

The City Council met in regular session in the Council Chambers on Wednesday, April 6, 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 March 16, 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. (Mr. Schwartz abstains from all liquid fuel tax bills).

Copies of the bills under date of March 25, 2011, April 1, 2011 and April 8, 2011 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Schember, Winarski and Horan-Kunco. 7. Nays. 0.

By Mr. Winarski, Council File Ordinance No. 15,749

An Ordinance appropriating the sum of \$146,954.16 from the Paving and Sewer Revolving account fund balance and providing for the expenditure there of. (Bridges & Streets).

April 6, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Schwartz, having read Council File Ordinance 15,749, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.
April 6, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File Ordinance 15,750,

An ordinance appropriating the sum of \$40,000.00 from unappropriated and anticipated revenue to be received from the Erie School District and providing for the expenditure thereof (Summer Recreation).

April 6, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance, 15,750, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

By Mr. Winarski, Council File Ordinance 15,751,

An ordinance appropriating the sum of \$100,000.00 from unappropriated and anticipated revenue received from a PADCNR Community Conservation Partnerships Program Grant and other contributions and providing for the expenditure thereof for the Gridley Park Playground Project.

April 6, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Schwartz, having read Council File Ordinance, 15,751, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

Pursuant to the provision of Zoning Ordinance #80-2005 and the proper legal advertising, City Council held a **Public Hearing on Wednesday, April 6, 2011 at 9:30 A.M.** in City Council Chambers, regarding a request to consider amendments to the City of Erie Urban Solar Farms ordinance by adding revisions to the solar panel installation, pathways, design certification and roof coverages, ground panel setbacks, ground coverage location, height, as well as the overall height of roof panels.

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

That Saturday, April 16, 2011 shall be recognized as the United Way's Day of Caring and encouraging all the citizens of Erie to volunteer their time to beautify Erie's neighborhoods, streets, sidewalks, parks and playgrounds by cleaning up trash, leaves, graffiti and debris and thanking all the citizens, neighborhood groups and the Anti-Graffiti Task Force who give their time to this worth while event.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

April 6, 2011. Signed by the President. Attested by the City Clerk

LAKE ERIE COLLEGE OF OSTEOPATHIC MEDICINE

March 17, 2011

Jessica Horan-Kunco, President

City Council of Erie, PA

Municipal Building

626 State Street

Erie, PA 16501

RE: Lake Erie College of Osteopathic Medicine

1850 West Grandview Blvd.

Erie, PA

Erie County Tax Index No. 19-061-066.0-108.00

Dear Ms. Horan-Kunco:

Thank you for agreeing to sponsor a resolution to rezone the property owned by the Lake Erie College of Osteopathic Medicine ("LECOM") at 1850 West Grandview Blvd. This parcel of land was formerly Project 70 land purchased from the City of Erie by LECOM by deed recorded in Erie County Record Book 634, page 1847 for the consideration of \$150,000. According to the recorded deed, the parcel contains 12,617 acres of land. A copy of the deed and the City Council Resolution authorizing its sale are enclosed.

The current zoning of the subject property is R-1. However, the College of Osteopathic Medicine itself and the adjoining properties from the east property line of 1858 West Grandview Blvd. to the Erie Housing Authority development at Shaper Avenue and West Grandview Blvd. are all zoned RLB, Residential Limited Business. These properties include LECOM, itself, three buildings and two large parking lots owned by Lord Corporation, a brick two-story residence and 8 undeveloped building lots owned by LECOM and an Erie Housing Authority residential apartment complex.

In an effort to conform to the Zoning Ordinance No. 80-2005, as amended, LECOM is requesting that the subject property at 1850 West Grandview Blvd. be rezoned RLB, Residential Limited Business. Schools and colleges are a public use in an RLB zone according to Section 204.13 RLB of the Zoning Ordinance. The purpose of the rezoning would be to permit LECOM to legally build and operate a dental school on the site. The dental school would include off-street parking lots which would conform to the requirements of the Zoning Ordinance. In the event that you require any additional information, please do not hesitate to contact me at my office address which is as follows:

Michael J. Visnosky, Esq.

