

The City Council met in regular session in the Council Chambers on Wednesday

March 7, 2012.at 9:00 A.M.

Council Members present: Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

On motion of Mr. Schember, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of February 15, 2012 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

Copies of the bills under date of February 24, 2012, March 2, 2012 and March 9, 2012, were given to City Council and same adopted by yeas Council Members, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 6. Nays. 0.

Mr. Brennan abstains.

To: Mr. James Klemm, City Clerk
From: David Brennan, City Council Member
RE: Abstention from Voting

March 7, 2012

Because I am an employee of the Economic Development Corporation (EDC), I will abstain from voting on the payment to the Greater Erie Industrial Development Corporation (a subsidiary to the EDC) as listed on the February 24, 2012 billings for "reimb.#1 – brownfield coordinator". This payment is being made to the GEIDC for technical assistance. Although my duties at the EDC are unrelated to this payment request, I will abstain from voting on this payment to avoid any appearance of a conflict of interest.

By Mr. Jones, Council File No. 15,787, Pending Official File Ordinance No. 6-2012

An Ordinance **amending** Official Ordinance No. 80-2005 known as the Zoning Ordinance of the City of Erie by changing the classification of properties located on the Bayfront Highway between Lincoln Avenue, Garfield Street and West 12th Street, from (R1) Low Density Residential District to (M1) Light Manufacturing District.

March 7 2012. City Council on motion of Mr. Jones, Seconded by Mr. Schember having read Council File No. 15,787, now known as Pending Official File Ordinance No.6-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays 0.

March 7, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,788, Pending Official File Ordinance No. 7-2012

An Ordinance of the City of Erie, Erie County, Pennsylvania (The "City") authorizing and directing the execution and delivery of a **Guaranty Agreement** with the Erie Parking Authority (The "Authority") and compliance with the provisions thereof; approving the issuance by the authority of *\$7,590,000 Guaranteed Parking Revenue Bonds, Series of 2012; repealing all inconsistent ordinances, directing the proper officers of the City to take necessary actions and further directing that this ordinance shall take effect immediately.

March 7, 2012. City Council on motion of Mr. Jones, Seconded by Mr. Merski having read Council File No. 15,788, now known as Pending Official File Ordinance No. 7-2012, does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15789, Pending Official File Ordinance No. 8-2012

An Ordinance appropriating the sum of **\$10,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. FEDERAL FORFEITURE PROGRAM.

March 7, 2012. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Horan-Kunco having read Council File No. 15,789, now known as Pending Official File Ordinance No. 8-2012, does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,790

An Ordinance approving the plan of the Erie Sewer Authority for the issuance of an aggregate amount not to exceed **\$26,000,000** Sewer Revenue Bonds, Series of 2012 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 execution 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 Sewer Revenue Bonds and the source of such payments; repealing all inconsistent ordinances and providing that the ordinance is effective immediately.

To: Mr. James Klemm, City Clerk March 7, 2012
 From: Joseph Schember, City Council Member
 RE: Abstention from Voting – Council File Ordinance No. 15,790.
 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.

March 7, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,790, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0. Mr. Schember abstains.

March 7, 2012. Signed by the President. Attested by the City Clerk.

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

Pursuant to the recommendation of the city Planning Commission on the request of the Erie Metropolitan Transit Authority the City Clerk is hereby authorized and directed to advertise for a public hearing relative to the rezoning of property owned by the EMTA between East 14th Street to Parade Street, including the right-of-way portions of German Street and East 15th

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

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

That Mr. Ben Wilson, 3415 Pine Avenue, Erie, PA is appointed to the Erie Sewer Authority for a term of five years, replacing Ms. Adrian McCallum Dixon whose second term has expired. Mr. Wilson's term will expire on December 31, 2016.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

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

That Mr. Shantel Hilliard, 250 East 25th Street, Erie, PA 16503, is reappointed to the Erie City Water Authority for his second term of five (5) years, expiring on the first Monday of January 2017.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

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

That Mrs. Alicia Barney-Duck, 537 Beverly Drive, Erie, PA, 16505 is reappointed to the Erie County Human Relations Commission for a four (4) year term.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

WHEREAS, the City Council of the City of Erie wishes to pay special tribute and offer our sincere congratulations to **Mercyhurst University**, upon receiving full accreditation as a four year Catholic comprehensive institution, and now becomes our second university located within the City of Erie, and

WHEREAS, **Mercyhurst University**, Erie's Campus is situated on a picturesque hillside overlooking our Flagship City and is a crowning glory for students and Erie residents to enjoy and appreciate, and

