

The City Council met in regular session in the Council Chambers on Wednesday, November 17, 2010 at 9:00 A.M.

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

On motion of Mr. Jones, Seconded by Mrs. Horan-Kunco, the reading of the minutes of the Meeting of November 3, 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 November 12, 2010 and November 19, 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.

Mayor Joseph Sinnott presented the proposed **2011 General Fund Budget** in the amount of \$60,455,724 and All Funds Totaling \$117,296,675 (Sewer, Refuse & Recycling, Golf, Liquid Fuels, Risk Management, Debt Service and Capital Improvement). Additional Revenue will be generated by "selling off" prior year Real Estate Tax Liens and a proposed Bond Issue for capital improvements.

By Mr. Schember, Council File Ordinance #15,734, Pending Official File Ordinance #38-2010,

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 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance 15,734, and now known as Pending Official File Ordinance #38-2010 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski, and Schember 7. Nays. 0.

By Mr. Cappabianca,

An ordinance amending the Codified Ordinances of the City of Erie, Part Seven, General Offenses Code, Sections 738.02, 738.03, 738.04 and 738.07 Curfew for Minor Children, to include provisions providing **enforcement of mandatory school attendance**.

November 17, 2010. The above ordinance withdrawn at the request of the sponsor.

By Mr. Schember, Council File Ordinance #15,736

An ordinance fixing the **tax rate** for all city purposes for the Fiscal Year 2011 (beginning on January 1, 2011 and ending on December 31, 2011).

November 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance, 15,736, does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski, and Schember 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,737,

An ordinance adopting the **General Fund** and certain other budgets for the fiscal year 2011 beginning January 1, 2011 and ending December 31, 2011).

November 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance, 15,737 does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski, and Schember 7. Nays. 0.

Memo To: Erie City Council
From: Paul A. Lichtenwalter, Finance Director
Re: City Council Transfer Resolution November 12, 2010

Appearing on the November 17, 2010 Erie City Council agenda is an ordinance which will move necessary money from the General Fund to the Debt Service Fund as a relief of the General Fund/Debt Service Fund interfund payable receivable in order to make the November 2010 Debt Service Payment to our bond holder. This aforementioned interfund payable/receivable is the much talked about and analyzed amount that has build up over the last few years (and been noted by the City of Erie Auditing Firm Magill, Power & Bell as a management letter comment) between the two funds due to the disconnect between the annual budget ordinance setting the millage rate applicable to debt service and the amount actually needed in a given year to make the prescribed debt service payments. The Restricted "General Fund - Debt Service" Fund Balance which is being moved is the result of the timing of collections in the Earned Income Tax Act 205 Special Pension Levy account. Due to the collection process extra money was collected in 2009 and carried forward to be used in 2010.

By Mr. Schember, Council File Ordinance #15,738,

An ordinance appropriating the sum of **\$204,029.01** from unappropriated and unanticipated 002-0000-0000-3001 General Fund Reserved Fund Balance and allocating said funds to 002-0000-0000-2100 General Fund Accounts Payable Due to Debt Service Fund.

November 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, having read Council File Ordinance 15,738, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski, and Schember 7. Nays. 0.

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

That the Traffic Engineer is respectfully requested to study the feasibility of creating **one-sided parking regulations on Mobile Avenue** and report her findings thereon to City Council.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.
November 17, 2010. Signed by the President. Attested by the City Clerk

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

WHEREAS, the City of Erie is a member of the Erie Area Council of Governments (COG); and

WHEREAS, the COG has proposed its Annual Budget for its financial activities for the 2011 calendar year which will be voted upon for approval at the COG's continuation of the General Assembly Meeting of November 3, 2010 on December 8, 2010 ; and

WHEREAS, the Council of the City of Erie has reviewed the Proposed Annual Budget for 2011, a copy of which is attached hereto, and finds it to be in good order; and

WHEREAS, the Council of the City of Erie acknowledges its proportionate share of the Members Dues as listed therein.

IT IS HEREBY RESOLVED by the Council of the City of Erie, Erie County, Pennsylvania that the proposed Annual Budget for the calendar year ending December 31, 2011 is approved. **ADOPTED** this 17th day of November, 2010 by the Council of the City of Erie, PA.

(The City of Erie's obligation and contribution to this agency for 2011 is \$12,323. This amount is contingent upon whether the County cuts its proposed membership dues by !0% thus increasing the City's obligation to \$13,673)

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.
November 17, 2010. Signed by the President. Attested by the City Clerk

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

Intergovernmental Agreement of the Erie Area Council of Governments (Legal Services for Cable Franchise Renewal Negotiations with Time Warner)

This Agreement entered into this 17th Day of November 2010 by and between the City of Erie and certain other municipalities located in Erie County (hereinafter known as the Participating Municipalities).