Knox McLaughlin Gornall & Sennett, P.C.

120 West 10th Street

Erie, PA 16501

PH: 814-459-2800; Fax 814-453-4530

E-mail: mvinosky@kmgslaw.com

I am also enclosing LECOM's check no. 020990 in the amount of \$500 for the payment of the required fees. I would appreciate your advising me of the date on which this matter will be scheduled before Erie City Council at your earliest convenience.

Thanking you for your assistance in this matter in advance, I remain.

Very truly yours,

LAKE ERIE COLLEGE OF
OSTEOPATHIC MEDICINE

By: Michael J. Visnosky, Esq.

Chairman of the Board

Encs: Erie County Record Book 634, page 1847 to 1856

Erie City Zoning Ordinance Section 204.13, R-3 High Density Residential District

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

That a request for rezoning was received on the initiative of City Council for property located at 1850 West Grandview Blvd. from R-1 (Low Density Residential District) to RLB (Residential Limited Business District) from Atty. Michael J. Visnosky, Chairman of the Board of Lake Erie College of Osteopathic Medicine, for the purpose of building and operating a dental school and referring same to the City Planning Commission for recommendations and report thereon. (Accompanied by the requisite filing fee of \$500.00).

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

April 6, 2011. Signed by the President. Attested by the City Clerk

MACDONALD

ILLIG ATTORNEYS

J. W. Alberstadt, Jr.

Direct dial 814-870-7750

E-Mail JALBERSTADT@MIJB.COM

March 22, 2011

City Council of Erie
Municipal Building
626 State Street
Erie, PA 16501

Attn: James E. Klemm, City Clerk

RE: Request to Vacate "Paper" Alley

Dear Jim:

We are representing Rick Griffith in connection with the purchase of the Lovell Place Property. In reviewing the title to the many properties which comprise Lovell Place, we discovered that there is an unopened alley running down the middle of the block upon which the main structures of the Lovell Place complex are located. This block is designated as Out Lot #405, and is bounded on the North by 13th Street, on the East by Holland Street, on the South by 14th Street, and on the West by French Street. Enclosed for your reference is a copy of the original subdivision map for this block.

Since the early 1900's when Lovell Manufacturing was assembling the parcels upon which its plant was later erected, the eastern 330 feet of the alley has been treated as private property pursuant to a series of deeds recorded at the Erie County Courthouse. In 1975, pursuant to Ordinance No. 43-1975 (a copy of which is enclosed for your reference), this portion of the alley was formally vacated by the City. I have met with City Zoning Officer Armand Chimenti and City Engineer John Tushak, but we are unable to come up with any explanation for why the balance of the alley was not vacated at that time. The Lovell Manufacturing facility, now converted into Lovell Place's residential and commercial rental space, has been located upon this paper alley for approximately 100 years. The entirety of this block was owned by the same partnership in 1975 when the eastern portion of the alley was vacated, so we are at a loss to explain why no action was taken regarding the west portion of the alley. The only possible explanation that Mr. Tushak, Mr. Chimenti and I could come up with was that it was intended that the western portion of the alley be vacated in 1975, but due to miscommunication or misunderstanding, the eastern portion was vacated instead. To better illustrate the portions that have and have not been vacated, I am enclosing a copy of the property map from the City Engineer's office. The 330'x20' parcel designated as No. 44 is the portion of the alley that has been vacated.

In order to clear up any possible objections to the title to the Lovell Place complex, we are requesting that the City adopt an Ordinance vacating the western 331.5' x 20.44' of this paper alley. If you need any further information in support of this request, please do not hesitate to contact me.

Thank you very much.

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By J. W. Alberstadt, Jr.

