

The City Council met in regular session in the Council Chambers on Wednesday, December 21, 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 December 7, 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 December 16, 2011, and December 22, 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. Schember, Council File No. 15,779, Pending Official File Ordinance No.41-2011 An ordinance fixing the **tax rate** for all city purposes for the Fiscal Year 2012 (beginning on January 1, 2012 and ending on December 31, 2012).

December 21, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones having read Council File Ordinance 15,779, now known as Pending Official File Ordinance No. 41-2011 does hereby adopt on Final Passage by yeas Council Members Jones, Schember, Schwartz and Winarski. 4. Nays. 3. Mr. Aleksandrowicz, Mr. Cappabianca and Mrs. Horan-Kunco.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mrs. Horan-Kunco a resolution amending Pending Official File Ordinance 42-2011 being the General Fund Budget of the City of Erie for 2012 by including a lien free tax sale in the revenue in the amount of 2.2 million dollars.

December 21, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco having read Ordinance No. 42-2011 **failed to adopt** on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca and Horan-Kunco. 3. Nays 4. Mr. Jones, Mr. Schember, Mr. Schwartz and Mr. Winarski.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mrs. Horan-Kunco a resolution transferring the sum of \$800,000.00 from the Sewer Revenue Fund Balance Account to the General Fund Budget for the year 2012.

December 21, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco having read Council File Ordinance 15,780, now known as Pending Official File Ordinance No. 42-2011 **failed to adopt** on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca and Horan-Kunco. 3. Nays 4. Mr. Jones, Mr. Schember, Mr. Schwartz and Mr. Winarski.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mrs. Horan-Kunco a resolution cutting the at will employees salary increases for 2012 in the amount of \$100,000.00 from the 2012 general fund budget.

December 21, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco having read Council File Ordinance 15,780, now known as Pending Official File Ordinance No. 42-2011 **failed to adopt** on Final Passage as amended by yeas Council Members Aleksandrowicz, Cappabianca and Horan-Kunco. 3. Nays 4. Mr. Jones, Mr. Schember, Mr. Schwartz and Mr. Winarski.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File No. 15,780, Pending Official File Ordinance No. 42-2011

An ordinance adopting the **General Fund** and certain other budgets for the fiscal year 2012 (beginning January 1, 2012 and ending December 31, 2011).

December 21, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Jones having read Council File Ordinance 15,780, now known as Pending Official File Ordinance No. 42-2011 does hereby adopt on Final Passage by yeas Council Members Jones, Schember, Schwartz and Winarski. 4. Nays. 3. Mr. Aleksandrowicz, Mr. Cappabianca and Mrs. Horan-Kunco.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance **amending** the Zoning Code of the City of Erie, being Ordinance No. 80-2005, by rezoning property located at 244-248 East 21st Street from Residential Limited Business (RLB) to that of Light Manufacturing District (M-1) on behalf of Mr. Frederick Johnson accompanied by the requisite filing for of \$500.00.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the Independent Auditor's Report of the Erie Area Council of Governments for the calendar year ending December 31, 2010 is hereby approved.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the Community Foundation E-Government Project Grant to the Erie Area Council of Governments is hereby approved.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the Legislature of the Commonwealth of Pennsylvania is presently considering passage of Senate Bill 1249, Session of 2011 which apportions the Commonwealth into Congressional districts in conformity with constitutional requirements, for the nomination and election of Congressmen, and

WHEREAS, the Senate and House of Representatives State Government Committees have recommended that Erie County be split into two Congressional districts being made up of district No. 3 and District No. 5, and,

WHEREAS, Erie County would then be represented by two Congressmen rather than one from the entire County thus creating a possible conflict when voting on issues that effect the entire County, such as grants and federal subsidies for local communities, and,

WHEREAS, such conflicts can lead to the detriment of local political subdivisions, as well as, the entire county, which could lead to a lack of federal dollars being returned to Erie County for needed projects both now and in the future, so

THEREFORE BE IT RESOLVED, by the Council of the city of Erie that this resolution will mark our total opposition to any plan or State Legislation that would alter our present Congressional district and create a divided representation for the residents and voters of Erie County, Pennsylvania, and further authorize this resolution forwarded to State Senator Jane Earll and State Representatives Flo Fabrizio, Patrick Harkins, John Hornaman, John Evans and Curt Sonney.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending Official Ordinance #19-2005 Article 173 (Aggregate Pension Board) Section 173.02 Composition by adding "one retired FOP member-in good standing" to the board.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Council amend the 2012 City of Erie General Fund Budget by transferring the sum of \$40,000.00 from the Erie Zoological Society Gas Account No. 002-0963-0000-4142 to General Fund-911 Memorial Project Account No. 002-0963-0000-...., with the stipulation that said project will be built within the City of Erie.

December 21, 2011. Withdrawn at request of the sponsor.

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

That Mr. Patrick S. Cappabianca, 4133 French Street, Erie, PA 16504 is appointed to the Erie Regional Airport Authority for a term of five (5) years, expiring on December 31, 2016, and replaces Ms. Lisa Cappabianca, whose term expired on December 31, 2011.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 201. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute an Easement Agreement between the City of Erie and the Housing and Neighborhood Development Service (HANDS) 502 East 12th Street, Erie, PA 16503 being the owner of 701 State Street, Index (14) 1001-115, in compliance with the attached City Engineer's metes and bounds description locating an entrance with ramp and canopy.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the Change Order #1 in the amount of \$16,558.00 on the contract of Amendola Development Company, 4135 Feidler Drive, Erie, PA 16506 for the 2011 Curb Ramps III Project, Bed 1662-11, as recommended and concurred with by the Bureau of Engineering is hereby authorized. Original Contract Amount was \$210,375.82, with the Change Order it will increase to \$226, 933.82.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Department of Public Works.

