0-233.00 to Debra Goetz of Stillwater Property Management, LLC
- b) **836 East 21st Street**, Erie, Pa., County Index #18-050-033.0-228.00 to Debra Goetz of Stillwater Property Management, LLC
- c) **633 East 8th Street**, Erie, Pa., County Index #15-020-031.0-207.00 to Holly J. Hess.
- d) **656 West 4th Street**, Erie, Pa., County Tax #17-040-021.0-130.00 to Serena Small of S & E Platinum Enterprises, LLC.
- e) **2304 Parade Street**, Erie, Pa., County Index #18-050-014.0-106.00 to Serena Small of S & E Platinum Enterprises, LLC.

April 21, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski, and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

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 respective Budget Code Numbers; viz

1. **Graciano Corporation**, 209 Sigma Drive, Pittsburgh, Pa., they being the lowest of two bids received for the Millcreek Tube Invert Repair Project, Bid #1642-10 in the sum of \$182,016.00.
2. **Y.M.C.A. of Greater Erie**, 31 West 10th Street, Erie, Pa., for the Summer Recreation Program in the sum of \$87,245.76.
3. **American Red Cross**, 4961 Pittsburgh Avenue, Erie, Pa., for the Summer Recreation Learn to Swim Program in the amount of \$73,000.00.
4. **J.F.K. Center**, 2021 East 20th Street, Erie, Pa., for the Summer Recreation Program (Spoon's Summer Basketball), in the sum of \$16,000.00.
5. **All An Act Productions**, 1650 West 39th Street, Erie, Pa., for the footlights Theater Summer Recreation Program, in the sum of \$15,425.00.
6. **Kidder Wachter Architecture & Design**, 140 East 5th Street, Erie, Pa., for the Architectural Services for the Final Design of Perry Square Streetscape from North Park Row to South Park Row in a sum not to exceed \$15,000.00.

April 21, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, 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 transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Jon L. Steenson & Associates**, 5026 East State Street, Hermitage, Pa. for a Duramax Duo automatic pool cleaner, for the Department of Economic and Community Development at a total cost of \$4,945.00.
2. **Pennbrier Athletic Club**, 100 Pennbrier Drive, Erie, Pa., for the Summer Recreation Tennis Program, in the sum of \$6,504.30.
3. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, Pa., for the printing and distribution of the 2010 Summer Parks & Recreation Guide, for the sum of \$8,954.00.
4. **R. A. Cruise Sand & Gravel**, P. O. Box 1066, Ravanna, Ohio, for approximately ten (10) Loads of Diamond Dual Infield Clay, for the Bureau of Parks at a total cost not to exceed \$9,000.00.
5. **Black Hills Ammunition**, P. O. Box 3090, Rapid City, SD, for 2000 rounds of .308 Black Hills Match Grade Rifle Ammo (\$2,198.00) and 500 rounds of .308 Black Hills Gold Ammo (\$547.50) for the Bureau of Police, at a total cost of \$2,745.50.
6. **Cummins Bridgeway, LLC**, 4494 Solutions Center, Chicago, IL., for the repair of the Beast compost rider machine, for the Municipal Garage at a cost of \$4,610.66.
7. **A & H Emergency Co.**, 1124 McLaughlin Run Road, Bridgeville, Pa., for the emergency repair of the Vaccon Truck, for the Wastewater Treatment Plant Collections, at a cost of \$14,900.00.
8. **David Milano Construction**, 1827 West 36th Street, Erie, Pa., for materials only for performing Repair Services for the Bureau of Sewers at 1014 West 20th Street for the Wastewater Treatment Plant for the sum of \$2,929.50 (Material costs Only).
9. **Myers Industrial Solutions**, 1601 Brookline Blvd., Pittsburgh, Pa., for the purchase of fifteen (15) Grit Buckets, for the Bureau of Sewers, in the sum of \$7,550.00.

April 21, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

To: Mr. Joseph Schember, City Council Liaison April 20, 2010
 From: Jon Tushak, P. E., City Engineer
 Subject: City Council resolution to execute American Rivers-PA DEP Watershed Protection Subgrant Agreement & Landowner-Grantee Agreement Project: Removal of Glenwood Low Hazard Dam in Mill Creek downstream of the Glenwood Drift Catcher

A resolution to execute agreements between the City of Erie and American Rivers for the above referenced project will be presented to City Council at their Wednesday April 21, 2010 meeting.

The total amount of the grant is \$7,500.00 No match is required. The original heights of the dam is only about 2 feet. The impoundment area is nearly entirely filled with sediment. The dam is in a state of disrepair. The east end of the dam has been breached. The end around flow is beginning to undermine the concrete channel wall adjacent to the kangaroos at the Erie Zoo. The City of Erie would face significant costs to repair the dam that is considered to be unnecessary. American Rivers has a mission to remove abandoned, unnecessary and nonfunctioning dams and restore stream channels and habitats. They have agreed to fund this project to remove the dam rather than repair it.

Please contact me at extension 1377 if you have any questions.

WAIVE RULES

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

That the Mayor and City Controller are authorized to execute the American Rivers-PA DEP Watershed Protection Subgrant Agreement and Landowner-Grantee Agreement between the City of Erie and American Rivers for the removal of the Glenwood Low Hazard Dam in Mill Creek downstream of the Glenwood Drift Catcher. The total amount of the grant is \$7,500.00. No match is required.

April 21, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That members of City Council encourage everyone in the Erie area, especially children, grandchildren and college students at Mercyhurst, Gannon, Edinboro and LECOM to vote at the link below before the April 30th deadline, for the **John Kanzius Cancer Research Fund** which is vying for a \$250,000 grant provided by Pepsi:

<http://www.refresheverything.com/kanziuscancerresearch>

April 21, 2010. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

April 21, 2010. Signed by the President. Attested by the City Clerk.

June 21, 2010. City Council on motion of Mr. Schember Seconded by Mr. Thompson adjourned at 8:41 p.m. by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

Attest:

President of City Council

City Clerk