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

That a communication was received from Atty. J. W. Alberstadt, Jr., representing Rick Griffith, requesting the closing and vacating of an alley located between East 13th Street and East 14th Street and running in an east-west direction between French and Holland Streets being 331.5'X20.44' in length, and referring same to the City Planning Commission for recommendations and report thereon.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

April 6, 2011. Signed by the President. Attested by the City Clerk

MEMORANDUM

TO: City Council

FROM: Paul Lichtenwalter, Director of Finance

SUBJECT: Police RS/6000 Computer-Sale to Millcreek Police

DATE: March 21, 2011

The Police RS/600 computer is no longer required for any processing by the Erie Police Department. This computer was used for communications between the previous New World System (NWS) Dispatch and Records Application and the computers (MDT's) in COE police cruisers. The COE Police Department now uses the County 911 Dispatch and Records Applications for this type of communications.

Although housed in Erie City Hall, this computer continues to be used by Millcreek Township Police Department (MPD) for their MDT police cruiser communications. This arrangement was established over 10 years ago and continues to this day. For the past two years, MPD has paid for the hardware maintenance contract of this equipment through a full reimbursement to the COE.

MPD is not planning on moving to the new County 911 system. Therefore, MPD still requires the use of this computer. The COE has approached the MPD's Chief Tom Carlotti and discussed any interest in moving the RS/6000 to Millcreek. MPD prefers this computer to be located in their facility. This computer has no value to the COE-it has no potential future here.

The accompanying resolution states the following:

1. the COE sells the RS/6000 to Millcreek for \$1
2. the computer is moved to the Millcreek facility
3. terminate dedicated phone circuit to the Hilltop tower (save-\$75/month)
4. end any COE involvement in annual maintenance agreements.

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

That the proper City Officials are authorized and directed to sell the City's obsolete RS/6000 computer to the Millcreek Police Department for \$1.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.
April, 2011. Signed by the President. Attested by the City Clerk

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

- | | | | |
|----|---|----|---|
| 1. | Jason A. Russell
2917 Raspberry Street
Erie, PA 16508 | 2. | Nicholas J. Bernatowicz
2324 Hunters Ridge Drive
Erie, PA 16510 |
| 3. | Jerry J. Devine
3630 Oakwood Street
Erie, PA 16508 | | |

The above listed three (3) names are as they appear on the current Civil Service Eligibility List for Police Officers.

Be it resolved that Jason A. Russell, Nicholas J. Bernatowicz & Jerry J. Devine being No. 1 on list, having been nominated by Chief Stephen E. Franklin, are hereby appointed as Probationary Patrolmen at the current salary \$34,853.64 and are on probation for one (1) year from the date of his appointment on Monday April 11, 2011.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.
April 6, 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 an agreement between the City of Erie and Professional Training Associates, Inc., 46 South Linden Street, Suite C, Duquesne, PA 15110, for professional services. Professional Training Associates will provide two EPA training courses at a total cost not to exceed \$4,990.00.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.
April 6, 2011. Signed by the President. Attested by the City Clerk

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

That the proper City Officials are authorized and directed to execute the Quit Claim deed from the City of Erie to Safenet: Domestic Violence Safety Network, Inc., for the property identified by Erie county Assessment Index Number (15) 2011-103 which transfer is considered a confirmatory deed without compensation to remove any potential cloud on the title of the property. This transfer is exempt from Pennsylvania Realty Transfer Tax.

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.
April 6, 2011. Signed by the President. Attested by the City Clerk

By Mr. Winarski, Seconded by Mr. Schember, 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. **Brooks Landscape Inc.**, 5751 Wales Road, Erie, PA, to plant sixty-five (65) trees at various locations throughout the City of Erie at a total cost of \$17,875.00. (Lowest of 5 bidders).
2. **Dibble Tree Service, Inc.**, 9470 Wattsburg Road, Erie, PA, for the removal of trees and stumps at various locations throughout the City of Erie at a total cost of \$19,620.00. (Lowest of 3 bidders).

