

The City Council met in regular session in the Council Chambers on Wednesday, April 4, 2012, at 9:00 A.M.

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

On motion of Mrs. Horan-Kunco, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of March 21, 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 30, 2012, and April 6, 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 Mrs. Horan-Kunco, Council File No. 15,791, Pending Official File Ordinance No. 10-2012

Amendment to Ordinance

**Vacating and closing** Ottawa Avenue and a portion of Garfield Street

April 4, 2012. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Jones having read Council File No. 15,791, now known as Pending Official File Ordinance No. 10-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

April 4, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,792

An Ordinance **vacating and closing** 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 and also East 15<sup>th</sup> Street between German Street and Parade Street.

April 4, 2012. City Council on motion of Mr. Schember, Seconded by Mr. Jones, TABLED action on the foregoing ordinance for further discussion by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

April 4, 2012. Signed by the President. Attested by the City Clerk.

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Pursuant to the provisions of the proper legal advertising, City Council held a Public Hearing on Wednesday April 4, 2012 at 9:30 A.M. in City Council Chambers to hear public testimony on a proposed rezoning of property owned by the EMTA between East 14<sup>th</sup> Street to Parade Street, including the right-of-way portions of German Street and East 15<sup>th</sup> Street and division Street from M-1, C-4, RLB and C-1 to that of M-2 (Heavy Manufacturing District).

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**RESOLVED, BY THE COUNCIL OF THE CITY OF ERIE, THAT**

**WHEREAS**, the City Council of the City of Erie wishes to pay special tribute and offer our sincere congratulations to Erie Zoological Society, upon celebrating their 50th Anniversary; and

**WHEREAS**, the Erie Zoological Society was formed in 1962 by a group of civic minded individuals interested in improving and maintaining the Erie Zoo; and

**WHEREAS**, over the last 50 years the Society, in partnership with the City of Erie and the community, has helped transform the Erie Zoo into one of the finest small zoos in the country; and

**WHEREAS**, in 1985, the Erie Zoo was accredited by the Association of Zoos and Aquariums making it one of the elite animal facilities in the United States. There are over 2,000 licensed animal facilities in the United States and only 10% are accredited by the AZA. The Zoo has been successfully reaccredited every 5 years since; and

**WHEREAS**, the Zoo is also a botanical garden with many significant gardens throughout the park. In recent years the Society has been active in beautifying the surrounding neighborhood through decorative hanging baskets, gardens and sculpture.

**WHEREAS**, some of the major projects accomplished over the past 5 decades include: the renovation of the Main Zoo Building; the Activity Center which is home to the Zoo's dynamic educational efforts; the Kiboka Outpost, home to the Zoo's largest inhabitants, the white rhinoceroses; Wild Asia where visitors literally get nose to nose with the Zoo's First Family, the orangutans; the Children's Adventure, one of the most successful and most popular areas in the Zoo where kids can learn and play while interacting with animals and nature.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Erie that this commendation is hereby presented to the official representatives of the Erie Zoological Society for their service to our community, and extend to them our sincere best wishes in all future endeavors.

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

April 4, 2012. Signed by the President. Attested by the City Clerk.

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

CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY NOT TO EXCEED \$3,700,000 TAX-EXEMPT REVENUE NOTE (GANNON UNIVERSITY PROJECT)

WHEREAS, the City of Erie Higher Education Building authority (the "Authority") is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act, 53 Pa. C. S. Ch. 56, as amended (the "Act"); and

WHEREAS, the Act, among other things, empowers authorities created thereunder to borrow money and to make and issue bonds and other evidences of indebtedness for the various purposes set forth in the Act and to secure payment of such bonds and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts; and

WHEREAS, Gannon University (the "Institution"), a Pennsylvania not-for-profit corporation, has undertaken a project consisting of (i) the current refunding of the outstanding balance of the authority's University Revenue Bonds, Series E of 1998; and (ii) payment of certain costs of issuing the Note (the "Project"); and

WHEREAS, in order to provide funds for the Project, the Institution has requested the Authority to issue its Tax-Exempt Revenue Note in an amount not to exceed \$3,700,000 (the "Note"); and

WHEREAS, the Act requires that the City Council of Erie County, Pennsylvania declare that it is desirable for the health, safety and welfare of the people in the area served by the Institution that the Project be financed by the Authority.

NOW, THEREFORE, be it resolved:

1. The project, the issuance of the Note, and the undertaking and completion by the Authority of all other matters necessary or convenient for the conclusion of the Project and the financing described hereinabove are hereby approved, and it is hereby declared that it is desirable for the health safety and welfare of the people in the area served by the Institution that the Project be financed by the Authority.

2. Nothing in this Resolution shall be construed to pledge the credit or taxing power of the City of Erie, Pennsylvania nor shall such City be in any manner liable for any indebtedness arising out of this transaction.

To: Mr. James Klemm, City Clerk  
 From: Joseph Schember, City Council Member  
 RE: Abstention from Voting – Resolution by the City of Erie Higher Education Building Authority. 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.

April 4, 2012

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0. Mr. Schember abstains.

April 4, 2012. Signed by the President. Attested by the City Clerk.

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

That the communications received from Raymond C. Massing, Executive Director, Erie Parking Authority, submitting the annual financial statements and report for the year ending December 31, 2011 of the Erie Parking Authority are hereby received and placed on file in the Office of Accounts, Finance and Budget.

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

April 4, 2012. Signed by the President. Attested by the City Clerk.

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

That the Communication received from the Office of the Mayor appointing Mr. Michael Visnosky to the City of Erie Higher Education Building Authority is hereby received and ordered placed on file in the City Clerk's Office.

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
April 4, 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. **Union Metal Corporation**, 1432 Maple Avenue, NE, Canton, OH 44705, for Proposed Streetlight Pole Height Extensions and Arms, State Street Intersections South Park Row, East and West 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets. Provide Material Only, for the Bureau of Engineering, in the sum of \$18,805.00.
2. **King Luminaire**, 1153 State Route 46N, Jefferson, OH 44047, for Proposed LED Streetlight Fixtures, State Street Intersections, South Park Row, East and West 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets. Provide Fixtures Material Only, for the Bureau of Engineering, in the sum of \$19,825.00.

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
April 4, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Horan-Kunco, 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. **Softmart**, 450 Acorn Lane, Downingtown, PA 19335, for 10 Lenovo Edge 71 Desktop PC's for the Bureau of Computer Services, in the amount of \$4,888.00.
2. **YIS/Cowden Group Inc.**, 1049 North Hartley Street, York, PA 17404 for a wireless ENRADD speed detection device for the Bureau of Police at a total amount of \$4,000.00.
3. **Potters Industries, Inc.**, P.O. Box 840, Valley Forge, PA 19482 for 20,000 lbs. of Fiberglass Beads for the Bureau of Streets, Paint and Signs Division at total cost of \$7,600.00.
4. **Walsh Equipment**, P.O. Box 430, Butler, PA 1603 for a cylinder and pins for the Municipal Garage at a total amount of \$2,426.36.
5. **A&H Equipment**, 1124 McLaughlin Run Road, Bridgeville, PA 15017-2553 for the reconditioning of the Sewer Line TV Truck #1705 for the Bureau of Sewers at a total cost of \$2,394.27.

April 4, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.  
April 4, 2012 Signed by the President. Attested by the City Clerk.

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April 4, 2012 City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Witherspoon , adjourned at 11:58 A.M. by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk

