

June 22, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Aleksandrowicz, that the city council does hereby **reconvene** the council meeting of June 15, 2011 at 9:00 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

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By Mr. Jones, Council File No. 15,759

An Ordinance appropriating the sum of **\$2,500,000** from the General Fund and providing for the expenditure thereof. The \$2,500,000 represents a temporary loan from the General Fund to be used by the 2011 Capital Financing Fund as interim financing for street paving and curb ramp replacements until such time as permanent financing is in place. At that time a portion of the proceeds from the permanent financing will be used to fully repay the General Fund Loan.

TO: Mr. James Klemm, City Clerk

FROM: Joseph Schember, City Council Member

RE: Abstention from Voting – New Business #6 Reimbursement Resolution, 6/1/11 Agenda

Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes

June 15, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance 15,760, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays. 0. Mr. Schember abstains.

June 15, 2011. Signed by the President. Attested by the City Clerk.

Jane M. Earll  
49<sup>th</sup> Senatorial District  
Harrisburg, PA 17120-3049

Senate of Pennsylvania

To: Constituents interested in legislation related to cell phone use/texting while driving  
From: State Senator Jane M. Earll  
Date: Jun 9, 2011  
Re: Senate Bill 314, Printer's number 1295

Yesterday, the Senate voted 41-8 to pass a distracted driving bill, addressing an issue that has been debated for several years. Senate Bill 314, introduced by Sen. Robert Tomlinson, R-Bucks, would make texting – including Internet browsing, emailing and instant messaging – a primary offense for all drivers, regardless of age. On Tuesday an amendment, offered by Sen. Jim Ferlo, D-Allegheny, had been added to the bill to increase the texting while driving penalty from a secondary offense to a primary offense.

SB 341 would also allow motorists to be charged, as a secondary offense, for using a hand-held cell phone while driving. A secondary offense requires a driver to be pulled over for a primary offense, such as speeding, before a penalty can be assessed for the offense. However, the bill would allow cell phone use to be a primary offense if the driver were under 18.

Sen. John Rafferty, R-Montgomery, who chairs the Senate Transportation Committee, said “In regard to the hand-held cell phones, we did at one time want to have a primary offense. We did agree to the secondary offense because not enough votes were there, and I am cognizant of the fact that the Pennsylvania State Police last year wrote a letter asking us to make it primary, however we don’t have the votes or support.”

PennDOT would be required to collect information about the involvement of interactive wireless communication devices in all accident reports, and to make this available to the public on an annual basis.

According to the U.S. Department of Transportation, 30 states have banned texting while driving and eight of those have banned hand-held cell phone use while driving.

The bill would also require drivers under 18 to ensure that all occupants of the vehicle from ages 8 (when child restraints are no longer required) to 18 are wearing seat belts. Drivers under 18 with a junior license would only be permitted to transport one passenger under 18 who is not an immediate family member for the first six months after obtaining their license, and three non-family passengers under age 18 thereafter, unless accompanied by a parent or legal guardian. If a junior driver had been involved in a reportable accident, transporting more than one passenger not a member of the driver’s immediate family under age 18 would require the presence of a parent or legal guardian. Information compiled by PennDOT about junior drivers, their passengers’ ages and number, and seat belt use would become part of a new biennial report to the public on accidents.

SB 341 would also prohibit drivers from viewing video images (whether recorded or live, for entertainment, business or other purpose) while driving. Devices that enhance a driver’s front, rear or side visibility, provide geographic, traffic, road or weather data, or allow for monitoring of occupants, GPS devices and law enforcement/safety professional systems would be exempt from the prohibition.

The violations related to use of interactive wireless communication devices, texting, and video imaging devices would also become subject to doubled fines in work zones or on highway safety corridors.

The bill now goes to the House, for consideration in the Transportation Committee. You can view Senate Bill 314 as amended in the Senate, the voting record and the other relevant information online in the “Electronic Bill Room” at [www.senatorearll.com](http://www.senatorearll.com).

Waive Rules

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

Whereas the Senate of the Commonwealth of Pennsylvania has passed Senate Bill 314, a distracted driving bill which would make texting, internet browsing and instant messaging a primary offense for all drivers regardless of age, and motorists to be charged with a secondary offense for using a hand held cell phone while driving, and

Whereas Erie City Council hereby endorses the passage of Senate Bill 314, and urge our state legislators of the House of Representatives, also adopt this legislation for the health and safety of the general public across the Commonwealth, so,

Therefore Be It Resolved that this resolution be forwarded to State Senator Jane Earll, and Assemblyman Flo Fabrizio, Patrick Harkins, John Evans, Curt Sonney and John Hornaman and request them to vote in favor of this legislation.

June 22, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 22, 2011. Signed by the President. Attested by the City Clerk.

Waive Rules

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

That the proper City Officials are authorized and directed to enter into an agreement with Susquehanna Group, Bala Cynwyd, 401 City Ave. Suite 220, Bala Cynwyd, PA 19004, for the role of Financial Advisor for the 2011 City of Erie Bond Issue.

TO: Mr. James Klemm, City Clerk

FROM: Joseph Schember, City Council Member

RE: Abstention from Voting –New Business #6 Reimbursement Resolution, 6/1/11 Agenda

Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes

June 22, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. Mr. Schember abstains.

June 22, 2011. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City of Erie, Pennsylvania (the "City") has identified certain capital projects, which include street paving, curb ramp replacements, and capital improvements to City facilities.

WHEREAS, the City intends to incur certain expenditures in connection with the Project prior to the issuance of debt for the Project in the form of General Obligation Bonds, Series of 2011 (the "2011 Project Bonds"); and

WHEREAS, the city intends to reimburse itself for the itemized expenditures from the proceeds of the 2011 Project bonds; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City intends to expend sums from the General Fund and other Funds of the City for architectural, engineering, legal fees, design fees and construction costs for the Project beginning on June 22, 2011.
2. The City reasonably expects to reimburse the expenditures as authorized herein with the proceeds of the 2011 Project Bonds.
3. The City does hereby declare the official intent of the City with reference to additional expenditures to be made by the city for the Project and to be reimbursed with proceeds of the 2011 Project Bonds.
4. This is a declaration of official intent pursuant to United States Treasury Regulation Section 1.150-2.
5. The maximum amount of the 2011 Project Bonds is expected not to exceed \$10,000,000.
6. The Project is the capital projects identified above.

TO: Mr. James Klemm, City Clerk

FROM: Joseph Schember, City Council Member

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June 22, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 0. Mr. Schember abstains.

June 22, 2011. Signed by the President. Attested by the City Clerk

June 22, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Aleksandrowicz, adjourned at 10:35 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk