

The City Council met in regular session in the Council Chambers on Wednesday, March 21, 2012 at 7:30 P.M.

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

On motion of Mr. Schember, Seconded by Mr. Brennan, the reading of the minutes of the Meeting of March 7, 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 March 16, 2012 and March 23, 2012 were given to City Council and same adopted by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

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By Mr. Brennan, Council File No. 15,790, Pending Official File Ordinance No. 6-2012

An Ordinance approving the plan of the Erie Sewer Authority for the issuance of an aggregate amount not to exceed **\$33,500,000.00** 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 21, 2012  
From: Joseph Schember, City Council Member  
RE: Abstention from Voting – Official File Ordinance No. 6-2012  
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 21, 2012. City Council on motion of Mr. Brennan, Seconded by Mr. Merski having read Council File No. 15,790, now known as Pending Official File Ordinance No. 6-2012 does hereby adopt on Final Passage **as amended** by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays 0. Mr. Schember abstains.

March 21, 2012. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File No. 15,791

Amendment to Ordinance  
**Vacating and closing** Ottawa Avenue and a portion of Garfield Street.

March 21, 2012. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones having read Council File No. 15,791, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

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

**Whereas** the Pennsylvania State Legislature has passed the voter identification law and Governor Thomas Corbett has signed it into law effective with the November 2012 election, and,

**Whereas**, the new voter requirement will result in suppressing voter turn out across the Commonwealth, violates voters rights under both the United States and Pennsylvania Constitutions, will adversely affect some 691,000 voters in Pennsylvania who do not possess photo identification and will eventually cost the Commonwealth one to eleven million taxpayer dollars to implement, so,

**Therefore Be It Resolved** by the City Council of the City of Erie that we hereby oppose this legislation, and join with our fellow County Commissioners Association of PA, the NAACP, and the League of Women Voters who also oppose this law that discriminates against the elderly, the poor and disabled and minorities, and authorize that this resolution be forwarded to our Erie County State elected officials and Governor Thomas Corbett.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper officials of the City of Erie are hereby authorized and directed to execute an agreement with the City of Erie and Erie City Water Authority amending the current agreement relative to the Sewer and Refuse Billing and Collections Services performed by the Erie City Water Authority for the City of Erie, by including sewer and refuse bills with the water billing statement thus saving the City of Erie \$75,000.00/year in billing costs.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 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 agreement between the City of Erie (Grantor) and **Mercyhurst University** (Grantee), 501 East 38<sup>th</sup> Street, Erie, PA, 16546, regarding the ball field known as Porath Field at Hillside Park located at East 41<sup>st</sup> Street and Old French Road. Whereas, the Grantor has a ball field (Porath Field) at Hillside Park (East 41<sup>st</sup> Street and Old French Road); and Whereas, the Grantee wishes to use said field for their softball program, and help the Grantor maintain and improve the field; Now, therefore, it is agreed between the parties that the Grantee will utilize the fields from September through May each year, and agree to leave the fields open for public use during the months of June, July and August, as well as from September through May when not being utilized by the Grantee; Further, the Grantee will maintain the field on a year-round basis, and make improvements to the facility over the next several years, of the type enumerated in the Agreement.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to file a Renewal Application with the **Pennsylvania Liquor Control Board** for the purpose of exempting the areas identified as Zone 1 (Cranberry Street to Parade Street, North edge of Second Street to the Water's Edge) and Zone 2 (Holland Street to Peach Street, Fourteenth Street north to northern edge of Second Street) on the map attached hereto as Exhibit A from the Board's regulations regarding amplified music being heard off-premises. Council authorized the initial Application by resolution of March 8, 2006 and renewed again on April 15, 2009. This Renewal Application shall be for a 3-year period if the Board approves, The City will enforce its own Noise Control ordinance at Article 705 of the Codified Ordinances.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Merski, Schember, Winarski, Witherspoon and Jones. 6. Nays. 1. Mrs. Horan-Kunco.

