

The City Council met in regular session in the Council Chambers on Wednesday, May 2, 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. 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, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

Copies of the bills under date of April 27, 2012, and May 4, 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. Mr. Brennan abstains from all CDBG bills.

By Mr. Winarski, Council File No. 17,792 Pending Official File Ordinance No. 11-2012

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.

May 2, 2012. City Council on motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 17,592, now known as Pending Official File Ordinance No. 11-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays 0.

May 2, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,793, Pending Official Ordinance No. 12-2012

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).

May 2, 2012. City Council on motion of Mr. Winarski, Seconded by Mr. Jones having read Council File No. 15,793, now known as Pending Official File Ordinance No. 12-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays 0.

May 2, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,794, Pending Official Ordinance No. 13-2012

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)**.

May 2, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,794, now known as Pending Official File Ordinance No. 13-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays 0.

May 2, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,795, Pending Official Ordinance No. 14-2012

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 Seven Hundred Thousand and 00/100 dollars (\$8,700,000*); 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.

May 2, 2012. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco having read Council File No. 15,795, now known as Pending Official File Ordinance No. 14-2012 does hereby adopt on Final Passage as amended by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays 0.

May 2, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15,796

An ordinance appropriating the sum of **\$45,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. Police Drug and Vice Program.

May 2, 2012. City Council on motion of Mr. Witherspoon, Seconded by Mr. Merski having read Council File No. 15,796, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,797

An ordinance appropriating the sum of **\$84,397.90** from unappropriated and anticipated revenue to provide for the expenditure thereof for Construction Monitoring Services for the State Street Bridge over Canal Basin.

May 2, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,797, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No, 15,798

An ordinance appropriating the sum of **\$1,778,847.02** from unappropriated and anticipated revenue to provide for the expenditure thereof for the Construction of the State Street Bridge over Canal Basin.

May 2, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,798, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance establishing East 3rd Street from French Street to Holland Street, as "Harry T. Burlleigh Way" and West Front Street from Sassafra Street to Myrtle Street as "The Lawrence Family Way", thus honoring the memories of two of the city of Erie's greatest African-American citizens for their contributions to the history of our Flagship City.

May 2, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,798, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the communication from Mayor Joseph E. Sinnott notifying City Council that he has appointed Mr. Jeff Szumigale, 301 Shawnee Drive, Erie, PA 16505, to the City of Erie Higher Education Building Authority to replace Chuck Knight is hereby received and confirmed.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0. Mr. Schember abstains.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the following individual is appointed to the City of Erie Bureau of Police, as they appear on the current Civil Service Eligibility List, for the probation period of one year from the date of their appointment on Thursday, May 3, 2012.

1. **Shawn Wagner**, 320 West 31st Street, Erie, PA 16508
2. Timothy Quinn, 675 Manchester Road, Fairview, PA 16415
3. Steven Krapinski, 4424 Perkins Street, Erie, PA 16509

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0. .

May 2, 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 the Erie Metropolitan Transit Authority, 127 East 14th Street, Erie, PA 16503 for the installation and maintenance of an 8' high chain link fence with barbed wire and two (2) 10' wide gates. The fence and gates will be installed within the Division Street right-of-way, north of East 16th Street, in accordance with the Easement Description and Fence Easement Sketch", as prepared by Urban Engineers, Inc.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials be and are hereby authorized and directed to enter into an Easement Agreement with the Commonwealth of Pennsylvania and the Erie Western Pennsylvania Port authority for the construction and maintenance of a Canopy. The Canopy will be installed over West 11th Street as part of the Bayfront Mobility Project.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as 605 East 9th Street, Erie, PA and identified by Erie County Assessment Index Number 15-202-031.0-120.00 by the Erie County Tax Claim Bureau to Jacob Burgos, 601 East 9th Street, Erie, PA in the amount of \$250.00 is hereby approved.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as 2014 East 19th Street, Erie, PA and identified by Erie County Assessment Index Number 15-021-028.0-325.00 by the Erie County Tax Claim Bureau to Hue Marshall, 1950 East 20th Street, Erie, PA in the amount of \$250.00 is hereby approved.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

