

The City Council met in regular session in the Council Chambers on Wednesday, September 19, 2012 at 7:30 P.M.

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

On motion of Mr. Evans, Seconded by Mrs. Horan-Kunco, the reading of the minutes of the Meeting of September 5, 2012 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

Copies of the bills under date of September 14, 2012 and September 21, 2012 were given to City Council and same adopted by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

By Mr. Evans, Council File No.15,813, Pending Official File Ordinance No. 32-2012

An Ordinance appropriating the sum of **\$51,801.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2012 JUSTICE ASSISTANCE GRANT.

September 19, 2012. City Council on motion of Mr. Evans, Seconded by Mr. Brennan having read Council File No. 15,813, now known as Pending Official File Ordinance No. 32-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays 0.

September 19, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No.15,814, Pending Official File Ordinance No. 33-2012

An Ordinance appropriating the sum of **\$370,000.00** from unappropriated and anticipated revenue to provide for the expenditure thereof for the construction phase of Perry Square Streetscape Phase 3 from North Park Row to South Park Row.

September 19, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,814, now known as Pending Official File Ordinance No. 33-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File No. 15,815, Pending Official File Ordinance No. 34-2012

An Ordinance **amending** Official Ordinance No. 70-1975 (Vacating and abandoning that portion of Warfel Avenue between the west line of Camphausen Avenue and a point 144.28' west of Camphausen Avenue) by correcting and clarifying the description of the property to be vacated.

September 19, 2012. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. Winarski having read Council File No. 15,815, now known as Pending Official File Ordinance No. 34-2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Evans, Council File No. 15,816

An Ordinance **amending** the Business Regulation and Taxation Code of the City of Erie, Article 381, Local Economic Revitalization Tax Assistance (LERTA), by identifying target and non-target areas, with 10-year residential property benefit in target areas and a 5-year in non-target; providing a 50% abatement for new commercial/industrial improvements within certain zoning districts, with additional abatement for job creation, a 10-year benefit for all additional/alterations to existing structures, continuing the need for an Appeals Board, and a ten-year sunset provision.

September 19, 2012. City Council on motion of Mr. Evans, Seconded by Mr. Brennan having read Council File No. 15,816, does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk

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

Receiving the communication from Mayor Joseph Sinnott appointing Mrs. Arlene Ferrare to the Officers and Employees Pension Board, (Non-Unformed Retirees Association) replacing Mary M. Donikowski (deceased), and Erie City Council confirming.

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 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 on the initiative of City Council, **amending** Zoning Ordinance No. 80-2005, by changing the classification of vacant property located between Parade Street and Ash Street on the south side of East 19th Street, covering City Index Numbers 18-050-0200-10000 and 18-050-0160-10000, being some 5.93 acres of land from C-4 (Traditional Neighborhood Commercial district and M-1 (Light Manufacturing District), to C-2 (General Commercial District) and after preparation refer same to the City Planning Commission for recommendation and report thereon (at the request of CPR Developers LLC, c/o Gary W. Renaud, PO Box 8328, Erie, PA 16505, for a retail / business / housing development accompanied by the requisite filing fee in the sum of \$500.00.

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Merski, Winarski, Witherspoon and Jones. 6. Nays. 0. Mrs. Horan-Kunco abstains.

September 19, 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 Josh LLC, 2530 Parade Street, Erie, PA 16503 for the installation of an awning at 410 French Street. The awning will extend into the French Street right-of-way in accordance with Exhibit "A" as prepared by Kidder Wachter Architecture & Design.

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 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 McLane Church, 2502 Peach Street, Erie, PA 16502, for the installation of a sign at 2502 Peach Street. The sign will extend into the right-of-way on the corner of Peach and West 25th Street in accordance with the following drawings.

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Police General Fund.

| Transferred From | | | Transferred To | | |
|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Amount | Account | Title | Amount | Account | Title |
| \$ 2,500.00 | 002-0613-0000-4052 | Advertising | \$57,000.00 | 002-0613-0000-4033 | Operating Supplies |
| 35,000.00 | 002-0613-0000-4056 | Repair/Maint Svcs. | | | |
| <u>20,000.00</u> | 002-0613-0000-4059 | Other Svcs & Chgs. | | | |
| \$57,000.00 | | | | | |

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 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 **Tessco Technologies**, 11126 McCormick Road, Hung Valley, MD21031 for a radio system analyzer for the Municipal Garage Radio Division at a total amount of \$25,492.50.
- 2 **Vavala Concrete Construction**, 2059 West 20th Street, Erie, PA 16502, for the 2012 Curb, Sidewalk and apron Replacement, Various Locations, in the amount of \$18,488.05. (Lowest of 3 bids).