March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized to amend the agreement between the City of Erie and St. Martin Center pertaining to the **Homebuyer Program**. The amendment will increase the contract amount by \$100,000.00, from \$225,000.00 to \$325,000.00. Account #505-1239-2010-4557.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
 March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized to execute the necessary agreements with subrecipients to carry out the following **HOME** Projects:

505-1239-2007-4500	HANDS-New Construction-Midtown	\$110,000.00
505-1239-2008-4500	HANDS-New Construction-Midtown	\$ 43,895.44
505-1239-2009-4500	HANDS-New Construction-Midtown	\$ 80,562.00
505-1239-2010-4534	St. Martin Center-Homebuyer-Admin	\$ 42,000.00

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
 March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized to amend the agreement between the City of Erie and **Erie Redevelopment Authority** pertaining to the Housing Rehabilitation Program. The amendment will increase the contract amount by \$104,550.44, from \$434,491.00 to \$539,041.44. Account #505-1239-2010-4582.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
 March 21, 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>
Weaver & Son Property Management LLC	\$250,358.00	15 years	\$1,251.79

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Loan Fund and loan repayments. The loan 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 1/2 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 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
 March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Healthy Homes Grant.

<u>Transferred From</u>			<u>Transferred To</u>		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$743.67	338-1338-0000-4017	Pension Cont.	\$2,926.61	338-1338-0000-4011	Salaries
\$2,406.83	338-1338-0000-4018	Group Insurance	\$223.89	338-1338-0000-4016	FICA/Med.Tax
<b>\$3,150.50</b>			<b>\$3,150.50</b>		

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
 March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Community Development Block Grant.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$ 376.66	501-1253-2011-4021	Defer. Comp.	<b>\$18,000.00</b>	501-1245-2011-4072	Park Playground Imp
1,757.04	501-1253-2011-4024	Tool Allow./Uniform Benefits			
1,145.58	501-1253-2011-4031	Office Supplies			
51.67	501-1253-2011-4033	Operating Supplies			
150.00	501-1253-2011-4035	Repair/Maint.Supplies			
455.55	501-1253-2011-4039	Consumable Items			
1,500.00	501-1253-2011-4043	Education & Training			
1,500.00	501-1253-2011-4045	Communication			
500.00	501-1253-2011-4046	Postage			
500.00	501-1253-2011-4052	Advertising			
460.50	501-1253-2011-4056	Repair/Maint Services			
2,603.00	501-1253-2011-4059	Other Services/Charges			
<u>7,000.00</u>	501-1238-2011-4056	Tree Removal/Replace			
<b>\$18,000.00</b>					

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the HOME Program.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$110,000.00	505-1239-2007-4575	BEST-Homebuyer	\$110,000.00	505-1239-2007-4500	HANDS-NC Midtown
34,895.00	505-1239-2008-4488	HANDS-Acq/Reh/Rent	43,895.44	505-1239-2008-4500	HANDS-NC Midtown
80,562.00	505-1239-2009-4488	HANDS-Acq/Reh/Rent	80,562.00	505-1239-2009-4500	HANDS-NC-Midtown
60,000.00	505-1239-2010-4575	BEST-Homebuyer	42,000.00	505-1239-2010-4534	St. Martin Ctr HB
<u>186,550.44</u>	505-1239-2010-4500	HANDS NC Midtown	104,550.44	505-1239-2010-4582	ERA-Housing Rehab
			<u>100,000.00</u>	505-1239-2010-4557	St. Martin Ct-Homebuyer
<b>\$481.007.88</b>			<b>\$481.007.88</b>		

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mrs. Horan-Kunco, 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. **Motorola Solutions**, 1301 East Algonquin, Schaumburg, Illinois, 60196, for the purchase of 250 portable radios, software and accessories, for the Department of Finance, for all Departments and Bureaus of the City of Erie at a total cost of \$417,801.40. (\$492,180.40 minus \$75,000.00).
2. **United Survey, Inc.**, 25145 Broadway Avenue, Oakwood Village, OH, 44146 for the 2012 Cured-in-Place Pipe Relining Project, for the Bureau of Engineering in the amount of \$57,519.00. (Lowest of 2 bids).