That the proposed Repository Sale of property commonly known as the West 21st Street lot (21st Street and I-70), Erie, PA and identified by Erie County Assessment Index Number 16-031-021.0-134.00 by the Erie County Tax Claim Bureau to Adelmo Fiorneso, 2616 Oakwood Street, Erie, PA in the amount of \$250.00 is hereby approved.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

WHEREAS, under the Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs, and,

WHEREAS, under the HOME Investment Partnership Program created by the National Affordable Housing Act of 1990 (HAHA) and amended by the Housing and Community Development Act of 1991, the Secretary of the U. S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary and affordable housing; and

WHEREAS, under the Emergency Solutions Grants Program contained in the McKinney-Vento Homeless Act, as amended by the Homeless Emergency and Rapid Transaction Act of 2009, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to grantees and nonprofit agencies which provide essential services, operations, homeless prevention, rapid re-housing and shelter rehabilitation for homeless persons; and

WHEREAS, The U.S. Department of HUD has advised the City that FY2012 Entitlements are as follows. CDBG, \$2,785,676; HOME, \$619,099; and ESG \$277,196, and

WHEREAS, in addition to the entitlement funds, the City expects to receive \$30,000 in program income, and \$490,996 in reprogramming funds; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2012 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals, and others with special needs; and

WHEREAS, the draft Annual Plan for 2012 was on public display since March 15, 2012, and the City held a Public Hearing on said Annual Plan and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document; and;

NOW, THEREFORE, be it resolved by the Council of the City of Erie, Pennsylvania, and it is hereby resolved by the authority of the same, as follows:

- SECTION 1 That the Annual Plan for the FY2012 CDBG, HOME, and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Plan with the minutes of this meeting.
- SECTION 2 That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status, or national origin and other assurances as set forth under the certifications.
- SECTION 3 That the Mayor, on behalf of the city of Erie, is authorized to file an application for financial assistance with the U. S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$2,785,676, Home in the amount of \$619,099, and ESG in the amount of \$277, 196 and is further authorized to act as an authorized representative of the city of Erie to sign any and all documents in regard to these programs.
- SECTION 4 That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the McKinney-Vento Homeless Act, and also any supplemental or revised data which the U.S. Department of HUD may request in Connection with the review of the application.

To: Mr. Klemm
From: Mr. Brennan
Date: 5-2-12

Because I am an employee of the Economic Development Corporation (EDC), I will abstain from voting on the payment to the Economic Development Corporation for "CDBG reimb req #1, #2, & #3" and the Greater Erie Industrial Development Corporation for "CDBG reimb req #2, #3". This payment is being made to the EDC 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.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, and Jones. 6. Nays. 0. Mr. Brennan abstains.

May 2, 2012. Signed by the President. Attested by the City Clerk.

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

RESOLUTION OF THE ERIE CITY COUNCIL, APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S FY2011 ANNUAL CONSOLIDATED PLAN FOR THE INCLUSION OF THE EMERGENCY SOLUTIONS GRANT (ESG)

WHEREAS, under Title IV of the McKinney-Vento Homeless Assistance Act, as amended by the Homeless Emergency and Rapid Transition Housing Act of 2009, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities under the Emergency Solutions Grant program for households below 30% of the area median income.

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City of Erie that it is eligible to receive an emergency Solutions Grant in the amount of \$242,078; and

WHEREAS, the City of Erie, has prepared a Substantial Amendment to the City's FY 2011 annual Consolidated Plan that describes the eligible activities under this program and how the City plans to expend these funds for households who are below 30% of median income and need of the funds; and

WHEREAS, the Substantial Amendment to the FY 2011 annual consolidated Plan also identified the activities to be undertaken to address those needs as shown in the City's Five Year Consolidated Plan and certifies the commitment of the City to comply with specific related laws and regulations under this program; and

WHEREAS, in accordance with the city's approved citizen Participation Plan, a draft copy of the city's Substantial Amendment was on public display for the required 30 days, and the City held the required public hearing on said Substantial Amendment and all public comments were taken into consideration in the preparation of the final substantial amendment document.

