

The City Council met in regular session in the Council Chambers on Wednesday, February 2, 2011 at 9:00 A.M.

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

On motion of Mr. Jones, Seconded by Mr. Schember, the reading of the minutes of the Meeting of January 19, 2011 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

Copies of the bills under date of January 28, 2011, and February 4, 2011 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

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By Mr. Winarski, Council File Ordinance 15,743, Pending Official Ordinance #6-2011

An ordinance appropriating the sum of **\$12,000.00** from unappropriated and anticipated revenue for the expenditure thereof (contribution is from the Sisters of Mercy for the purchase of police equipment, fire prevention supplies or equipment and winter maintenance equipment).

February 2, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Schember, having read Council File Ordinance, 15,743 and now known as Pending Official File Ordinance #6-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

By Mr. Jones, Council File Ordinance 15,744,

An Ordinance appropriating the sum of **\$46,800.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2011 Weed & Seed.

February 2, 2011. City Council on motion of Mr. Jones Seconded by Mr. Schember, having read Council File Ordinance, 15,744, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays 0.

#### MEMORANDUM

TO: Mr. Mark Aleksandrowicz, City Councilman

FROM: Armand Chimenti, Zoning Officer

RE: Council Agenda – 2/2/11

DATE: January 27, 2011

Appearing on the February 2<sup>nd</sup> Council Agenda is the Bluff Recession Hazard Area Setback Ordinance. This ordinance has been drafted to comply with the State Department of Environmental Protection requirements, originally passed in 1980 as Chapter 85. All other municipalities bordering Lake Erie besides the city have a similar ordinance in place and we are now requested to adopt one.

The area that this ordinance applies to spans from roughly the Land Lighthouse to the City of Erie's eastern border. All the rest of the coast line is deemed to be protected by the peninsula and this not subject to bluff recession hazards. Because of the peninsula, the City of Erie's recession rate is much lower than all other municipalities.

The process was initiated in September of 2009 and has involved members of Code Enforcement, Engineering, Public Works, and the Solicitor's Office. Our contacts have included Julia Donahue in Erie County Planning, Don Benczkowski of the DEP based at the Tom Ridge Center, and the primary Harrisburg DEP contact was Shamus Malone.

He took a new position in June 2010 and so our new contacts are Matt Walderon and Gary Obleski.

A model ordinance was provided to us, and working with the staff and the state regulations, we have developed our draft. It sets the minimum setback from the bluff line as 25 feet (which is generally less restrictive than our existing R-1 backyard requirement of 30 feet), it outlines what sort of work brings the rules into effect, variance criteria, monitoring regulations to comply with annual reporting to the state, civil and criminal remedies, and the appeal process.

We have been in dialogue with the listed DEP members and they are satisfied with our final draft. It is submitted for your review and approval to become a new codified ordinance for the City of Erie

Thank you.

Cc: Other City Council members  
Mayor Joseph Sinnott  
Doug Mitchell, Public Works Director  
Jim Klemm, City Clerk

By Mr. Schember, Council File Ordinance 15,745

An Ordinance adding to Article 13 of the Codified Ordinances, Planning and Zoning, **enacting a bluff setback ordinance**, pursuant to the Commonwealth of Pennsylvania's Bluff Recession and Setback Act, 32 P.S. 5201 et seq., and its attendant regulations, requiring the enactment of a bluff setback ordinance based upon the finding of the Pennsylvania Department of Environmental Protection that the City of Erie has a bluff recession hazard area within the meaning of the statute, adopting the provisions of the Bluff Recession and Setback Act and enacting civil remedies and criminal penalties.

February 2, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance, 15,745, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

By Mrs. Horan-Kunco, Council File Ordinance 15,746

An Ordinance amending The Codified Ordinances of the City of Erie being Part One of The Administrative Code, Title Three, Article 112 Section 112.11 President of Council by creating the position of **Vice President of City Council** whose only duty will be to preside over the meetings of City Council in the absence of the Council President and shall be elected at the 1<sup>st</sup> meeting in January of each year, and that Section 112.10 Order of Business is hereby amended by adding the title "Requests for Repository Sales" under approval of minutes and bills.

