

The City Council met in regular session in the Council Chambers on Wednesday, November 2, 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. Schember, Seconded by Mr. Jones, the reading of the minutes of the Meeting of October 19, 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 October 28, 2011, and November 4, 2011, were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7 Nays. 0.

By Mr. Schwartz, Council File No. 15,776, Pending Official File Ordinance No. 37-2011

An ordinance **amending the Codified Ordinances** of the City of Erie, Title Three Administrative Code, Article 113 (Mayor), Section 113.08 (Compensation of Mayor) by increasing the annual compensation of the Mayor of the City of Erie from \$65,000.00 to \$95,000.00 commencing the first Monday in January 2014.

A proposed amendment by Mr. Cappabianca, Seconded by Mrs. Horan Kunco, Resolved, etc.

That the compensation of the Mayor of the City of Erie be raised \$2,500.00 per year up to \$75,000.00 in four (4) years.

November 2, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco having read Council File Ordinance 15,776, **failed to adopt** as amended on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, and Horan-Kunco. 3. Nays. 4. Council Members Jones, Schember, Schwartz and Winarski.

November 2, 2011. Signed by the President. Attested by the City Clerk.

November 2, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Winarski having read Council File Ordinance 15,776, now known as Pending Official File Ordinance No. 37-2011 does hereby adopt on Final Passage by yeas Council Members Jones, Schember, Schwartz and Winarski. 4. Nays 3. Council Members Aleksandrowicz, Cappabianca and Horan-Kunco.

November 2, 2011, Signed by the President. Attested by the City Clerk.

By Mr. Schwartz, Council File No. 15,777, Pending Official File Ordinance No. 38-2011

An ordinance approving the plan of the Erie Sewer Authority for the issuance of an aggregate amount not to exceed **\$24,055,000** Variable Rate Demand Sewer Revenue Bonds, Series of 2011 pursuant to an interest rate swaption agreement with J.P. Morgan Chase Bank, N.A. and setting forth the amount, interest rates and maturity dates of the bonds: Authorizing the authority to proceed with the plan of financing; authorizing the executing and delivery of a lease agreement and the incurrence of lease rental debt thereby; authorizing the specified officers of the City of Erie to prepare and certify the debt statement, and to do all other acts necessary to carry out the provisions of the ordinance; setting forth the payment of the ordinance; setting forth the payment of the Variable Rate Demand Sewer Revenue Bonds, series of 2011 and the source of such payments; repealing all inconsistent ordinances and providing that the ordinance is effective immediately.

To: Mr. James Klemm, City Clerk
 From: Joseph Schember, City Council Member
 RE: Abstention from Voting – Council File Ordinance No. 15,777.
 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 of any meeting in which action is taken on this matter.

Nov, 2, 2011

November 2, 2011. City Council on motion of Mr. Schwartz, Seconded by Mr. Cappabianca having read Council File Ordinance 15,777, now known as Pending Official File Ordinance No. 38-2011 does hereby adopt on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski, and Horan-Kunco. 6. Nays. 0. Mr. Schember abstains.

November 2, 2011. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File No. 15,778

An ordinance appropriating the sum of **\$35,500.00** from unappropriated and unanticipated revenues resulting from donor contributions into the City of Erie Capital Improvement Fund and providing for the expenditure thereof. City of Erie Capital Improvement Fund.

November 2, 2011. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones having read Council File Ordinance 15,778, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Clerk is authorized and directed to advertise for a **Public Hearing on Wednesday, December 7, 2011 at 9:30 A.M. in City Council Chambers** to hear testimony on a proposed rezoning of property located at 244-248 East 21st Street from Residential Limited Business (RLB) to that of Light Manufacturing District (M-1). This rezoning request has been submitted on petition of Mr. Frederick W. Johnson, Jr., and approved by the City Planning commission and is accompanied by the requisite filing fee of \$500.00.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are respectfully requested to commit \$50,000 from the City of Erie Budget to the Erie 9-11 Memorial Project in support of the historic memorial's construction. Of the \$50,000, \$10,000 will be set aside for this purpose from the 2011 City budget, City Council and City Clerk's budget and with the remaining amount of \$40,000 to be placed in the 2012 budget under the appropriate category of the general government. These funds will act as seed money with the remainder of the projects costs to be raised by private donations for the erection of the World Trade Center artifact and construction of Erie's 911 Memorial by September 11, 2012.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Schwartz, Winarski and Horan-Kunco. 5. Nays 2. Council Members Jones and Schember.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the communication from R. P. Schreckengost, Executive Director of the Erie-Western PA Port Authority requesting the vacating of certain streets or paper streets known as Garfield Street and Ottawa Avenue is hereby received and referred to the City Planning Commission for recommendation and report thereon.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the communication from R. P. Schreckengost Executive Director of the Erie –Western PA Port Authority requesting the rezoning of property located on the Bayfront Highway between Lincoln Avenue, Garfield Street and West 12th Street from (R-1) Low Density Residential District to (M-1) Light Manufacturing District is hereby received and be it further resolved by the Council of the City of Erie that on its own initiative the City Solicitor is therefore authorized and directed to prepare the necessary rezoning ordinance for the above stated project and after the preparation of same forward to the City Planning Commission for recommendation and report thereon.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 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 Supplemental Agreement No. 010N59-C between the City of Erie and the Pennsylvania Department of Transportation for the Preliminary Engineering, Final Design, Utilities, Right-of-way and Construction of the City of Erie State Street Bridge over Canal Basin. Estimated costs for preliminary engineering are \$150,000.00. Estimated costs for Final Design are \$180,000.00. Estimated costs for Utilities are \$100,000.00. Estimated costs for Right-of-way are \$10,000.00 estimated costs for Construction are \$2,100,000.00. The total project estimated costs are \$2,540,000.00. Cost sharing: Federal 80%, State 15%, Municipality 5%.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