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Seconded by Mr. Merski, 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. **National Conveyers Company**, 33 Nicholson Road, East Granby, CT 06026, for the replacement filter bags for the incinerator ash silo, for the Bureau of Sewers, Department of Public Works at the total cost of \$5,798.00.
2. **XPEDX**, 1662 Greengarden Road, Erie, PA 16501 for two (2) skids of Tidal Express Packs for the Print Shop at a total cost of \$2,807.40.
3. **Gov Connection**, 7503 Standish Place, Rockville, MD 2085 to renew support on Symantec Endpoint Protection for the Office of Computer Services at a cost of \$3,000.00.
4. **Shaffer Technology**, 1001 State Street, Suite 1400, Erie, PA 16501 for the Laserfiche Contract Renewal for the Office of Computer Services at a cost of \$4,280.00.
5. **Gov Connection**, 75032 Standish Place, Rockville, MD 2085 for GFI Mail Essentials software for the Office of Computer Services at a cost of \$5,394.00.
6. **Gov Connection**, PO Box 382810, Pittsburgh, PA 15250-8810 for a Video conferencing System Polycam-Video PC to be used for Video Arraignments for the Bureau of Police at a total amount of \$2,824.00.
7. **Game Time**, PO Box 11407, Birmingham, AL 35246-1187 for a slide and playground platforms for the Department of Parks and Recreation at a total cost of \$9,910.22.
8. **Motorola Solutions**, 1301 E. Algonquin Road, Schaumburg, IL 60196 for four (4) 16-Channel Radios for the Municipal Garage Radio Division at a total amount of \$2,880.00.
9. **Eni USA and R & M Co. Inc.**, Cabot, PO Box 7247-7028, Philadelphia, PA 19170-7028 for oil for the Municipal Garage at a total amount of \$4,271.21.
10. **Total Equipment Company**, 400 Fifth Avenue, Coraopolis, PA 15108 for a flotation recirculation pump for the Bureau of Sewers at a total cost of \$6,510.00.

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

September 19, 2012. Signed by the President. Attested by the City Clerk.

Attachment to 2013 Minimum Municipal Obligation
to be presented to
City Council

The Minimum Municipal Obligation for the pension plans of the City of Erie is being certified with City Council. This procedure is required under Act 205 which pertains to the funding requirements of State Regulated Employee Retirement Programs.

It is important to note that for the 2011 and 2012 Minimum Municipal Obligations, the City of Erie was able to utilize a voluntary remedy available under Act 44 of 2009 known as the Amortization Contribution Reduction remedy. Under this remedy, a municipality is permitted to pay only 75% of the amortization contribution amount for a limited time. The City of Erie utilized this remedy on their 2011 and 2012 Minimum Municipal Obligations, therefore exhausting the number of times they are permitted to use the remedy at this time. This remedy lowered the Minimum Municipal Obligation by \$1,718,101 each year for 2011 and 2012.

The 2013 Minimum Municipal Obligation, including \$251,185 for the portion paid by the Erie City Water Authority, totals \$10,089,383. The City of Erie portion of the 2013 Minimum Municipal Obligation is \$2,708,085 more than the 2012 Minimum Municipal Obligation.

As Mentioned above, \$1,718,101 of the increase in the City of Erie's portion of the 2013 Minimum Municipal Obligation is a result of the expiration of the Amortization Contribution Reduction remedy. The balance of the increase in the Minimum Municipal Obligation is a result of actuarial experience different than plan assumptions and a rate of return on the actuarial value of plan assets less than the assumed rate. The plans assume an 8% rate of return; however, the actuarial value of assets is credited with only a 7% rate of return under the Act 44 asset smoothing technique.

The 2013 Minimum Municipal Obligation has been prepared using the results of the January 1, 2011 actuarial valuations.

Respectfully submitted,

Casimir Joseph Kwitowski, City Controller

Attachment:

City of Erie Employees Pension Plans 2012 Minimum Municipal Obligation

September 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
September 19, 2012 Signed by the President. Attested by the City Clerk.

September 19, 2012 City Council on motion of Mr. Evans, Seconded by Mrs. Horan-Kunco, adjourned at 8:29 P.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

President of City Council

Attest:

City Clerk