February 2, 2011. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance, 15,746, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

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Pursuant to the provisions of Zoning Ordinance No. 80-2005, and of the proper legal advertising, the City Council will proceed to hold a **Public Hearing** at approximately 9:30 A.M. regarding an amendment to Zoning Ordinance #80-2005; Section 306-Conditional Uses Waterfront Districts, by adding "**sidewalks and roadway as developments subject to public hearings before City Council**".  
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**By Mr. Cappabianca, Seconded by Council Members Aleksandrowicz, Jones, Schember, Schwartz, Winarski, and Horan-Kunco**

**WHEREAS**, the City Council wishes to pay special tribute to **Antoine M. Garibaldi**, the **sixth President of Gannon University**, who will be leaving his post to take on similar duties as President of the University of Detroit Mercy on July 1, 2011, and,

**WHEREAS**, President Garibaldi has served as President of Gannon University for the past nine years and has worked to increase enrollment by twenty-four percent and is currently at its highest levels sine the 1980's and was instrumental in completing the 2008 fundraising campaign entitled *The Power to Transform*, which raised over thirty-one million dollars and finished four months ahead of schedule, and,

**WHEREAS**, President Garibaldi's main goals at Gannon University have been the creation of innovative changes in academics, faculty, students and on campus facilities for the enhancement

of educational growth for all students in Support Services, while being recognized in U.S. News and World Reports as one of America's Best Colleges for 2011 and has been selected as a Top-Up and Coming School, chosen by college officials across the country, so,

**THEREFORE BE IT RESOLVED**, by the Council of the City of Erie that this commendation is hereby presented to President Antoine M. Garibaldi for his excellence in expanding higher education opportunities to all Gannon University students and extend to him our best wishes and continued success in all of your future endeavors at the University of Detroit Mercy.

February 2,, 2011, City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.  
February 2, 2011. Signed by the President. Attested by the City Clerk.

January 18<sup>th</sup>, 2011

**HONORABLE MAYOR, PRESIDENT, AND MEMBERS OF COUNCIL:**

The City of Erie Planning Commission, at their regular meeting on January 18, 2011, reviewed a Waterfront conditional use proposal by Santosh Kang for the development of a new 2-unit building to replace an existing structure at 808 West 2<sup>nd</sup> Street. Chuck Paterniti and Brian and Carol Johnson were there to represent by Kang. They appeared before the Design Review Committee on January 5, 2011.

The building will be configured with one unit upstairs and one unit downstairs. The lot is narrow, making the driveway front-access only. The plans therefore include a two car garage facing West 2<sup>nd</sup> Street, rather than the more common front door with a stoop or porch. The Design Review committee spent much time discussing this situation and made their recommendation with conditional approvals, including: Instead of two garage doors, one large one is to be constructed, allowing for a man-door to be installed and the driveway to shift to one side, creating space for ornamental light plantings. Also, the man-door is to have a gable, coloration, or some other similar design details to make it visually appealing. The Committee requested preservation of a tree that has since been determined as on a different property. Finally, they did not require but did recommend that a pervious surface be used for the driveway to improve drainage and aesthetics.

The Planning Commission reviewed the proposal and was similarly concerned with some of the design elements of the project. The unanimously approved to recommend that this proposal be passed by City Council, provided that all of the Design Review Committee's conditions are met, that a pervious driveway be installed if Engineering requires it, and that the builder consider the possibility of redesign the garage door to make it look less like a garage door and more like a room.

Respectfully submitted,  
Armand Chimenti  
Secretary, City Planning Commission

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

That the City Clerk is hereby authorized and directed to advertise notice of a Public Hearing on Wednesday February 16, 2011 at 8:00 P.M. in City Council Chambers to hear testimony on a proposed Waterfront Conditional Use for the construction of a two unit residential building at 808 West 2<sup>nd</sup> Street presently zoned Waterfront Residential.

February 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.  
February 2, 2011. Signed by the President. Attested by the City Clerk

January 18, 2011

**HONORABLE MAYOR, PRESIDENT, AND MEMBERS OF COUNCIL:**

The City of Erie Planning Commission, at their regular meeting on January 18, 2011, reviewed a proposal by Jeff Gault for the development of three new 2-unit buildings and modifications to the plans for an additional 2-unit dwelling which received prior approval but has not yet been built. The location of these buildings is 944-46 West 2<sup>nd</sup> Street, in W-R zoning.

All of the buildings will have attached garages that do not face the street and parking pads for 2 cars, made from historic materials. Mr. Gault has given much attention to the style of housing the neighborhood to inform the orientation, size, layout, and coloring of his units, which will be keeping with his existing three buildings. The new units will have slightly varied colors of siding but same colored roofs and trim. On January 5 he provided the Design Review Committee with material samples and photographs. The Design Review Committee unanimously approved the request.

The Planning Commission reviewed the proposal and was satisfied with the inclusion of 8 off-street parking spaces in addition to the garages in each unit. They unanimously approved to recommend that this proposal be passed by City Council.

