

The City Council met in regular session in the Council Chambers on Wednesday,
May 4, 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. Schwartz, Seconded by Mr. Aleksandrowicz, the reading of
the minutes of the Meeting of April 20, 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 on liquid fuel tax bills).

Copies of the bills under date of April 29, 2011 and May 6, 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.

Council File Ordinance No. 15,752, Pending Official File Ordinance No. 14-2011

An Ordinance **amending** Official Ordinance No. 80-2005, known as the Zoning Ordinance of the
City of Erie, Pennsylvania by amending the provisions of Section 305.54 "**Solar Collection Systems**," by
removing some portions of the requirements in the section in order to limit such requirements to standard
zoning criteria.

May 4, 2011. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Cappabianca, having
read Council File Ordinance 15,752, now known as Pending Official File Ordinance No.14-2011 does
hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones,
Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

Council File Ordinance 15,753, Pending Official File Ordinance No. 15-2011

An Ordinance **appropriating** the sum of \$501.00 from unappropriated revenue received from the
Erie Youth Tennis Endowment Fund of The Erie Community Foundation and providing for the
expenditure thereof.

May 4, 2011. City Council on motion of Mr. Winarski, Seconded by Mr. Cappabianca, having read
Council File Ordinance, 15,753, now known as Pending Official File Ordinance No. 15-2011 does hereby
adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember,
Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That the report from the City Planning Commission recommending that a 315' alley located between
East 13th and East 14th Streets and French and Holland Streets running in an east-west direction, be closed
and vacated by the request of owner Rick Griffith, is hereby received by City Council and the City Solicitor is
authorized and directed to prepare an ordinance effectuating said change.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones,
Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk

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

That the City Clerk is authorized and directed to advertise for a public hearing on Wednesday June
1, 2011 at 9:30 A.M. in City Council Chambers, relative to the rezoning of property located at 1405-1415
East Lake Road, at the request of petitioners Carla Ihli and John Higham, co-owners of a tattoo shop, from
(RLB) Residential Limited Business District to (C-2) General Commercial District.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones,
Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Clerk to authorized and directed to advertise for a public hearing on Wednesday June 1, 2011 at approximately 9:30 A.M. in City Council Chambers, relative to the rezoning of property located at 1850 West Grandview Boulevard from (R-1) Low Density Residential District to (RLB) Residential Limited Business District at the request of LECOM for the construction of a dental school.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Administration is respectfully requested to present a plan to utilize the Capital Improvement funds interest generated by the Water Reserve Fund Interest from 2010 in the amount of \$297,610 to help fund 2011 street paving projects.

May 4, 2011. City Council **failed to adopt** by yeas Council Members Aleksandrowicz, Cappabianca, and Horan-Kunco. 3. Nays 3. Council Members Jones, Schember and Winarski. Mr. Schwartz abstains.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That Rose Robie is hereby appointed Deputy City Clerk for the City Council of the City of Erie, Pennsylvania.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That the proper officials of the City of Erie are authorized and directed to enter into a Landowner – Grantee Agreement between the City of Erie [“Landowner”] and the Erie County Conservation District ([Grantee”] for the purpose of stabilization of approximately 1500 linear feet of eroded stream bank through natural stream channel design, including enhancement of an associated riparian buffer on bilateral sides of Cascade Creek at Frontier Park.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

That the Enterprise Zone Loan Review Committee approval of the following loan be formally ratified:

	Amount	Term	Fee
American Tinning and Galvanizing, Inc.	\$91, 964.00	5 years	\$459.82

These funds have been made available through the commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Loan Fund and Loan repayments. The loan will be charged against account number 310-0000-000-1007. The interest rate is fixed at 4.5% per annum. A one-time loan processing fee based on ½ of 1.0%, not to exceed \$1,50, of the amount financed will be assessed to each client. The City Solicitor’s Office will assist with the preparation of the loan documents for these transactions. City Council further directs that the proper City Officials are authorized to sign the necessary documents and agreements effectuating same.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

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

WHEREAS, under the Title 1 of the housing and Community Development Act of 1974, as Amended, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs; **and**

WHEREAS, under the HOME Investment Partnerships Program created by the National Affordable Housing Act of 1990 (NAHA) and amended by the Housing and Community Development Act of 1991, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; **and**

WHEREAS, under the Emergency Shelter Grants Program contained in the Steward B. McKinney Homeless Assistance Amendments Act of 1988, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to grantees and nonprofit agencies which provide essential services, operations, homeless prevention and shelter rehabilitation for homeless persons; and

WHEREAS, The U. S. Department of HUD has advised the City that FY2011 Entitlements are as follows: CDBG, \$3,200,903; HOME, \$948,760; and ESG \$215, 260; and,

WHEREAS, in addition to the entitlement funds, the City expects to receive \$65,000 in program income, and \$370,716 in reprogramming funds; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2011 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals, and others with special needs; and

WHEREAS, the draft Annual Plan for 2011 was on public display since March 10, 2011, and the City held a Public Hearing on said Annual Plan and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document; and

NOW, THEREFORE, be it resolved by the Council of the City of Erie, Pennsylvania, and it is hereby resolved by the authority of the same, as follows:

SECTION 1: That the Annual Plan for the FY2011 CDBG, HOME, and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Plan with the minutes of this meeting.

SECTION 2: That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status, or national origin and other assurances as set forth under the certifications.

SECTION 3: That the Mayor, on behalf of the city of Erie, is authorized to file an application for financial assistance with the U.S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$3,200,903, HOME in the amount of \$948,760, and ESG in the amount of \$215,260 and is further authorized to act as an authorized representative of the City of Erie to sign any and all documents in regard to these programs.

SECTION 4: That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the Steward B. McKinney Homeless Assistance Act, and also any supplemental or revised data which the U. S. Department of HUD may request in connection with the review of this application. (Attached Proposed Summary of Program Activity)

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 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. **Golden Equipment Co., Inc.**, PO Box 873, Mars, Pa, 16506, for the purchase of two (2) Stepp Hot Pack Dump Trailers, for the Bureau of Streets, totaling the amount of \$57,760.00.
2. **Vavala Concrete Construction LLC**, 2059 West 20th Street, Erie, PA 16502, for the 2011 Curb Ramps I Project, for the Bureau of Streets, in the amount of \$71,696.80.

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Cappabianca, 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. **DCED, Governor's Center for Local Government Services**, Commonwealth Keystone Blvd, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, for 513 building permits @\$4.00 each for the Department of Economic and Community Development of the City of Erie at a total cost of \$2,052.00.

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- 2. **Gene Davis Sales & Service**, 1119 Payne Avenue, Erie, PA 16503, for steel plates for the Municipal Garage, at a total cost of \$2,377.50.
- 3. **A & H Equipment Co.**, 1124 McLaughlin Run Road, Bridgeville, PA 15017, for Vactor hoses for 3 sewer cleaning trucks, for the Bureau of Sewers, at a total cost of \$4,854.15.
- 4. **East Jordan Iron Works**, 141 Dexter Drive, Monroeville, PA 15146, for risers for catch basins, for the Bureau of Sewers, at a total cost of \$9,459.900.

MEMORANDUM

TO: Mark Aleksandrowicz
 Erie City Council
 FROM: Jon Tushak, P. E.
 SUBJECT: Progress Report
 PROJECT: Preliminary Engineering
 McBride Viaduct-East Avenue Bridge over CSX Railroad

In response to your resolution dated November 3, 2010 respectfully requesting quarterly progress reports on the above referenced project, the following report is provided.

PennDOT Engineering District 1-0 is currently finalizing a detailed scope of work that L. R. Kimball will follow for the project for Preliminary Engineering including a feasibility study, selection of a preferred alternative and environmental clearance. A scope of work for the Public Involvement is being finalized as well. The scope of work is expected to be complete within two weeks following final review.

PennDOT conducted a scope of work meeting with L.R. Kimball and the City Engineer on March 21, 2011.

L.R. Kimball is developing and will submit a Technical and Price Proposal based on the scope of work. At that time, when an estimate of the costs is determined, PennDOT will begin the process with the City of Erie to enter the Reimbursement Agreement. PennDOT expects to receive the Technical and Price proposal by the end of May.

PennDOT will review the TPP and conduct negotiations to arrive at the contract amount. PennDOT Central Office will review the recommendations and it is expected that an Engineering Agreement will be executed by late July.

It is estimated that the physical work of the study will begin in August. Please contact me at extension 1377 if you have any question.

cc: Other City Council Members
 Joseph E. Sinnott, Mayor
 James Klemm
 Douglas E. Mitchell

May 4, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

May 4, 2011. Signed by the President. Attested by the City Clerk.

May 4, 2011. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco adjourned at 10:49 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