

The City Council met in regular session in the Council Chambers on Wednesday, January 5, 2011 at 9:00 A.M.

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

On motion of Mr. Winarski, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the Meeting of December 15, 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 December 22, 2010, December 29, 2010 and January 7, 2011 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 Councilman Curtis Jones and Seconded by Council President Joseph Schember, Resolved, etc.,

That Jessica Horan-Kunco is appointed City Council President for 2011.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schwartz, Winarski and Schember. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

By Mr. Cappabianca, Council File Ordinance #15,738, Pending Official File Ordinance #1-2011,

An Ordinance appropriating the sum of **\$2,400.00** from unappropriated and anticipated revenue and providing for the expenditure thereof in the 2010 Weed & Seed Quality of Life Grant.

January 5, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance 15,738, and now known as Pending Official File Ordinance #1-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance 15,739,

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

January 5, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance, 15,739, does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

By Mrs. Horan-Kunco, Council File Ordinance 15,740,

An ordinance amending and **restating Article 145** Officers' and Employees' Retirement System for IRS requalification.

January 5, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance, 15,740, does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

By Mr. Schember, Council File Ordinance 15,741,

An ordinance amending and **restating Article 147** Police Pension Plan for IRS requalification and to include the restoration of the Partial Lump Sum Distribution Option.

January 5, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones, having read Council File Ordinance, 15,741, does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

By Mr. Winarski, Council File Ordinance 15,742,

An ordinance amending and **restating Article 149** Firefighters' Pension Plan for IRS requalification.

January 5, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Jones, having read Council File Ordinance, 15,742, does hereby adopt on First Reading, Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

December 28, 2010

Honorable Mayor, President, and Members of City Council:

The City of Erie Planning Commission, at their meeting on December 21, 2010, reviewed the proposed amendment to the Zoning Ordinance that would regulate non-developments and improvements in public and private right-of-ways such as roads and sidewalks under the provisions of Waterfront Conditional uses.

The Planning Commission unanimously recommends that this amendment not be adopted for the following reasons:

- The waterfront zoning ordinance has been in existence for several years. During that time, the waterfront has seen significant major developments with minimal problems. Specific to this matter, other roads and walkways have been constructed or modified, including State Street, Ore Dock Road, and the Bayfront Parkway.

--Zoning does not deal with roads and sidewalks and right of way developments and has no criteria for determining "substantial improvement" not how to evaluate the details of what this change would entail. The zoning ordinance in its present form does not contain any criteria for improvements such as catch basin, stormwater management, height and thickness of sidewalks and building materials, street paving, curb cuts, drainage, fire access, and so forth.

--Amending the zoning ordinance to include non-developments in public and private rights of way would hamper development for all waterfront zoning district projects.

Respectfully submitted,

Armand Chimenti, Secretary

City Planning Commission

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

A resolution authorizing and directing the City Clerk to advertise notice of a **Public Hearing** to be held before City Council on **Wednesday, February 2, 2011** commencing at approximately 9:30 A.M. regarding a request from City Council to amend the Zoning Ordinance of the City of Erie, Ordinance No. 80-2005, Section 306- Conditional Uses- Waterfront Districts, by including sidewalks and roadways as developments subject to public hearings before City Council.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

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

A resolution authorizing the Mayor and other appropriate City officials to execute an agreement between the City of Erie and **Stairways, Inc.** for management of the residential rental building located at 251-253 East 12th Street.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

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

A resolution authorizing the proper City Officials to accept **Ferguson & Holdnack Reporting, Inc.'s** proposal for stenography services for the City of Erie's Zoning Hearing Board, Building Code Appeals Board and Property Maintenance Board of Appeals hearings for the 2011 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.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

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

A resolution authorizing the proper City Officials 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, 2011 through December 31, 2011 in the amount of \$1,200.00 per month and \$120.00 dollars an hour for every hour in excess of 12 hours per month.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

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

A resolution approving the proposed **Respository Sale** of property commonly known as SS West 16th Street between Cascade and Plum, Erie, PA. and identified by Erie County Assessment Index Number 16-030-043.0-217.00 by the Erie County Tax Claim Bureau to Edwin Montero, in the amount of \$250.00.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

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

A resolution authorizing the proper city officials to execute amendments to the Service Provider Custodial Agreements and Trust Service Agreements with **VALIC Retirement Services Company**. The purpose of the amendment is to renew the City's 457 Deferred Compensation Plan and 401(a) Discretionary Matching Plan. The renewal is through November 30, 2013, and at the expiration of the initial term shall renew for successive two-year periods.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk

By Mr. Schember, Seconded by Mr. Schember 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. **Process and Data Automation**, 670 West 36th Street, Erie, PA for a one (1) year contract to service the WWTP computer system through 2011, for the Bureau of Sewers, at the rate of \$90.00/hour not to exceed \$20,000.00. (Sole supplier)
2. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA. for materials only for performing repair services for the Bureau of Sewers at the following locations: 801 West 7th St. (sanitary connection); 632 W. 7th St. (Manhole); 1610 Regis (cave in); 1020 McCarter (replace connection); 941 W. 7th St. (repair main) for a total cost of \$14,125.51.

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. 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. **Ram Industrial Services**, 5460B Pottsville Pike, PO Box 748 Leesport, PA 19533, for repair parts for the belt press feed pumps, for the Bureau of Sewers at a total cost of \$4,376.47. (Only OEM Supplier)

January 5, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

January 5, 2011. Signed by the President. Attested by the City Clerk.

Waive Rules

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

That the City Solicitor is hereby authorized and directed to prepare an ordinance amending the Rules of Council by creating the position of Vice President of City Council in the absence of the President at no additional compensation.

---After discussion on the above resolution, it was decided by the sponsor that he would withdraw the resolution for further discussion by City Council at our Study Session scheduled on January 13, 2011 at 6:30 P.M.

January 5, 2011. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco adjourned at 9:45A.M. by yeas Council Members Aleksandrowicz, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0. (Mr. Cappabianca left at 9:30 A.M.)

President of City Council

Attest:

City Clerk