Respectfully submitted,  
Armand Chimenti  
Secretary, City Planning Commission

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

That the City Clerk is hereby authorized and directed to advertise notice of **Public Hearing on Wednesday February 16, 2011 at 8:00 PM** in City Council chambers to hear testimony on a proposed **Waterfront Conditional Use** for the construction of an eight unit residential building at 944-946 West 2<sup>nd</sup> Street presently zoned Waterfront Residential.

February 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

February 2, 2011. Signed by the President. Attested by the City Clerk

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

Whereas, the City Council has entered into an agreement with the Erie Area Regional Council of Governments to form a consortium of ten municipalities, to join in a negotiation with our common cable TV carrier, Timer Warner, which will result in a renewal franchise agreement and

Whereas, the Erie Area Cable Consortium has retained the services of the Cohen Law Group to represent us in all negotiations with Time Warner to finalize a new cable franchise agreement with all effected municipalities, so,

Therefore Be It Resolved that in accordance with federal regulations the City Clerk is hereby authorized and directed to advertise for a public hearing on Wednesday March 2, 2011 at 9:30 A.M. in City Council Chambers to hear public testimony concerning the future adoption of a new Cable Television Franchise for the City of Erie.

February 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

February 2, 2011. Signed by the President. Attested by the City Clerk

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. **D.M.S. Sales & Service**, 160 Marsh Road, Waterford, PA, for maintenance on Emergency generators, for the Bureau of Sewers at a total cost of \$2,836.55.
2. **Eagle Radio Technologies**, 1367 East Second Street, Jamestown, NY, for 6 radios and warranties, for the Bureau of Sewers of the City of Erie at a total cost of \$4,411.98.
3. **APEX Hydraulic & Machine Inc**, 2859 Philipsburg Biggler Highway, Philipsburg, PA, to Rebuild a hydraulic sweep cylinder (\$1,495.00) and repair tailgate lift cylinder (\$2,650.00) for a refuse compactor for the Municipal Garage, Department of Public Works at a total cost of \$4,145.00.
4. **Frank P. Langley, Co.**, 219 Creekside Drive, Amherst, NY, for a chilled water pump, for the Bureau of Sewers at a total cost of \$3,381.00.

January 25, 2011  
Patrick Cappabianca, Council Member  
City of Erie – Office of City Clerk  
626 State Street  
Erie, Pennsylvania 16501

Dear Council Member Cappabianca:

Time Warner Cable increased its cable television rates significantly in January of this year for our residents in the City of Erie. Basic service fees increased 14.91 percent and standard service fees increased 5.97 percent. In order to

receive standard service – customers must also purchase the basic service – which results in an overall increase of 7.86 percent. Note – these rate increases are for regular television – not for the high definition digital services. And, they have recently deleted several basic and standard television channels – moving them to the more expensive digital services.

These new rates are excessive and outrageous – especially in a time of high unemployment, no annual wage increases, decreased commerce – and it is especially difficult for customers on fixed incomes.

Please address this issue at your next council meeting. We tried to talk with Time Warner Cable – but could only get a telephone number with an answering machine – no one to talk with about our concerns.

We need our council members to stand up for our rights and get the increased fees eliminated for the residents in the City of Erie. Thanking you in advance.

Sincerely,

A City of Erie Family

Copy: Joseph Sinnott, Mayor; All Council Members & City Controller

CITY OF ERIE COUNCIL MEETING

Wednesday February 2, 2011

READ DURING “CITIZNES TO BE HEARD” AGENDA

REQUESTING REIMBURSEMENT FROM CITY OF ERIE TREASURY

City of Erie Police had McMillen Towing Company on Saturday, January 29, 2011 @ approximately 6:20 PM pick up a 2008 HHR Chevy Truck from 23<sup>rd</sup> Warfel Avenue, Erie, PA 16503.

Ownership of the vehicle is Joseph Kenneth Curlett, 1691 Granada Drive, Erie, PA 16509 who left emergency flashers on and walked for further assistance. At approximately 6:05 PM vehicle was on 23<sup>rd</sup> Warfel Ave. Erie, PA 16503 with the emergency flashers still on.

Cause of vehicle being unattended was inordinate amount of unplowed and snow not allowing vehicle to maneuver at intersection

TOTAL AMOUNT: \$185.00 plus PER DEIM

\$110.00 MISS (out-of-pocket exps.)

REMIT CHECK TO JOSEPH K. CURLETT

1691 GRANADA DRIVE

ERIE, PA 16509

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February 2, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Schwartz, adjourned at 11:00.A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Schember, Schwartz, Winarski and Horan-Kunco. 6. Nays. 0. (Mr. Jones left at 10:45 A.M.)

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President of City Council

Attest:

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