WHEREAS, **Mercyhurst University**, was founded in 1926 by the Sisters of Mercy, that now offers more than one hundred undergraduate programs, unique adult programs and several graduate degrees and maintains satellite campuses in North East, Corry and Girard, that offer one and two year programs, and

WHEREAS, **Mercyhurst University's** vision statement, "seeks to be a leading higher educational institution that integrates excellence in the liberal arts, professional and career-path programs, and service to regional and world communities", so,

THEREFORE BE IT RESOLVED by the Council of the City of Erie that this commendation is hereby presented to the official representatives of **Mercyhurst University**, and extend to them our sincere best wishes in all of your future endeavors.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the **Bay City Thunder & Lightning** the Community Resources for Independence, wheelchair basketball team which just received the No. 1 ranking in the nation by the National Wheelchair Basketball Association, and,

WHEREAS, the **Bay City Thunder & Lightning** compete in Division III of the Mid-Atlantic Conference, and received their first number one ranking in the fifteen years of competition and has a mission to strive to enhance the Erie community's awareness of the unique talents of persons with disabilities and hopes to provide a greater sense of equality and unity within the community, and

WHEREAS, we are also very proud that Trevon Jenifer, a team member has been chosen to represent the United States in the 2012 Olympic Games in London, England this September in the sport of Wheelchair Basketball, so,

THEREFORE BE IT RESOLVED that this commendation is hereby presented to the CRI "**Bay City Thunder & Lightning Wheelchair Basketball Team**" and extend to them our very best wishes in all of your future endeavors.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to designate the month of April as "Fair Housing Month", as presented and requested by the Mayor's Roundtable on Disabilities Housing/Homelessness Subcommittee.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the proper City officials are authorized and directed to file a County Aid application for the reimbursement of Liquid Fuels Tax monies for 2012 in the sum of \$135,147.00.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate officials are authorized to request an amendment to the City's New Communities Contract (#C000045916) with the PA Department of Community and Economic Development (DCED) to request year 2 Residential Reinvestment Grant funding in the amount of \$250,000 for the SNOOPS Neighborhood Organization Elm Street Program.

WHEREAS, The City of Erie has prepared an Elm Street Plan for the SNOOPS Neighborhood within the City, and;

WHEREAS, the PA DCED previously approved an Elm Street designation and Year 1 Residential Reinvestment Grant funding in the amount of \$195,000, and;

WHERE, the PA DCED previously approved an Elm Street Operational Grant for year 1 through 3 for operational activities to retain an Elm street Manager and carry out physical improvements, assisted with the Residential Reinvestment Grant funding, and;

WHEREAS, the SNOOPS Neighborhood Organization desires to carry out Year 2 Residential Reinvestment activities in accordance with the SNOOPS Elm Street Plan, and;

WHEREAS, the percentage of the City's population at or below 150% of poverty level is in excess of 20%; thereby qualifying the City for a waiver of the 10% Local Match requirement under the PA DCED Elm Street Program;

NOW THEREFORE, be it Resolved, that the City of Erie's Department of Economic and Community Development is hereby directed to submit a request for a Contract Amendment to the PA DCED requesting funding in the amount of \$250,000 for Year 2 of the SNOOPS Elm Street Residential Reinvestment Grant.

BE IT FURTHER RESOLVED, that the City of Erie will provide the full local share of project costs as required by the Elm Street Program and that the City will reimburse the Commonwealth for the State's share of any expenditures found by DCED to be ineligible;

BE IT FURTHER RESOLVED, that the City Clerk is directed to execute a Certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the City's Department of Economic and Community Development.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
March 7, 2012. Signed by the President. Attested by the City Clerk.

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

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

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
Finish Thompson, Inc.	\$400,000	5 years	\$2,000