**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 it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, Smith Provisions, land developer, has proposed the development of a parcel of land identified as Smith Provisions, 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.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Bureau of Streets, Paint & Sign Division:

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$4,000	002-0715-0000-4047	Heat/Lights	\$2,000	002-0715-0000-4033	Op. Supplies
\$2,500	002-0715-0000-4054	Rentals	\$4,100	002-0715-0000-4035	Repair/Maint.
\$ 600	002-0715-0000-4059	Other	\$1,000	002-0715-0000-4039	Consumables
\$7,100			\$7,100		

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Bureau of Streets:

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$12,000	002-0713-0000-4047	Heat/lights	\$12,000	002-0713-0000-4039	Consumables

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, 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. **Executive Pulse**, 11 East 4th Street, Erie, PA 16507 for a Year Five Renewal (April 1, 2011-March 31, 2012) Software License Agreement for the Department of Economic and Community Development for the City of Erie at a total cost of \$10,000.00. **This was withdrawn at the request of the administration.**
2. **Dibble Tree Service, Inc.**, 9470 Wattsburg Road, Erie, PA 16509, for the removal of trees and stumps at various locations throughout the City of Erie at a total cost of \$10,625.00.
3. **Chemung Supply Corp.**, P. O. Box 527, Elmira, NY 14902 for Steel Cutting Edges for the Bureau of Streets at a total cost of \$11,240.00.
4. **Nuttall Golf Cars Inc.**, 5543 State Route 14, Sodus, NY 14551 for leasing sixty (60) used electric golf carts for Downing Golf Course and ten (10) used gas golf cars for J.C. Martin Course for a term of three years (2012 thru 2014) at an annual rate of \$31,500.00.
5. **Shaffer Technologies of Erie**, 1001 State Street, Suite 1400, Erie, PA 16501 for a laser fiche upgrade, for the Office of Computer Systems and Services, at a total cost of \$16,215.00.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 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**, 1662 Greengarden Road, Erie, PA 16501 for 2012 Tax Bill Paper and 2012 Envelopes for Tax Bills for the Office of City Treasurer at a total cost of \$3,067.25.
2. **Pirrello Enterprises, Inc.**, 721 Parade Street, Erie, PA 16503 for a production scanner for the Office of Computer Systems and Services, at a total cost of \$6,572.00. (Other Quote: Gov Connection - \$6,952.86).

3. **DCED**, Governor’s Center for Local Government Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 for 1,511 building permits @ \$4.00 each for the Department of Economic and Community Development at a total cost of \$6,044.00
4. **McCarl’s Services Inc.**, 1253 Freedom Road, Cranberry Twp, PA 16066 for service garage heaters for the Municipal Garage at a total amount of \$2,602.00.
5. **Traffic Products, LLC**, 28 N. Bacon Hill Road, Malvern, PA 1935, for an EDI LMD 624T Detector and EDI MMU 16LE Conflict Monitor for the Bureau of Traffic Engineering at a total cost of \$3,290.00.
6. **William T. Spaeder Co.**, 1602 East 18th Street, P.O. Box 10066, Erie, PA 16514, for the emergency repair of the final effluent water line for the Bureau of Sewers at a total cost of \$2,495.42.
7. **Hach/American Sigma c/o S M Sawchuk Sales**, 2207 Collections Center Drive, Chicago, IL 60693, for an ultrasonic flow meter, for the Bureau of Sewers at a total cost of \$7,473.55.
8. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for performing repair services for the Bureau of Sewers as follows: See Attached - \$2,778.04 (Material Costs Only). See Attached - \$2,193.45 (Material Costs Only). See Attached - \$4,313.93 (Material Costs Only). See Attached - \$2,817.15 (Material Costs Only). Total \$12,102.57 for the Wastewater Treatment Plant.

November 2, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

November 2, 2011. Signed by the President. Attested by the City Clerk.

 November 2, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, adjourned at 10:55 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