

The City Council met in regular session in the Council Chambers on Wednesday, August 17, 2011 at 7:30 P.M.

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

On motion of Mr. Schwartz, Seconded by Mr. Jones, the reading of the minutes of the Meeting of August 3, 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 August 12, 2011 and August 19, 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.

Mayor Joseph Sinnott was present at the City Council Meeting to discuss and submit the Mid-Year Report to members of City Council. The following is the introduction message attached to said Report, a copy of which was given to members of Council.

2011 Mid Year Report

Good evening. Tonight I present you with the financial report for the mid-year 2011. The figures in this report continue to reflect stability in municipal operation and cost control; as well as the advantage of the transparent budget and spending system we have implemented. It also shows the continued commitment of all departments to stay within budgetary constraints, to continue to find new efficiencies and cost savings and to keep our operation affordable to the taxpayers. Once again, all of the department heads, bureau chiefs and employees of the City of Erie are to be commended for their continued vigilance in these areas.

As an organization, we have achieved a stability which has allowed us to keep the cost of doing business within budget in each of the years of this administration. This year will be no different. This mode of business operation has made us unique as compared to other municipalities across the Commonwealth and across the United States.

For the past two years I have been working closely with other municipalities in the Pennsylvania League of Cities Core Communities in Crisis Task Force. This group was created to identify and isolate the true challenges facing municipalities across Pennsylvania. The issues facing our municipalities are common to all. Declining revenues and escalating expenses make each year a challenge to remain solvent.

What has made Erie unique from the many cities that have to enter the state intervention Act 47 Program, due to insolvency, is that we as a government made many hard decisions throughout the past five and a half years to cut our cost of doing business in order to slow the impact of the declining revenue trend. Because of our success in redesigning the way municipalities do business, we have avoided the negative consequences associated with insolvency and the state intervention program.

This is not to say that we solved all of the problems, because we still face the ongoing challenge of the declining revenue base and supporting our bare bones operation which continues to increase in cost each year. Other cities have sought external revenue sources from state government, including the local option sales tax and reallocation of the Johnstown Flood Tax to municipalities. Both of these efforts failed to succeed in the state legislature, adding to the slow recovery of those communities that had placed all of their hope in these remedies. As the financial issues facing the Federal and State Governments continue to grow, it becomes evident that we must solve these problems locally.

Looking at the figures within the report itself, first on the revenue side, you will see that many of the line items continue to be a challenge. These are the realities that we will need to address for the future. As the National Economy remains troubled, we are experiencing decreasing revenue in the areas directly affected by these difficult times. Real estate taxes, state reimbursements and those line items affected by the market economy continue to fall. These are all driven by the Federal and State economies, which have a direct, "trickle down" impact on municipal viability.

To counteract some of the effect in these areas we continue our revitalization projects in an attempt to bring people back into the inner City and increase our tax base. Projects such as the Union Square Development and the redevelopment of the GAF site will help to bolster our tax base and create new revenues for future viability. Projects such as these must continue to grow and expand over time to create new sources of local revenue as Federal and State support continues to diminish.

We are also seeing decreases in revenues from building and construction activities, pension aid, liquid fuels monies and shared revenues from the Commonwealth. These, coupled with decreases in our market and interest income, and the declining tax base, result in a projection of approximately \$1.1 million dollars less in revenue this year.

As we look at the expenditure portion of the report, you will see that all departments are expected to, again, meet their target budget. This proves that we have been able to determine the true cost of doing business, budget accordingly and manage our operation in order to stay within expected expenditures. This is a pledge that we as an administration and council promised our tax payers five and a half years ago. We have fulfilled that promise each and every year.

The trends we see in this report have remained uniform throughout the term of this administration. We have experienced declining revenues which are attributable to forces beyond our local control. We have managed to counter act the effects, somewhat, by continuing to control our costs of doing business and operating within our budget constraints every year. We must be realistic as we continue to look at our revenues and how we will continue to fund our operations, even in the face of difficult economic times.

Our projections are only estimates and may change in the second half of the year; however, we made our projections, mindful that these trends have remained uniform over the past several years. These will be discussed in greater detail at the presentment of the year end budget, when we have a better idea of the final yearly figures in each of these areas.

I would ask you to take the time to review these numbers carefully. My staff and I will be available to address any questions or concerns you may have after you have had the opportunity to digest this information. I thank you for your ongoing support of this administration as we work together to make Erie a strong, financially vibrant community. We will continue in our mission to make Erie a model for cities across the Commonwealth of how cities can succeed despite the challenges facing us all.

By Mr. Schwartz, Council File No. 15,768

An Ordinance repealing Article 945 (Stormwater Management) of the Codified Ordinances of the City of Erie and adopting by reference a model stormwater management ordinance consistent with the 2011 Stormwater Management Plan adopted by the County of Erie and approved by the Pennsylvania Department of Environmental Protection; imposing duties on developers of land including new water quality requirements and new impervious surface area requirements; providing for filing and administration of plans, the implementation of regulations and the imposition of fees for plan filing, review and administration; establishing penalties for violation; and containing a repealer clause.

August 17, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Jones, having read Council File Ordinance 15,768, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

August 17, 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 to execute the Federal Aid Bridge Project Reimbursement Agreement No. 010T57 (MPMS No. 58232) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Preliminary Engineering/Study of the City of Erie McBride Viaduct (East Avenue Bridge). Estimated costs for preliminary engineering/study are \$700,000.00. The total amount of the reimbursement is \$700,000.00. Cost Sharing: Federal 100%, State 0%, Municipality 0%.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

August 17, 2011. Signed by the President. Attested by the City Clerk.

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

That the Proposed Repository sale of property commonly known as 2417 Linwood Avenue, Erie, PA and identified by Erie County Assessment Index No. 18-051-040.210.00 by the Erie County Tax Claim Bureau to the Housing Authority of the City of Erie in the amount of \$350.00 is hereby approved.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

August 17, 2011. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as 815 East 20th Street, , Erie, PA and identified by Erie County Assessment Index Number 18-050-033.0-216.00 by the Erie County Tax Claim Bureau to Larry Moore \$450.00 is hereby approved.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

August 17, 2011. Signed by the President. Attested by the City Clerk.

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

Resolution of the Council of the City of Erie, Erie, County Pennsylvania (hereinafter “the municipality”).

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as Amended and the Rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71, Title 25, of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever necessary to determine whether a proposed method of sewage disposal for new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, **12th Street Partners**, land developer, has proposed the development of a parcel of land identified as **12th and Greengarden Project**, name of subdivision, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision can be served by: (list all that apply), sewer tap ins, sewer extension, new treatment facility, individual on-lot systems, community on-lot systems, spray irrigation, retaining tanks, other, **sewer tap-ins**.

WHEREAS, **THE CITY OF ERIE** finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Erie hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the Official Sewage Facilities Plan of the municipality the above referenced Sewage Facilities Module which is attached hereto.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

August 17, 2011. Signed by the President. Attested by the City Clerk

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WHEREAS, **Paul Raupers**, land developer, has proposed the development of a parcel of land identified as **Niagara Car Wash**, name of subdivision, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision can be served by: (list all that apply), sewer tap ins, sewer extension, new treatment facility, individual on-lot systems, community on-lot systems, spray irrigation, retaining tanks, other, **sewer tap-ins**.

WHEREAS, **THE CITY OF ERIE** finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Erie hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the Official Sewage Facilities Plan of the municipality the above referenced Sewage Facilities Module which is attached hereto.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.
August 17, 2011. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the Sewer Revenue Fund.

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$25,000	007-0773-0000-4077	Other Improv	\$25,000	007-0773-0000-4035	Repair & Maint. Sup.

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

That the communications and data from the City of Erie Authorities pursuant to Act 339 listing the names, positions and salaries of individuals employed by the various Authorities for the first six months of 2011 will be placed on file in the Office of Accounts, Finance and Budget:

The Erie Housing Authority	Erie County Convention Center Authority
The Erie Parking Authority	Erie-Western PA Port Authority
Erie Airport Authority	Erie Metropolitan Transit Authority
Erie Redevelopment Authority	Erie Park Authority/Zoological Society
The Erie Water Authority	

See attached list of employees and Salaries.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.
August 17, 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. **Joseph McCormick Construction Company, Inc.**, 3340 Pearl Avenue, Erie, PA 16510, they being the lowest of three (3) bids received, in the sum of \$640,418.25 for 2011 proposed Milling and Asphalt Resurfacing of Various City Streets contract number three (3).
2. **William T. Spaeder Co. Inc.**, 1802 East 18th Street, Erie, PA 16510, being the low responsible bid received, in the sum of \$132,600.00 and the proper City Officials is and they are hereby authorized and directed to sign said contract on behalf of the City of Erie for Boiler Replacements.
3. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for performing repair services of the Bureau of Sewers as follows: \$32,426.40 (MATERIAL COSTS ONLY).
4. **Dave Hallman Chevrolet**, 1925 State Street, Erie, PA 16501, for a 2011 Chevy Silverado 3500 HD 4@D Regular Cab vehicle, for the Bureau of Fire for a total cost of \$33,622.012.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.
August 17, 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. **Commonwealth of PA Clean Air Fund**, DEP Air Quality Program for \$2,456.85, for the 2011 Emissions Fee for the Wastewater Treatment Plant of the City of Erie.

2. **ACE VIKING**, 2222 East 30th Street, Erie, PA 16510, to rebuild septic haulers station pump, for the Bureau of Sewers at a total cost of \$2,835.00.
3. **Winkle Electric**, 4727 Pittsburgh Avenue, Erie, PA 16509, for the renewal of the service technical support agreement with Rockwell Automation for the Bureau of Sewers at a total cost of \$7,576.61.