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Fund and loan repayments. The load will be charged against account number 310-0000-0000-1007. The interest rate is fixed at 4.0% per annum. A one-time loan processing fee based on ½ of 1.0% 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.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the proper City officials are authorized and directed to execute an **Easement Agreement** between the City of Erie and the State Street Property Management LP 1925 State Street, Erie, PA 16501 being the owner of 1925 State Street, Index (18) 501-128, in compliance with the attached City Engineer's metes and bounds description locating an entrance with a canopy.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the proper City officials are authorized and directed to enter into an **Easement Agreement** with UPMC Hamot, 201 State Street, Erie, PA 16501 for the installation and maintenance of a Curb-Wall adjacent to Index No. (14) 1050-129. The Curb-Wall will extend into the Holland Street right-of-way in accordance with the "Easement Sketch", as prepared by Urban Engineers, Inc.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, 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. **Proposed Uninterruptable Power Supplies.** Municipal Building-EECBG, Bid #1678-12 (the lowest responsible bidder at the bid openings Mach 13, 2012 in the amount (not to exceed the estimated \$20,000). Whereas the remaining funds of the EECBG must be fully obligated by March 19, 2012 and the next council meeting is not until March 21, 2012 and adequate time is required to advertise, prepare and open bids and the proper City Officials are hereby authorized and directed to sign said contract on behalf of the City of Erie. Contingent upon review of the City Engineer and City Solicitor.
2. **Proposed Supplemental HVAC Units,** Municipal Building-EECBG Bed #1676-12 (the lowest responsible bidder at the bid openings March 13, 2012) in the amount (not to exceed the estimated \$30,000). Whereas the remaining funds of the EECBG must be fully obligated by March 19, 2012 and the next council meeting is not until March 21, 2012 and adequate time is required to advertise, prepare and open bids and the proper City Officials are hereby authorized and directed to sign said contract on behalf of the City of Erie. Contingent upon review of the City Engineer and City Solicitor.
3. **Proposed Air conditioning Units,** South Central Fire Station-EECBG, Bed #1677-12 (the lowest responsible bidder at the bid openings March 13, 2012 in the amount (not to exceed the estimated \$35,000) Whereas the remaining funds of the EECBG must be fully obligated by March 19, 2012 and the next council meeting is not until March 21, 2012 and adequate time is required to advertise, prepare and open bids and the proper City Officials are hereby authorized and directed to sign said contract on behalf of the City of Erie. Contingent upon review of the City Engineer and City Solicitor.
4. **Powell's Portable Toilets,** 18536 Cussewago Road, Meadville, PA 16335, for portable toilet services and rentals for the Bureau of Parks. and special events at unit prices per bid #6373, see attached.
5. **EJ USA, Inc.,** 301 Spring Street, East Jordan, MI 49727 for various street/highway castings for the Bureau of Sewers, at unit prices per bid #1675-12.

6. **Jamestown Iron Works, Inc.**, 2022 Allen Street Ext., Falconer, NY 14733 for various street/highway castings for the Bureau of Sewers at unit prices per bid #1675-1`2.
7. **Five Star International**, PO Box 64006, Baltimore, MD 21265-4006 for a Chassis 2013 International 4300 for the Bureau of Streets at a total cost of \$77,154.05
8. **Golden Equipment**, PO Box 873, Mars, PA 16045 for a Sweeper Tymco Model 60 for the Bureau of Streets for the City of Erie at a total cost of \$90,332.00.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
 March 7, 2012. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Witherspoon, 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 Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, for State Fees due for October, November, and December 2011 (601 permits) for Code Enforcement at a total cost of \$2,404.00.
2. **EJ USA Inc.**, PO Box 844873, Pittsburgh, PA 15264-4873 for land markers for the Bureau of Streets at a total cost of \$4,427.40.
3. **Eni USA R & M Co, Inc**, Cabot PA, PO Box 7247-7028, Philadelphia, PA 19170-7028 for oil for the Municipal Garage at a total amount of \$3,784.82.
4. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16508 for materials only for repairing street cave at 12th & Cascade Street for the Bureau of Sewers as follows: See Attached - \$3,782.73 (MATERIAL COSTS ONLY).
5. **Ram Industrial Service**, 5460B Pottsville Pike PO Box 748, Leesport, PA 19533 for pump parts to be used by the Netzsch manufactured pumps in the flotation area at the Treatment Plant for the Bureau of Sewers at a total amount of \$9,753.06.
6. **Telog Instruments, Inc.**, 830 Canning Parkway, Victor, NY 14564-8940 for a telemetry monitoring equipment for the Bureau of Sewers at a total amount of \$11,136.00.
7. **Seepex, Inc.**, 511 Speedway Drive, Enon, Ohio 45323 for pump parts to be used by the Seepex manufactured pumps at the Treatment Plant for the Bureau of Sewers at a total amount of \$14,242.45.
8. **Telog Instruments, Inc.**, 830 Canning Parkway, Victor, NY 14564-8940 for four (4) telemetry monitoring units for the sewage lift stations for the Bureau of Sewers at a total amount of \$11,750.00.

March 7, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
 March 7, 2012 Signed by the President. Attested by the City Clerk.

March 7, 2012 City Council on motion of Mr. Schember, Seconded by Mr. Witherspoon, adjourned at 10:35 A.M. by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

 President of City Council

Attest:

 City Clerk

