

The City Council met in regular session in the Council Chambers on Wednesday, March 16, 2011 at 7:30 P.M.

Council Members present: Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays. 0. Council members Schember and Winarski were absent.

On motion of Mr. Jones, Seconded by Mr. Schwartz, the reading of the minutes of the meeting of March 2, 2011 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco.

5. Nays. 0. (Mr. Schwartz abstains from all liquid fuel tax bills).

Copies of the bills under date of March 11, 2011, and March 18, 2011 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

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By Mrs. Horan-Kunco, Seconded By Mr. Schwartz, Resolved, Etc.

That Patrick Cappabianca is hereby appointed as Vice President of City Council for the year 2011.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mrs. Horan-Kunco, Seconded by Aleksandrowicz, Resolved, Etc.

That a copy of the Consent Decree Findings and Order of the Commonwealth Court regarding Erie Coke Corp. And J.D. Crane, and the Air Quality Plan Approval and Modifications at the Erie Coke Corp. to comply with State and Federal Clean Air act was received and ordered kept on file in the City Clerk's Office for public review.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the City Solicitor is authorized and directed to prepare an ordinance amending the Codified Ordinances of the City of Erie, by establishing a violation for depositing snow on another person's property or onto city streets or other city property and to establish penalties for violations and place the enforcement of this provision under the Code Enforcement Office.

March 16, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schwartz the above resolution was **tabled** pending a study session Thursday March 31, 2011 at 6:30 P. M.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the Code Enforcement Office is hereby respectfully requested to establish a fair and equitable plan for the notification of property owners in violation and then the enforcement of city ordinances regarding the proper cleaning of snow from sidewalks so as to eliminate hazards and nuisances for the safety and convenience of the general public. This study shall include ways to have enforcement by both the Erie Police Department and Code Enforcement officers.

March 16, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schwartz the above resolution was **tabled** pending a study session Thursday March 31, 2011 at 6:30 P.M.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the proper officials of the City Administration are respectfully requested to review the city's current winter time city wide on-street parking posting regulations to establish a more thorough snow removal program, which may include as options: To include posting of additional city streets for winter parking restrictions or rules which are not currently posted. To include the feasibility of establishing additional day time or evening restrictions. To include the feasibility of posting of additional streets with no parking regulations on one side or the other for entire day or night periods. To achieve the goal of every city street being thoroughly cleaned of snow from curb to curb width on every city street within a 24 hours period.

March 16, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schwartz the above resolution was **tabled** pending a study session Thursday March 31, 2011 at 6:30 P.M.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the proper officials of the City Administration are respectfully requested to develop a cooperative plan with the aid and assistance of the Bureau of Police and the Erie Municipal Parking Authority to establish an effective enforcement policy regarding the winter parking regulations during declared snow emergencies for a strict enforcement during these emergency situations.

March 16, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schwartz the above resolution was **tabled** pending a study session Thursday March 31, 2011 at 6:30 P.M.

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mr. Cappabianca, Seconded by Mr. Schwartz, Resolved, Etc.

WHEREAS, the privatization of the PLCB constitutes the selling of an asset that currently generates more than a half billion dollars which represents a reliable growing flow of taxes and profits to the state treasury; and

WHEREAS, the Wine and Spirit Stores provide more than 4,000 family sustaining jobs that would be replaced by part-time, minimum wage jobs with no benefits at a time when Pennsylvania needs good jobs the most; so

Now, Therefore, Be it Resolved, that to preserve the safety of our citizens and public health in general, the Council of the City of Erie does hereby request the PA General Assembly not to privatize the PLCB State Store System.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

Whereas, Americans are served every day by public service workers at the federal, state, county and city levels; and

Whereas, the City of Erie has a long and proud tradition of providing a wide variety of services to its citizens, such as police and fire protection, emergency response, trash and recycling collection, street construction and maintenance, traffic control, animal control, code enforcement, forestry, water and wastewater delivery and treatment, youth and senior programs, recreation programs, museum and cultural programs, park construction and maintenance, planning and engineering, electric and telecommunications utilities and more; and

Whereas, the employees who provide these direct services are supported by additional public service workers such as administrative support personnel, custodians, clerks, accounts, cashiers, payroll clerks, and human resource personnel; and

Whereas, the City of Erie sincerely appreciates the contributions of its public service workers and recognizes that they are critical to the successes of our city; and

Whereas, public service workers offer professionalism and dedication throughout their employment and through each election cycle, ensuring continuity as leadership changes; and

Whereas, our city's public service workers keep Erie working effectively to serve the needs of our citizens; so

Now, Therefore, Be It Resolved, that the Council of the City of Erie does hereby proclaim April 28, 2011 to be Service Worker Day in the City of Erie.

