

The City Council met in regular session in the Council Chambers on Wednesday, November 3, 2010 at 9:00 A.M.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, and Winarski. 6. Nays. 0. (Mr. James Thompson passed away October 8, 2010, leaving a vacancy on City Council. At a Study Session on October 28, 2010, Mr. Joel Schwartz was selected from a list of 39 applicants to fill the vacancy left by Mr. Thompson). The following is a resolution ratifying that selection:

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

That **Joel S. Schwartz**, 502 East 33rd Street, Erie, PA. is hereby appointed to Erie City Council for a term expiring on the first Monday of January 2012.

November 3, 2010. City Council adopt by yeas, Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski, and Schember. 6. Nays. 0.

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

On motion of Mr. Jones, Seconded by Mrs. Horan-Kunco, the reading of the minutes of the Meeting of October 20, 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, Schwartz, Winarski and Schember. 7. Nays. 0.

Copies of the bills under date of October 29, 2010 and November 5, 2010 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,734,

An ordinance amending Ordinance #26-1958, the Traffic Code of the City of Erie by installing **stop signs** at the following 15 intersections:

1. West 24th St and Washington Ave - stopping West 24th St
2. Madison Ave and Kahkwa Ave - stopping Madison Ave
3. Madison Ave and Crescent Dr - stopping Crescent Dr
4. Plymouth St and Vermont Ave - stopping Plymouth St
5. East 33rd St and German St - stopping German St
6. Oxford St and Vermont Ave - stopping Vermont Ave
7. Oxford St and Virginia Ave - stopping Virginia Ave
8. East 41st and Rice Ave - stopping East 41st
9. West 25th St and Cranberry St. - stopping West 25th St
10. East 3rd and Ash St - stopping Ash St
11. West 32nd St and Chestnut St - stopping West 32nd St
12. West 34th St and Emerson Ave - stopping Emerson Ave
13. West 36th St and Emerson Ave - stopping Emerson Ave
14. West 36th St and Auburn St - stopping Auburn St
15. East 33rd St and Holmes St - stopping Holmes St

November 3, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance 15,734, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski, and Schember 7. Nays. 0.

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

WHEREAS, the Redevelopment Authority of the City of Erie desires to obtain funds from the DCED in the amount of \$650,000 for prevention and elimination of blight under Section 4(c) of the Housing and Redevelopment Assistance law, as amended, and

WHEREAS, it has been resolved by the Redevelopment Authority of the City of Erie that a blighting influence exists because of the deteriorating physical condition of the McGarvey Building and the need to amicably acquire and demolish the Labor and Industry Building at 1328 State Street for the greater public good, i.e. the construction of a parking deck for the Union Square Project, which is also being redeveloped; and

WHEREAS, the proposed project will prevent further blight and/or eliminate the existing influence by stabilizing the McGarvey Building at 1402 State Street, as well as the construction of a parking deck to accommodate new business and residential development in the Union Square area; and

WHEREAS, the local share provided by the City of Erie in the form of Community Development Block Grant funds will be \$50,000;

NOW THEREFORE, BE IT RESOLVED, that the City of Erie will reimburse the Commonwealth for the DCED's share of any expenditures found by DCED to be ineligible.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Erie is directed to execute a certificate attesting to the adoption of this resolution and to furnish a copy of the Resolution to the DCED.

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

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

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

A resolution authorizing the proper officials of the City of Erie to execute a **Special Warranty Deed** for the transfer of a City-owned piece of property located on West 20th Street, Erie, PA Index No. (16) 3121-111 to David M. Morphy and H. Jean McMillin in the amount of \$1,500.00. This parcel is a non-building triangle created by PennDOT in the construction of I-79. Contemporaneously with the closing, the buyers will file a Consolidation Deed, combining the subject parcel with 2047 West 20th Street, the property they own to the west of the parcel.

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

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

By Mrs. Horan-Kunco, Seconded by Mr. Winarski, etc.,

WHEREAS, the Erie County General Authority (the "Authority") is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act, 53 Pa. C.S. Ch. 56, as amended (the "Act");

WHEREAS, the Act, among other things, empowers authorities created thereunder to borrow money and to make and issue bonds and other evidences of indebtedness for the various purposes set forth in the Act and to secure payment of such bonds and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts;

WHEREAS, TSK Partners, Inc., (the "Qualified Business"), a Pennsylvania business corporation, located at 1533 East 12th Street, City of Erie, Erie County, Pennsylvania, has requested the Authority to undertake a project (the "Project") consisting of the tax exempt financing of the purchase of machinery and equipment to be located or installed at the Qualified Business's facilities located in the City of Erie at 1533 East 12th Street (the "Recovery Zone Property");

WHEREAS, in order to provide funds for the Project, the Qualified Business has requested the Authority to issue its tax-exempt Recovery Zone Facility Bond or note in an amount not to exceed \$2,750,000 (the "Note");

WHEREAS, pursuant to City Council Resolution No. 127-444E-2010, the Property is located in an area that has been designated by the City as a Recovery Zone, as that term is defined in the American Recovery and Reinvestment Act of 2009, and the Authority has been designated by the City as an eligible issuer of the City's allocation of Recovery Zone Facility Bonds; and

WHEREAS, pursuant to City Council Resolution No. 127-444E-2010, each Project of the Authority utilizing the City's allocation of Recovery Zone Facility Bonds to finance Recovery Zone Property for a Qualified Business must be approved by City Council.

NOW, THEREFORE, be it resolved:

1. The Project, the issuance of the Note, and the undertaking and completion by the Authority of all other matters necessary or convenient for the conclusion of the Project and the financing described hereinabove are hereby approved.

2. Nothing in this Resolution shall be construed to pledge the credit or taxing power of the City of Erie, Pennsylvania nor shall such City be in any manner liable for any indebtedness arising out of this transaction.

November 3, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, and Winarski. 6. Nays. 0. Abstain 1. Mr. Schember.

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

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

That the following amounts be and they are hereby transferred in the Office of Risk Management:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$100,000	024-0563-0000-4069	Risk Mang.	\$100,000	024-0563-0000-4067	Claims

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

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

That the following amounts be and they are hereby transferred in the In the Bureau of Streets:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$ 1,000	02-0713-0000-4024	Tool Allowance	\$26,325	002-0713-0000-4035	Repr. and Maint. Supplies
500	002-0713-0000-4045	Communications	<u>25,000</u>	002-0713-0000-	Bridges and Streets
33,000	002-0713-0000-4047	Heat, Light, Power	\$51,325		
2,095.84	002-0713-0000-4049	Street Lighting			
5,404.16	002-0713-0000-4057	Refuse Tipping			
825	002-0713-0000-4052	Advertising			
500	002-0713-0000-4054	Rentals			
8,000	002-0713-0000	Repair & Maint. Serv.			
\$51,325					

November 3, 2010. The above resolution was withdrawn at the request of the Administration.

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

That the following amounts be and they are hereby transferred in the Department of Public Works - Traffic Engineering:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$28,000	002-0709-0000-4011	Salaries	\$28,000	002-709-0000-4006	Overtime

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

November 3, 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. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA. for materials only for performing repair services for the Bureau of Sewers in the amount of \$21,283.90.
2. **William T. Spaeder Co., Inc.**, 1602 East 18th Street, Erie, PA. for a Proposed Chiller Replacement for the Municipal Building in the sum of \$116,600. (lowest of three bidders).

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

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

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

That the 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. **Gene Davis Sales and Service**, 1119 Payne Avenue, Erie, PA for Proposed Pole Tenon Adapters for LED Streetlight Retrofit State Street-EECBG East and West 4th to East and West 10th Streets Provide Adapters-Material only in the sum of \$3,900.00 for the Bureau of Engineering.
2. **East Jordan Iron Works, Inc**, Dept. 59601 PO Box 67000, Detroit MI for risers for land markers for the Bureau of Streets at a cost of \$2,315.82.

3. **A&H Equipment Co.** PO Box 337, Bridgeville, PA for a greaser unit for Sweeper #1413 for the Bureau of Streets at a cost of \$2,695.00.
4. **Highway Equipment Company**, Box 640305, Pittsburgh, PA for parts and labor to repair the paver for the Bureau of Streets, at a cost of \$7,593.07.
5. **Bobcat of Erie**, 9 Circuit Street, Waterford, PA for the emergency repair of the Bobcat All-Wheel Steer Loader for the Bureau of Refuse at a total cost of \$4,568.42.
6. **WM. T. SPAEDER COMPANY**, 1602 East 28th Street, Erie, PA for installation of baffles in #2 floatation tank, for the Bureau of Sewers at a total cost of \$5,687.00.

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

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

Waive Rules

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

Whereas, the City Administration and the Pennsylvania Department of Transportation have agreed to proceed with a study of various options or alternatives to address the needed repairs and closure of the McBride Viaduct on East Avenue, and

Whereas, it is imperative that City Council Members be kept informed of the progress of this study as it proceeds, so

Therefore, Be It Resolved by the Council of the City of Erie that we respectfully request the City of Erie Engineering Department and the PA. Department of Transportation to submit quarterly reports on any progress of this study so that we may update the citizens impacted by the current temporary closure of this bridge as to options and/or alternatives this study produces as they occur. The first quarterly report would be due at the end of January 2011, and then each yearly quarter thereafter. Copies of this resolution are to be forwarded to Mr. William Petit, District Engineer, PA Department of Transportation and to Mr. Jon Tushak, City Engineer.

November 3, 2010. City Council adopt by yeas as amended Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, and Winarski. 6. Nays. 1. Schember

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

 November 3, 2010. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco adjourned at 10:10 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

 President of City Council

Attest:

 City Clerk