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, 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. **American Test Center**, PO Box 408, River Falls, WI 54022, for ladder testing for the Bureau of Fire at a total cost of \$2,120.00.
2. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, PA 16506 for the amount of \$8,900.00 for the printing and distribution of the 2012 Summer Parks and Recreation Guide.

3. **Erie Sewer Authority** for the reimbursement payment for the portion of the NPDES renewal costs for the Bureau of Sewers at a total cost of \$2,500.00.
4. **Telog**, 830 Canning Parkway, Victor, NY 14564 for training and set-up of Telog software for the Bureau of Sewers at a total cost of \$2,500.00.
5. **EJ, Department 59601**, PO Box 67000, Detroit, MI 48267-0596 for the emergency purchase of castings for the Bureau of Sewers at a total cost of \$3,454.44.
6. **National Conveyors Company**, 33 Nicholson Road, East Granby, CT 06026 for filter bags for the ash silo for the Bureau of Sewers at a total cost of \$5,848.00.
7. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for repairing open joints in sanitary main at State Street and South Park Row for the Bureau of Sewers as follows: See Attached - \$2,091.89 (Material costs only).

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012 Signed by the President. Attested by the City Clerk.

### Waive Rules

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

That pursuant to the request and petition of the Erie Metropolitan Transit Authority, Dennis G. Solensky, Executive Director, and the recommendation of the City of Erie Planning Commission, the City Solicitor is hereby authorized and directed to prepare an ordinance closing and vacating various streets abutting their property, being German Street between East 14<sup>th</sup> Street and East 15<sup>th</sup> Street and also Division Street between East 14<sup>th</sup> Street and the CSX Right-of-Way.

March 21, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

March 21, 2012 Signed by the President. Attested by the City Clerk.

Members of City Council:

March 19, 2012

In accordance with Council File No. 13,913, Official Ordinance No. 66-1989 Amending Part One (Administrative Code) revising Article 113 (Mayor) by adding a new Section 113.11 requiring the Mayor or designee of the Mayor to comply with all requirements of Pennsylvania Act 205 of 1984 and to communicate with council regarding these requirements annually.

The City Controller's Office has functioned as the coordinator of the Pension Plans reporting and filing requirements.

This letter is to notify you of the processing and filing of this year's pension reports for the Act 205 Actuarial Valuation.

The **Act 205** Actuarial Valuation Reports for the  
 Non Uniformed Employee Retirement Fund  
 Firemen's Pension Fund  
 Police Pension Fund  
 were forwarded by certified mail on March 19, 2012 to the:  
 Commonwealth of Pennsylvania  
 Public Employees Retirement Commission  
 P.O. Box 1429  
 Harrisburg, PA 17105-1429

The **Form AG-PF 64** 2006 Certification for Reimbursement, as required by 901 (a) (2) of the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act (Act 1988-147, as amended by Act 2002-64) for January 1, 2012 – December 31, 2011. This report was processed and sent by certified mail on March 19, 2012 to the: Department of the Auditor General

Municipal Pensions & Fire Relief Programs Unit  
 11 Stanwix Street  
 Suite 1450  
 Pittsburgh, Pennsylvania 15222

The **Form AG-PF 490** Certification for Reimbursement (Act 88-1147) and the Form AG-PF 385 Filing and Certification for Non-Uniformed Employee Retirement Fund, Firemen's Pension Fund and Police Pension Fund were forwarded by certified mail on March 19, 2012 to the:

Department of the Auditor General  
Municipal Pensions & Fire Relief Programs Unit  
11 Stanwix Street  
Suite 1450  
Pittsburgh, Pennsylvania 15222

All reports were submitted by the filing deadlines. Copies of all reports are on file in the Controller's Office and the Clerk's Office.

I request that this report be made a matter of council record at the March 19, 2012 Council meeting.

My office would be happy to provide any member of council with further information. Please feel free to call me if I can be of assistance.

Respectfully submitted,  
Casimir J. Kwitowski  
City Controller

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March 21, 2012 City Council on motion of Mr. Schember, Seconded by Mr. Brennan, adjourned at 9:02 P.M. by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council