Be It Further Resolved that the City of Erie encourages all citizens to join us in recognizing the accomplishments and contributions of public service workers at all levels- federal state county and city.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mr. Jones, Seconded by Mr. Aleksandrowicz, Resolved, Etc.

That the proper city officials file a County Aid application for the reimbursement of Liquid Fuels Tax monies for 2011 in the sum of \$156, 992.00.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco 4. Nays. 0. (Mr. Schwartz abstained).

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mr. Schwartz, Seconded by Mr. Jones, Resolved, Etc.

That the Mayor and the City Controller are authorized and directed to execute the Federal Aid Bridge Project Reimbursement Supplemental Agreement No. 010N58-C between the City of Erie and the Pennsylvania Department of Transportation for the Preliminary Engineering, Final Design, Utilities and right-of-way of the City of Erie, Norman Way Bridge. Estimated costs for preliminary engineering are \$175,000.00. Estimated costs for Final Design are \$150,000.00. Estimated costs for Utilities are \$10,000.00. Estimated costs for right-of-way are \$45,000.00. Total estimated pre-construction costs are \$380,000.00. The amount of the reimbursement is \$353,400.00. Cost Sharing: Federal 80%. State 15%. Municipality 5%.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mr. Schwartz, Seconded by Mr. Jones, Resolved, Etc.

That the proper City Officials are authorized and directed to execute an Easement Agreement between the City of Erie and RNP6LLC, tenant of 333 State Street, Suite 110, Index No. (14) 1003-100.65, in compliance with the attached City Engineer's metes and bounds description locating an outside dining area (tables and chairs) with a removable railing and bar sill in the State Street right-of-way.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the Mayor and other proper City Officials are authorized and directed to execute an agreement between the City of Erie and EMG, 222 Schilling Circle, Suite 275, Hunt Valley, MD 21031, for consulting services to prepare an ADA Transition Plan. The total compensation to be paid to EMG under the agreement is not to exceed \$49,800.00.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That a petition submitted by John Higham and Carla Ihli, owners of 1405-1411 East Lake Road, was received requesting the rezoning of their property from Residential Limited Business (RLB) to General Business District (C-2) and referring it to the City Planning

Commission for recommendation and report thereon. (Accompanied by the requisite filing fee in the sum of \$500.00).

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the Mayor and other appropriate City Officials are authorized and directed to execute a cooperation agreement between the City of Erie and the Redevelopment Authority of the City of Erie for the receipt and administration of a grant in the amount of \$250,000 from the Pennsylvania Department of Economic and Community Development to be used by the Redevelopment Authority of the City of Erie as loan capital to facilitate the sale and further development of the Mercantile Building at 1401 State Street.

\*Larry Bossolt, Executive Director of RACE, stated for the record that the City of Erie is not guaranteeing this loan.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

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

That the following amounts be and they are hereby transferred in the Community Block Grant.

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
64.03	501-1251-2009-4033	Office Sup.	18,861.25	501-1251-2009-4041	Prof.Services
414.09	501-1251-2009-4033	Operating Sup.			
200.00	501-1251-2009-4035	Repair/Maint. Sup			
98.08	501-1251-2009-4039	Consumable Items			
4,209.29	501-1251-2009-4043	Ed. & Training			
2,515.95	501-1251-2009-4045	Communication			
1,385.58	501-1251-2009-4046	Postage			
500.00	501-1251-2009-4048	Tech/Support			
1,072.40	501-1251-2009-4052	Advertising			
829.33	501-1251-2009-4056	Repair/Maint Ser.			
2,572.50	501-1251-2009-4059	Other Ser/Charges			
<u>5,000.00</u>	501-1251-2009-4079	Office Equip			
18,861.25					

