

The City Council met in regular session in the Council Chambers on Wednesday April 18, 2012 at 7:30 P.M.

Council Members present: Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0. Mr. Schember was absent.

On motion of Mr. Merski, Seconded by Mr. Brennan, the reading of the minutes of the Meeting of April 18, 2012 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

Copies of the bills under date of April 4, 2012, April 12, 2012 and April 20, 2012, were given to City Council and same adopted by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones.

6. Nays. 0.

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

An Ordinance **vacating and closing** German Street between East 14th Street and East 15th Street and also Division Street between East 14th Street and the CSX Right-of-Way and also East 15th Street between German Street and Parade Street. (This ordinance was tabled at the council meeting of April 4, 2012).

April 18, 2012. City Council on motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 15,792, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

April 18, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,793

An Ordinance **amending Official Ordinance No. 80-2005** known as the Zoning Ordinance of the City of Erie by changing the classification of the property owned by Erie Metropolitan Transit Authority located between East 14th Street to Parade Street, including right-of-way portions of German Street and East 15th and Division Street, from M-1, C-1, C-4 and RLB to M-2 (Heavy Manufacturing District).

April 18, 2012. City Council on Motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 15,793, does hereby adopt on first Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, and Jones. 5. Nays 1. Mr. Witherspoon.

April 18, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,794

An Ordinance appropriating the sum of \$737,106.52 from unappropriated and anticipated revenue to provide for the expenditure thereof for the Preliminary Engineering and Feasibility Study of **McBride Viaduct (East Avenue Bridge)**.

April 18, 2012. City Council on Motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 15,794, does hereby adopt on first Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays 0.

April 18, 2012. Signed by the President. Attested by the City Clerk

By Mr. Jones, Council File No. 15,795

An Ordinance authorizing the incurring of Nonelectoral Debt by the issuance of **General Obligation Bonds, Series of 2012** in the principal amount of Eight Million Five Hundred Thousand and 00/100 dollars (\$8,500,000*); covenanting to pay and pledging unlimited taxing power for the payment of the bonds; establishing a sinking fund and appointing a paying agent, sinking fund depository and registrar in respect of the bonds; fixing the form, interest rate, maturity, redemption and other provisions for the payment thereof; accepting a proposal for the purchase of the bonds; authorizing the filing of required documents with the Department of Community and Economic Development; ratifying and directing certain actions of officers; approving the official statement; and making certain other covenants and provisions in respect of the bonds.

April 18, 2012. City Council on Motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 15,795, does hereby adopt on first Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays 0.
April 18, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials be and are hereby authorized and directed to execute an Easement Agreement between the City of Erie and EJM Entertainment LLC, tenant of 931 State Street, Index No (15) 20001-119, in compliance with the attached City Engineer's metes and bounds descriptions locating an outside dining area (tables and chairs) in the State Street right-of-way.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones.6. Nays. 0.
April 18, 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 the **Federal Aid Reimbursement Agreement** No. 010T57 (MPMS No. 58232) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Preliminary Engineering and Feasibility Study for the McBride Viaduct (East Avenue Bridge).

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.
April 18, 2012. Signed by the President. Attested by the City Clerk.

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

That the communication received from Mayor Joseph E. Sinnott appointing Mr. Donald J. Marinelli, Jr. 152 East 41st Street, Erie, PA 16504 to the Erie Planning Commission to fill the seat vacated by Mrs. Nedra Leherian is hereby received and approved for a term expiring December 31, 2014.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.
April 18, 2012. Signed by the President. Attested by the City Clerk.

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

That the communication received from Mayor Joseph E. Sinnott appointing Rev. Msgr. Henry Kriegel of St. Patrick Church, 130 East Fourth Street, Erie, PA 16507, to the City of Erie Higher Education Building Authority is hereby received and approved.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.
April 18, 2012. Signed by the President. Attested by the City Clerk

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

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

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$5,342.50	501-12251-2011-4043	Education & Training	\$5,342.50	501-1251-2011-4041	Professional Services

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

April 18, 2012. Signed by the President. Attested by the City Clerk

By Mr. Jones, 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. **Westmoreland Supply**, 2111 West 12th Street, Erie, PA 16505 for the purchase of traffic line marking paint for the Bureau of Streets, Division of Paint and Sign in the amount not to exceed \$31,595.00.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

April 18, 2012. Signed by the President. Attested by the City Clerk.

2. **JFK Center**, 2021 East 20th Street, Erie, PA 16510, for the Summer Recreation Program (Spoon's Court Summer Basketball), in the amount of \$16,000.00.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, and Jones. 5. Nays. 1. Mr. Witherspoon.

April 18, 2012. Signed by the President. Attested by the City Clerk.

3. **All An Act Productions**, 1650 West 39th Street, Erie, PA 16509, for the Footlights Theater Summer Recreational Program in the amount of \$15,425.00.
4. **Pennbriar Athletic Club**, 100 Pennbriar Drive, Erie, PA 16509, for the Summer Recreational Tennis Program, in the amount of \$6,799.95.
5. **J. Thomas Tree Service**, 325 Crescent Drive, Erie, PA 16505, for the removal of trees and stumps at various locations throughout the City of Erie at a total cost of \$20,850.00.
6. **Brooks Landscape Inc.**, 5751 Wales Road, Erie, PA 16510 to plant sixty-five (65) trees at various locations throughout the City of Erie at a total cost of \$19,894.00.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

April 18, 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. **Empire Stack Testing LLC**, 5252 Ramsey Road, Ashville, NY 14701, to provide Quarterly/Annual Testing and Preventative Maintenance of the Continuous Emission Monitoring System at the Wastewater Treatment Plant for two (2) years through April 2014, at the bid price of \$12,000.00 per year plus an unscheduled maintenance cost of \$190.00/hour for the Bureau of Sewers. (Low of 3).

2. **Davis Controls**, 5011 Grand Avenue, Pittsburgh, PA 15225 for boiler safety valves for the Bureau of Sewers at a total cost of \$2,246.00.
3. **Five Star International LLC**, PO Box 64006, Baltimore, MD 21264-4006, or repairs to the right side of Engine #3 for the Bureau of Fire at a total cost of \$4,961.43.

April 18, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

April 18, 2012 Signed by the President. Attested by the City Clerk.

April 18, 2012 City Council on motion of Mr. Merski, Seconded by Mr. Brennan, adjourned at 9:16 P.M. by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0.

President of City Council

Attest:

City Clerk