Whereas, the Participating Municipalities are “cable franchising authorities” pursuant to Section 602 of the federal Communications Act, 47 U.S.C. § 522, and have the legal authority, pursuant to Sections 621 and 626 of the Act, 47 U.S.C. § § 541 and 546, to grant and renew cable franchises with cable operators; and

Whereas, the Intergovernmental Cooperation Act, 53 Pa. C.S. § 2302 et. seq., provides for the cooperation of two or more local governments in the exercise or performance of their respective governmental functions, powers, and responsibilities; and

Whereas, the Participating Municipalities wish to join together to negotiate a master cable franchise agreement with Time Warner and to conform the master agreement to individual agreements to be approved, signed and executed by each of the Participating Municipalities; and

Whereas, the reasons for the Participating Municipalities to join together for this purpose include: 1) to take advantage of the economics of scale and greater potential benefits created when multiple municipalities negotiate as one entity; and 2) to benefit from the reduced legal costs available through the sharing of fees and mutual retention of qualified legal counsel; and

Whereas, the Cohen Law Group, a Pittsburgh-based law firm that specializes in representing municipalities in cable franchise negotiations, submitted a written Proposal to Perform Cable Franchise Renewal Services on August 3, 2010 (hereinafter known as the “Proposal”) to the Participating Municipalities and that such Proposal includes benefits, scope of services, professional background, and cost of services; and

Whereas, after reviewing the Proposal, the Participating Municipalities wish to accept the Proposal and have the Cohen Law Group represent the Participating Municipalities in cable franchise negotiations with Time Warner, and

Whereas, the Participating Municipalities shall pay a flat fee to the Cohen Law Group pursuant to the fee schedule contained in the Proposal and the Cohen Law Group shall bill the Participating Municipalities as follows: 1) one-third of the fee plus expenses upon engagement; 2) one-third of the fee plus expenses upon completion of the project.

Now, Therefore, intending to be legally bound hereby, the City of Erie agrees to be a Participating Municipality, including cooperating with the other Participating Municipalities, in cable franchise renewal with Time Warner and engaging the Cohen Law Group to assist in such negotiations pursuant to its Proposal, by setting forth the hand and seal on the day and year first written above.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk

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

That the proper City Officials are authorized and directed to enter into an **appraisal agreement** with the Industrial Appraisal Company, Two Gateway Center, 603 Stanwix Street, Suite 1500, Pittsburgh, PA in an amount not to exceed \$59,450.00 for an appraisal of all City of Erie buildings, fixed equipment, site improvements, machinery and all other assets associated with City of Erie properties for 2010 in order to comply with GASB Statement #34 and for insurance valuation purposes.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk

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

That the proper City Officials are authorized and directed to execute an **Easement Agreement** between the City of Erie and Ismael Aguilar, tenant of 319 State Street, Index No. (14) 1003-100, in compliance with the City Engineer’s metes and bounds descriptions locating one (1) entrance into the State Street right-of-way for the purpose of overhead awnings.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk.

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

Whereas, the Lake Erie College of Osteopathic Medicine (“LECOM”) has been designated as a recipient of a \$1,000,000 grant from the Redevelopment Assistance Capital Program of the Commonwealth of Pennsylvania for the assist in the planning and construction of a dental school in the City of Erie, Pa; and

Whereas, the City of Erie, PA has agreed to act as a host municipality/grantee as part of the grant application approval process in administration; and

Whereas, the Pennsylvania Department of Health 2009 Pulse of Pennsylvania’s Dentist and Dental Hygienist Workforce indicates that the development of the infrastructure to educate and train new dentists should be a priority in this Commonwealth.

Whereas, it is deemed to be to the mutual benefit of the City of Erie, PA and the LECOM, the County of Erie the Commonwealth of Pennsylvania to assist the LECOM in the development of the dental school, which shall be the fourth dental school in the Commonwealth of Pa; and

Whereas, the LECOM Dental School Program will further create new construction jobs for a period covering eighteen (18) to twenty-four months of construction; and

Whereas, there is a significant shortage of dentists within the Commonwealth of PA to serve its general population and that Erie County has only 142 dentists or 2.3% of the 6,261 dentists providing direct patient care in PA; and

Whereas, in March 2006, Erie County was designated as a low income Dental Health Professional Shortage Area ("DHPSA, Erie Count has 82,880 residents who are below 200% of the poverty level. This implies that approximately 46,400 Erie County residents are without dental care.

Whereas, in 2008 the Department of Health and Human Services has recognized over 4,000 DHPSAs in which 48,000,000 people now reside. According to 2008 public health data, Pennsylvania ranks 9th in the nation in its number of DHPSAs.

Whereas, Pennsylvania meets 2 of 8 policy benchmarks aimed at addressing children's dental health needs and received a grade of "F" from the Pew Center on the State Study entitled "The Cost of Delay State Dental Policies Fail One in Five Children" published in February 2010.

Whereas, the three current dental schools are graduating capacity classes, but in each calendar year, due to a variety of causes including retirement, physical reasons, family reasons, career change, return to school and financial reasons, the need for dentists in the Commonwealth is increasing; for example, 59.4% of all dentists practicing in the Commonwealth are above the age of 50 years. In Erie County, PA, 63.4% of all practicing dentists are above the age of 50 years.

Whereas, Millcreek Health System has a significant economic impact on Erie County, Pennsylvania. According to a recent study completed by Tripp Umback Research, Millcreek Health System's annual economic impact on Erie County is \$136.2 million. This economic impact will only be enhanced with the planning, development and construction of Pennsylvania's fourth dental school.

Now, Therefore, Be It Resolved that the City of Erie supports the Redevelopment Assistance Capital Program Grant to the LECOM, Dental School in the amount of \$1,000,000 for the purpose of initiating construction of a dental school in the City of Erie.

Be It Further Resolved, that in conjunction with the expenditure of the funds by the LECOM, Dental School, the City of Erie will reimburse the Commonwealth of Pennsylvania for the Commonwealth's share of any expenditures found to be ineligible.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the following amounts be and they are hereby transferred in the Department of Public Safety, Bureau of Fire:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$4,000	002-0639-0000-4055	Emerg. Manag.	\$8,000	002-0639-0000-4035	Repair/Maint Supplies
\$5,000	002-0639-0000-4047	Heat, Light, Power	\$1,000	002-0639-0000-4039	Consumable Items
\$9,000			\$9,000		

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the following amounts be and they are hereby transferred in the Police General Fund

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$60,000	002-0613-0000-4059	Other Serv. &Chrg.	\$20,000	002-0613-0000-4024	Clothing Allowance
			\$28,000	002-0613-0000-4033	Oper. Supplies
			\$12,000	002-0613-0000-4035	Repr. & Maint. Supp.
			\$60,000		

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 2010. Signed by the President. Attested by the City Clerk.

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

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

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$20,000	002-0713-0000-4047	Heat, Light & Pwer	\$20,000	002-0713-000-4035	Repr. & Maint. Supp.
<u>8,000</u>	002-0713-0000-4057	Refuse Tipping	<u>8,000</u>	002-0713-0000-4039	Consumable Items
\$28,000			\$28,000		

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

November 17, 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. **Jim Brozell Construction**, 9298 Peach Street, Waterford, PA for Emergency Sewer Work 2011 and 2012. (Lowest of (3) bids received).
2. **XL Excavating, Inc.**, PO Box 9736, Erie, PA for Emergency Sewer Work 2011 and 2012. (Lowest of (3) bids received).
3. **David Milano Construction**, 2022 Zimmerly Road, Erie, PA for Emergency Sewer Work, 2011 and 2012. (Lowest of (3) bids received).
4. **Chemung Supply Corp.**, PO Box 527, Elmira, NY for Steel Cutting Edges for the Bureau of Streets, at a cost of \$11,940.00
5. **Ikon Office Solutions**, 170 Westwood Drive, Clarion, PA, for a 5 year lease agreement for City copy/print production equipment for the Print Shop, Department of Finance, per COSTAR quotes in the amount of \$190,720.40 (lowest of two bidders)

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.
November 17, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Jones, 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. **Nuance Communications Inc**, PO Box 2561, Carol Stream, IL 60132-2561 for an annual maintenance agreement for the dictation system in the Central Records Unit, for the Bureau of Police at a total cost of \$5,280.00.
2. **Jerry's Sport Center**, PO Box 121, Main Street, Forest City, PA 18421-0121 for Police Training and Duty Ammunition, for the Bureau of Police at unit prices needed.
3. **Markl Supply Company**, 904 Perry Highway, Pittsburgh, PA for Police Training and Duty Ammunition, for the Bureau of Police at unit prices as needed.
4. **Witmer Public Safety Group**, PO Box 249, Chalk Hill, PA for Police Training and Duty Ammunition, for the Bureau of Police at unit prices as needed.
5. **W.H. Motsch & Son, Inc.**, 5236 Dorchester Dr., Erie, PA in the amount of \$9,990.00 for plumbing repairs to the first floor men's bathroom in the City Hall police area. (Lowest of (3) bids received).
6. **Miller Brothers Fencing**, 201 East 14th Street, Erie, PA for the emergency replacement of chain link fencing along culvert on Cherry Street Extension for \$2,375.00.
7. **Al Xander Corporation**, 36 East South Street, Corry, PA for 275 gallons of intercool NFE concentrate, for the Bureau of Sewers at a total cost of \$2,750.00.

November 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.
November 17, 2010. Signed by the President. Attested by the City Clerk.

November 17, 2010. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco adjourned at 10:05 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