By Mr. Jones, Seconded by Mr. Cappabianca, 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. **Sherwin Williams**, to purchase paint for Street Line Painting for the Bureau of Streets, Paint and Signs Division at a cost of \$34,590.75.
2. **Unifirst Corporation**, 18999 Park Avenue Plaza, Meadville, PA, for work uniforms and embroidered items, for all bureaus of the Department of Public Works at unit prices.
3. **L. Press & Company**, 1216 State Street, Erie, PA for work boots, jackets and embroidery, for all bureaus of the Department of Public Works at unit prices.
4. **Scott Electric**, 1840 East 10<sup>th</sup> Street, Erie, PA, for silk screened uniforms, for all bureaus of the Department of Public Works at unit prices.
- \*5. **Creative Imprint Systems**, Inc, 2670 West 11<sup>th</sup> Street, Erie, PA, for silk screened uniforms, for all bureaus of the Department of Public Works of the City of Erie at unit prices.
6. **Polydyne Inc.**, One Chemical Plant Road, Riceboro, GA, for supplying Polydyne/C-311 polymer for the Wastewater Treatment Plant for the Bureau of Sewers, in the amount of \$0.115/pound for approximately 1,806,887 pounds (total estimate of \$253,125.00).
7. **Day Automotive/Municipal Equipment**, 1600 Golden Mile Highway, Monroeville, PA, for two (2) 2011 Ford Crown Vic Police Cruisers, for the Bureau of Police of the City of Erie at a total cost of \$50,601.00. Paid by Erie Western Port Authority.  
\*Pulled at the request of the administration.

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays. 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

By Mr. Schwartz, 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. **HG Jones Company**, 201 Johnson Road, suite 204, Houston, PA, for a Model H176BST Cemline Steel Tank, for the Bureau of Sewers, Department of Public Works at a total cost of \$3,705.00. (Sole Supplier).

March 16, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz and Horan-Kunco. 5. Nays 0.

March 16, 2011. Signed by the President. Attested by the City Clerk

Members of City Council:

March 16, 2011

In accordance with Council File No. 13,913, Official Ordinance No. 66-1989 Amending Part One (Administrative Code) revising Article 113 (Mayor) by adding a new Section 113.11 requiring the Mayor or designee of the Mayor to comply with all requirements of Pennsylvania Act 206 of 1984 and to communicate with council regarding these requirements annually.

The City Controller's Office has functioned as the coordinator of the Pension Plans reporting and filing requirements.

The Form AG-PF 64 2011 Certification for Reimbursement, as required by 901 (a) (2) of the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act (Act 1988-147, as amended by Act 2002—64) for January 1, 2010 – December 31, 2010. This report was processed and sent by certified mail on March 16, 2011 to the:

Department of the Auditor General  
Municipal Pensions & Fire Relief Programs Unit  
11 Stanwix Street  
Suite 1450  
Pittsburgh, Pennsylvania 15222

The form AG-PF 490 Certification for Reimbursement (Act 88-1147) and the Form AG-PF 385 Filing and Certification for Non-Uniformed Employee Retirement Fund, Firemen's Pension Fund and Police Pension Fund were forwarded by certified mail on March 16, 2011 to the:

Department of the Auditor General  
Municipal Pensions and Fire Relief Programs Unit  
11 Stanwix Street  
Suite 1450  
Pittsburgh, Pennsylvania 15222

All reports were submitted by the filing deadlines. Copies of all reports are on file in the Controller's Office and the Clerk's Office.

I request that this report be made a matter of council record at the March 16, 2011 council meeting.

My office would be happy to provide any member of council with further information. Please feel free to call me if I can be of assistance.

Respectfully submitted,  
Casimir J. Kwitowski  
City Controller

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March 16, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Jones, adjourned at 9:40 P.M. by yeas Council Members Aleksandrowicz, Cappabianca, , Schwartz and Horan-Kunco. 5. Nays. 0.

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President of City Council

Attest:

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City Clerk