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$6,500	009-0728-0000-4035	Repair/Maint	\$5,000	009-0728-0000-4033	Operating Supplies.
\$ 737	009-0728-0000-4056	Repair Svcs	\$1,500	009-0728-0000-4059	Other Svcs
			\$ 150	009-0728-0000-4045	Communications
			\$ 587	009-0728-0000-4052	Advertising
<u>\$7,237</u>			<u>\$7,237</u>		

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Department of Public Works.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$4,000	002-0709-0000-4041	Pro. Services	\$2,000	002-0709-0000-4011	Salaries
			\$2,000	002-0709-0000-4016	FICA
			\$4,000		Taxes

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Department of Public Safety, Bureau of Fire.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$140,000	002-0639-0000-4006	Salary	\$140,000	002-0639-0000-4006	Overtime Wages

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Police General Fund.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$27,000	002-0613-0000-4006	Overtime	\$27,000	002-0613-0000-4007	Shift Differential

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Department of Public Works, Bureau of Public Buildings.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$1,000	002-0723-0000-4047	Utilities	\$1,000	002-0723-0000-4006	Overtime Wages

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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
\$3,301	002-0713-000-4013	Streets Seasonal Wages	\$3,301	002-0715-0000-4013	Paint & Sign Seasonal Wages

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$2,500	007-0773-0000-4011	Salaries & Wages	\$2,500	007—0773-0000-4046	Overtime

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Bureau of Refuse & Recycling.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$10,000	008-0731-0000-4056	Repair & Maintenance	\$10,000	008-0731-0000-4033	Operating Supplies
\$80,000	008-0731-0000-4057	Tipping Fees	\$80,000	008-0731-0000-4013	Repair & Maintenance
\$90,000			\$90,000		

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 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 Department of Public Works, Bureau of Streets.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$ 22,000	002-0713-0000-4021	Deferred Comp	\$22,000	002-0713-0000-4006	Overtime Wages
\$ 1,200	002-0713-0000-4013	Seasonal Wages	\$1,200	002-0713-0000-4035	Repair & Maintenance Sup.
\$23,200			\$23,200		

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Aleksandrowicz, Seconded by Mr. Schwartz

That the following amounts are transferred in the Office of City Council.

TRANSFERRED FROM			TRANSFERRED TO		
AMOUNT	ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE
\$2,000	002-0101-0000-4043	Education & Training	\$10,000	002-0963-0000-....	911 Memorial Project
\$1,000	002-0101-0000-4052	Office Equipment			
IN THE OFFICE OF CITY CLERK					
\$2,000	002-0107-0000-4052	Advertising			
\$ 500	002-0107-0000-4056	Repair/Maintenance			
IN THE OFFICE OF CITY TREASURER					
\$ 500	002-0301-0000-4059	Msc.Svcs/Fees			
IN THE OFFICE OF CITY CONTROLLER					
\$ 500	002-0421-0000-4041	Professional Services			
\$3,500	002-0421-0000-4043	Education & Training			
\$10,000					

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Winarski and Horan-Kunco. 6. Nays 1. Mr. Schember.

December 21, 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. **Shirey Overhead Doors North LLC**, 440 Main Street, PO Box 699, Saegertown, and PA16433 for Proposed Overhead Doors South Central Fire Station – EECBG, in the sum of \$29,772.00.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mr. Schember, 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. **Jim Brozell Construction**, 9298 Peach Street, Erie, PA 16441, for Delineator Material for the Department of Traffic Engineering, at a cost of \$2,353.20.
2. **Printing Concepts Inc**, 4982 Pacific Avenue, Erie, PA 16506-4978, for 150,000 Parking & Traffic Tickets, for the Bureau of Police, Traffic Court at a total cost of \$6,376.50.
3. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for performing installation and repair services for the Bureau of Sewers as follows: See Attached - \$3,165.73 (Material Costs Only), See Attached - \$2,840.25 (Material Costs Only), Total Cost \$6,005.98.
4. **Kaza Fire Equipment**, 155 Lovell Ave., Ebensburg, PA 15931, for an extendaire extension hose, for the Bureau of Fire at a total cost of \$2,250.00.
5. **Patriot Towers, Inc.**, 870 Scottsville-Chili Road, Scottsville, NY 14546, for tower repairs, for the Department of Public Works for the Municipal Garage, at a cost of \$2,612.90.

December 21, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

December 21, 2011. Signed by the President. Attested by the City Clerk.

The Honorable Joseph E. Sinnott
Mayor of the City of Erie
626 State Street, Room 500
Erie, PA 16501
RE:Payment In Lieu of Taxes – 2011
Dear Mayor Sinnott:

December 15, 2011

Enclosed herewith is the Housing Authority of the City of Erie's check in the amount of \$108,950.83 which represents the City of Erie's share of the Authority's 2011 Payment in Lieu of Taxes.

In 2011, the Authority also paid the City \$468,391 to support various services and functions, including \$400,000 for the C.O.P.P.S. supplementary police patrol program, \$68,391 for the City's code enforcement efforts in neighborhoods surrounding public housing.

On behalf of all public housing residents, please accept our thanks for the City services provided during 2011.

For your information I have enclosed a News Release that was sent to the local media today.

Sincerely, John E. Horan
Executive Director and Secretary

December 21, 2011. City Council on motion of Mr. , Seconded by Mr. , adjourned at 11:20 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