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.
April 6, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Aleksandrowicz, 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. **XPEDX/Erie**, 1662 Greengarden Road, Erie, PA, for two (2) skids of bulk paper for the Print Shop and Police, for the Office of Reproduction and the Bureau of Police at a total cost of \$2,884.00.
2. **Pennbriar Athletic Club**, 100 Pennbriar Drive, Erie, PA, for the Summer Recreational Tennis Program, in the amount of \$6,799.95.
3. **McLallen Construction Inc.**, 8349 Edinboro Road, Erie, PA, for repairs to a water line that feeds the sprinkler system to City Hall and install concrete sidewalk in the amount of \$3,193.42.
4. **Vulcan Signs**, 408 East Berry Ave, PO Box 1850, Foley, AL for signs for the Bureau of Streets at a cost of \$8,901.83. (Price is under current COG contract).
5. **Scobell Co. Inc.**, 1356 East 12th Street, Erie, PA, for repairs made to the garage heater for the Bureau of Streets at a cost of \$4,550.55.
6. **Erie Truck & Trailer**, 12737 Rt. 19 South, Waterford, PA, for hydraulic cylinders for angle plows for the Bureau of Streets at a cost of \$8,498.72.
7. **Chemung Supply Corp.**, PO Box 527, Elmira, NY, for 9' and 4' Channel Sign Posts for the Bureau of Streets, Paint and Signs Division at a cost of \$5,631.00.
8. **Potters Industries, Inc.**, PO Box 840 Valley Forge, PA, for 22,000 lbs. of Fiberglass Beads for the Bureau of Streets, Paint and Signs Division at a cost of \$7,480.00.
9. **Kaman Industrial Technologies**, 2335 West 50th Street, Erie, PA, for a transmission for the bottom flight board for the #1 flotation unit for the Bureau of Sewers of the City of Erie at a total cost of \$5,989.48.
10. **Ram Industrial Services**, 5460B Pottsville Pike, PO Box 748, Leesport, PA, for belt press feed pump parts, for the Bureau of Sewers, Department of Public Works of the City of Erie at a total cost of \$2,871.02. (Emergency purchase).

April 6, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

April 6, 2011. Signed by the President. Attested by the City Clerk.

To: Patrick S.Cappabianca, City Councilman
From: Gregory A. Karle, City Solicitor
Re: March 16, 2011 City Council Meeting/Agenda
Date: March 29, 2011

In response to a citizen's inquiry, you have asked for an opinion regarding whether a resolution item was correctly considered at the March 16, 2011 council meeting. As I understand the facts, a resolution, listed as item number ten of new business, appeared on the meeting's agenda. The resolution was placed on the agenda at the request the City administration. At the caucus meeting prior to the meeting, consistent with long standing practice, a sponsor and a second was obtained for the resolution, Mr. Swartz and Mr. Jones respectively. The item was approved when the balance of the agenda was moved.

The question raised was a concern that the item was not properly sponsored and seconded. I have made inquiry of the City Clerk's office and determined that all meeting protocols were properly followed.

The requirements for council meetings are set forth the Administrative Code, Rules of Council. Section 112.06, which governs submission of ordinances and resolutions requires: "All ordinances and resolutions shall be properly introduced by a member of Council and seconded by a member of Council. In the event that a member of Council introduces an ordinance or resolution requested by the Administrative Department of the City, the City Clerk shall, *at the request of such member*, note in the minutes of Council that such ordinance or resolution has been requested by the administrative branch of the City government." (Emphasis added) General Law requires only that "bills" (ordinances) be read at council meetings.

In addition, Section 112.09 of the Administrative Code addresses council's rules as they pertain to preparation of the meetings agendas. The section specifies the deadline when all reports, communications, ordinances, resolutions, contract documents or other matters are to be filed with the city clerk's office before arrangement of the agenda. It further requires that the city clerk furnish each member of Council, the Mayor and Solicitor with a copy of the agenda as soon as possible after preparation. There is no requirement that the agenda bear the name of a councilman who sponsors or seconds a matter on the agenda.

Again, it is my opinion that all rules and regulations regarding the passage of agenda items were adhered to at the meeting. If you have any questions, please do not hesitate to contact me.

Office of the City Solicitor
Gregory A. Karle
626 State Street, room 505, Erie, PA 16501-1128
Ph. (814)-870-1230 Fax: (814) 455-9438 Email: gkarle@erie.pa.us

April 6, 2011. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco adjourned at 10:12 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

President of City Council

Attest:

City Clerk