IT IS HEREBY RESOLVED by Erie City Council, Erie County, Pennsylvania that:

1. The Substantial Amendment to the City's Fiscal Year 2011 Action Plan for the Emergency Solutions program Entitlement Grant is here by in all respects approved.
2. The City Council is cognizant of the conditions that are imposed in undertaking and carrying out activities with federal financial assistance under the Emergency Solutions Program.
3. The City's Department of Economic and Community Development is hereby authorized to file the Substantial amendment to the Fiscal Year 2011 consolidated annual Action Plan in the amount of \$87,148 with the U.S. Department of Housing and Urban Development on or before May 7, 2011.
4. That the Mayor is hereby authorized to provide such assurances and/or certifications as required by the Emergency Solutions Grant Program under Title IV of the McKinney-Vento Homeless Assistance Act, and also any supplemental or revised data which HUD may request in connection with HUD's review of the City Substantial Amendment.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 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 Sisters of Saint Joseph Neighborhood Network, 425 West 18th Street, Erie, PA 16502, for the installation of flag banners on utility poles in the West 18th Street Right-of-Way located between Liberty Street and Sassafras Street with the consent of Penelec and adjacent property owners.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.

May 2, 2012. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Winarski, 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. **Executive Pulse, Inc.**, 11 E Fourth Street, Erie, PA 16507 to provide web hosting, system maintenance and normal and customary system upgrades for the Rental Licensing software Package. The annual fee structure is as follows: 2012-\$12,500, 2013-\$15,000 and 2014-\$17,500.

2. **Bitting Recreational Inc**, PO Box 6445, Harrisburg, PA 17112, for the purchase of (2) steel playground shelters for the Bureau of Parks at a total cost of \$18,750.26.
3. **Urban Engineers, Inc.** 1319 Sassafras Street, Erie, PA 16501 for the Construction of the State Street Bridge over Canal Basin in the sum of \$88,839.90.
4. **Chivers Construction Co.** 6700 Tow Road, Fairview, PA 16414 for the Construction of the State Street Bridge over Canal Basin in the sum of \$1,872,470.55.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
 May 2, 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 January, February and March 2012 (522 permits) for code Enforcement at a total cost of \$2,088.00
2. **Sanner Office Interiors**, 1225 State Street, PO Box 209, Erie, PA 16512-0209, for ten heavy duty operator chairs for the Bureau of Police at a total cost of \$3,000.00.
3. **Smoracy, LLC**, PO Box 77000 Detroit, MI 48277-0982 for a bearing, bushings, cutter body, raker and bolts for the Municipal Garage at a total amount of \$6,314.34.
4. **Playground Concepts**, 4848 Havana Drive, Pittsburgh, PA 15239, for the purchase of playground equipment for the Bureau of Parks at a total cost of \$10,062.09.
5. **Bitting Recreation Inc**, PO Box 6445, Harrisburg, PA 17112, for the purchase of playground equipment for the Bureau of Parks at a total cost of \$11,951.80.
6. **Belt Maintenance Systems**, 1049 Military Road, Buffalo, NY 14217 for the installation of a new conveyor belt in the Grit Handling Building for the Bureau of Sewers at a total cost of \$3,517.00.
7. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for installing a storm lateral at Port Access Road and repairing sanitary main at 4th Street cave ins for the Bureau of Sewers as follows: See Attached-\$3,776.20 (Material Costs Only). See Attached-\$8,701.88 (Material Costs Only). Total Cost-\$12,478.08.

May 2, 2012. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Merski, Schember, Winarski, Witherspoon and Jones. 7. Nays. 0.
 May 2, 2012 Signed by the President. Attested by the City Clerk.

May 2, 2012 City Council on motion of Mr. Schember , Seconded by Mr. Brennan, adjourned at 10:25 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