August 17, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

August 17, 2011. Signed by the President. Attested by the City Clerk.

August 17, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Schwartz, adjourned at 9:28 P.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

President of City Council

Attest:

City Clerk

“Save the McBride Viaduct”

Citizen Action Committee/Signed Petition Campaign

City of Erie City Council Meeting – August 17, 2011 7:32 PM

Statement regarding Resolution authorizing \$700,000 for Preliminary Engineering & Transportation Study of the McBride Viaduct and (4) Options

Good Evening Madame President and members of City Council. I hope you have been enjoying this summer as much as I have. It's been a beautiful summer in Erie, Pennsylvania and the next four days we certainly have a lot to celebrate as a city.

I wanted to state my support for letter G, item #1 under New Business proposing a resolution executing a Federal Aid Bridge Project Reimbursement Agreement between the City of Erie and PennDOT so that L.R. Kimball & Associates can begin the physical work with the preliminary engineering/and transportation study of the McBride Viaduct.

On behalf of the members of the Save the McBride Viaduct Citizen Action Committee and on behalf of over 12,500 people who have signed petitions, on behalf of 4,562 motorists, 108 businesses, 200 pedestrians, 13 churches and 6 schools and on behalf of the Erie School district School Board and the Erie Housing Authority and its residents, I want to personally thank Mayor Sinnott, City Engineer Jon Tushak, Public Works Director Doug Mitchell, Economic and Community Development Director Kim Green and most especially you Madame president, and members of City Council for creating the opportunities to move this transportation project forward, even though it has taken 1 year and 2 and one half months and over a dozen City Council meetings later since the McBride Viaduct was temporarily closed to get us to this point in time.

You know what the people want. They want a bridge on East Avenue. You know what the businesses want. They want a bridge on East Avenue. You know that the churches and schools want. They want a bridge on East Avenue. You know what the Erie Housing Authority and its residents want. They want a bridge on East Avenue. You know what the motorists and pedestrians, the homeowners and the employees want. They want a bridge on East Avenue.

This transportation project has another chance to move forward tonight. It is my understanding that the \$700,000 in Federal Transportation Money to be used for a Transportation Study of the Viaduct is a requirement in order to qualify for Federal and State Funding for one of the four options. With that having been said, the resolution is another step in the right direction even though many would prefer to see the money used directly to rehabilitate the viaduct.

We've waited a long, long time. We've all been patient. We know that there are still 10 working days the remainder of this moth of August, as well as 20 working days in September and 20 working days in October along with 17 working days in the month of November before the thanksgiving Holiday and another 17 working days in December. That's 84 working days or nearly three full working months to do a physical transportation study that needs to be done before Winter is in full swing.

Obviously, our hope is that the \$700,000 in Federal Transportation Money to do the Study will be well spent and will lead to the Rehabilitation, or Reconstruction of the McBride Viaduct so that it can be restored as the important transportational link between the lower Eastside and central Eastside of Erie that it has been for almost 73 years now, keeping in mind that the current viaduct bridge that stands is only 389 years old.

If that's what the result is, then it will have been worth waiting for and the \$700,000 in Federal Money will have been well spent. If however, the \$700,000 is spent in order to just demolish the viaduct and create a dead end on East Avenue on both sides of the railroad tracks or if the \$700,000 is spent with the promise that future transportation improvements will be considered several years from now, the honestly, the \$700,000 in Federal Money will not have been well spent at all.

L.R. Kimball & Associates is a reputable firm. So too is Urban Engineers, Inc. of Erie. We already know the McBride Viaduct can be rehabilitated at a reasonable cost, \$3 million dollars. I'm hoping that 84 working days or less from now, you the members of City Council and the Mayor & his administration will have a completed transportation study report in your hands and on your desk from L. R. Kimball and Associates and PennDOT with a recommendation to rehabilitate or reconstruct the McBride Viaduct on East Avenue and that during the Winter Months of 2011 and 2012 (sometime between December and March) the public hearings will have been held and that hopefully, by the spring and/or summer of 2012, the physical work that will create jobs, boost economic activity and restore an important transportation link will begin to restore the McBride Viaduct and open it back up to motor vehicle and pedestrian traffic.

The McBride Viaduct has always been an issue about people, about business, about residents, about motorists, about pedestrians and school children and their safety. It's also been about our Eastside community and an important part of our History as a City. Past generations worked hard to lobby for that bridge, to build 2 viaduct bridges on East Avenue, and to maintain those bridges. We the members of the present generation owe it to our people and to future generations to see to it that the vital transportation link that has stood on East Avenue for 72 years remains right where it is on East Avenue, as an important Eastside Transportation link.

Thank You for whatever you can do to make things continue to happen in a timely manner.

Sincerely,
Rev. Jerry S. Priscaro-Coordinator
"Save the McBride Viaduct" Citizen Action Committee
"Save the McBride Viaduct" Petition Campaign