

The City Council met in regular session in the Council Chambers on
Wednesday May 1, 2013 at 9:00 A.M.

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

On motion of Mr. Evans, Seconded by Mr. Brennan, the reading of the minutes of the
Meeting of April 17, 2013 were dispensed with and same adopted with copies furnished to the
members of City Council by yeas Council Members Brennan, Evans, Horan-Kunco, Jones,
Merski, Witherspoon and Winarski 7. Nays. 0.

Copies of the bills under date of May 3, 2013 and May 10, 2013 were given
to City Council and same adopted by yeas Council Members Brennan, Evans, Horan-
Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

Pursuant to the provisions of Zoning Ordinance No. 80-2005, and of the proper legal
advertising, the City Council held a **Public Hearing** at approximately 9:30 AM regarding
an amendment to Zoning Ordinance 80-2005, by changing the classification of property
located at McClelland Avenue and the Bayfront Highway, being approximately 38 acres
in area, from C-3 (Central Business District) to that of C-2 (General Business District),
per the request of Vendetti Brothers Associates, to be held on **Wednesday May 1, 2013
at 9:30 AM in City Council Chambers, Municipal Building, 626 State Street, Erie,
Pennsylvania.**

MARCH 6, 2013

By Mr. Robert Merski, Seconded by Council Members Brennan, Evans, Horan-Kunco, Jones,
Winarski and Witherspoon.

RESOLVED BY THE COUNCIL OF THE CITY OF ERIE THAT

WHEREAS, the City Council of the City of Erie wishes to pay special tribute to the
Cathedral Prep High School Football Team upon annexing the School's second
P.I.A.A. State Championship by defeating Archbishop Wood High School by a score of
24-14, in the AAA Classification on December 14, 2012, at Hershey Park Stadium, thus
finishing a most successful season with an undefeated record of 15-0, and,

WHEREAS, the **Cathedral Prep Football Team** finished ranking 17th in the
Nation by U.S.A. Today, and Head Coach, Mike Mischler is the only D-10 coach to garner
two State titles, in addition, Quarterbacks Damion Terry set School and D-10 passing and
touchdown records this past season and Delton Williams set School reception records, and
joining him is Brendan Klemensic for School records for touchdown passes, and John
Cherson scored most career extra points in School history, whereas, in company with eight
seniors playing college football next season, four are playing at the Division I level, so,

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this
commendation is hereby presented to the **Cathedral Prep School Football Team**,
School Administration, Coaches and Student Body, upon achieving the goals that they set
upon themselves with hard work, dedication and personal sacrifice and further; order a copy
of this resolution placed in the Official City Council Record.

May 1, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-
Kunco, Jones, Merski, Witherspoon and Winarski .7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk.

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

1. **Nico Fioravanti**, 1571 West 54th Street, Erie, PA 16509.
2. Kristen Bergquist, 5364 Cider Mill Road, Erie, PA 16509.

That the above listed two (2) names are as they appear on the current Civil Service Eligibility List for police Officers. Be it resolved that Nico Fioravanti, 1571 West 54th Street, Erie, Pa, 16509 No. one (1) on list, have been nominated by Chief Stephen E. Franklin is hereby appointed as Probationary Patrolman at the current salary of \$38,466.45 and that he is on probation for one (1) year from the date of his appointment on May 2, 2013.

May 1, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski .7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk.

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

1. Nico Fioravanti, 1571 West 54th Street, Erie, PA 16509.
2. **Kristen Bergquist**, 5364 Cider Mill Road, Erie, PA 16509.

That the above listed two (2) names are as they appear on the current Civil Service Eligibility List for police Officers. Be it resolved that Kristen Bergquist, 5364 Cider Mill Road, Erie, Pa. 16509, No. two (2) on list, have been nominated by Chief Stephen E. Franklin is hereby appointed as Probationary Patrolwoman at the current salary of \$38,466.45 and that she is on probation for one (1) year from the date of her appointment on May 2, 2013.

May 1, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk.

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

That the proposed **Repository sale** of the following properties: Property commonly known as **414 East Avenue** and identified by Erie County Assessment Index Number 14-010-032.0-104.00 by the Erie County Tax Claim Bureau to Ezelle E. McCallum in the amount of \$250.00 is hereby approved.

Property commonly known as **761 East 10th Street** and identified by Erie County Assessment Index Number 15-020-035.0-205.00 by the Erie County Tax Claim Bureau to Gary Curtis in the amount of \$250.00 is hereby approved.

Property commonly known as **1736 East 28th Street** and identified by Erie County Assessment Index Number 18-0510021.0-122.00 by the Erie County Tax Claim Bureau to Shiela E. Woeger in the amount of \$250.00 is hereby approved.

Property commonly known as **530 East 8th Street** and identified by Erie County Assessment Index Number 14-010-016.0-134.00 by the Erie County Tax Claim Bureau to David Bishoff in the amount of \$250.00 is hereby approved.

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized to **execute an agreement** between the **City of Erie and HANDS, Inc.** whereby the City will make available to HANDS, Inc. from HOME Program funds appropriated, a grant in the amount of \$285,000.00. to carry out the HANDS New Construction Midtown Program as described in the amended FY2011 Annual Plan.

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Evans, Seconded by Mrs. Horan-Kunco, 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 \$214,500.00 from \$134,384.00 to \$348,884.00.

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk

By Mr. Evans, 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 Partnerships Program created by the National Affordable Housing Act of 1990 (NAHA) 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 not yet advised the City of the FY2013 Entitlements, we have been advised to estimate them 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 \$209,078 in reprogramming funds; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared an Annual Plan for the FY2013 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 2013 was on public display since March 27, 2013, 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 FY2013 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 the 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 \$619,909, 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 this application.

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. 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 **El Toro Loco Mexican Restaurant**, 333 State Street, Erie, PA 16507 for the installation of a forty-five foot (45') long temporary dining area that will protrude eight feet (8') into the public right-of-way on the east side of State Street, between East 4th Street and East 3rd Street, in accordance with Exhibit "A".

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. 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** with the **Erie Downtown Partnership**, 140 East 5th Street, Erie, PA 16507 for the installation of Artistic Bicycle Racks in City rights-of-way within the District's boundaries. Approximately thirty-two (32) racks will be installed in accordance with Exhibit "A".

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. 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 **William T. Spaeder Co. Inc.** 1602 East 18th Street, Erie, PA 16510 being the owner of 1602 East 18th Street, Index (15) 2111-100 and 1803 Schaal Avenue, Index (15) 2116-304, in compliance with the attached City Engineer's metes and bounds description locating an aerial communication cable easement. A minimum cable height of eighteen (18') feet is required within the Right-of-Way.

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the HOME Program.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$7,000.00	505-1239-2011-4643	Martin-CHDO op	\$100,000.00	505-1239-2011-450	HANDS NC Midtown
\$82,000.00	505-1239-2011-4642	St. Martin Acq/	\$214,500.00	505-1139-2011-4582	ERA Rehab
\$100,000.00	505-1239-2011-4557	St. Martin Homeb	\$314,500.00		
<u>\$125,000.00</u>	505-1239-2011-4488	HANDS/Acq Ren			
\$314,500.00					

May 1, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. 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. **Mayer Brothers Construction Company**, 1902 Cherry Street, Erie, PA 16502 for the 2013 Proposed Milling and Asphalt Resurfacing of Various City Streets, they being the lowest of three (3) bids received, in the sum of \$210,608.00.
2. **Joseph McCormick Construction Company**, 3340 Pearl Avenue, Erie, PA 16510 for street and road maintenance materials for the Bureau of Streets at unit prices per COG bid. HOT MIX 9.5mm wearing course-picked up - \$58.00. 19mm binder course – picked up - \$54.00. 25mm binder course – picked up - \$52.00. WARM MIX 9.5mm wearing course - picked up - \$58.00.

3. **Russell Standard Corporation**, PO Box 86 Union City, PA 16438 for a street and road maintenance materials for the Bureau of Streets at unit prices per COG bid. HOT MIX 9.5mm wearing course – picked up - \$60.50. 19mm binder course – picked up - \$53.75. 25mm binder course – picked up - \$52.35. WARM MIX 9.5mm wearing course – picked up - \$61.00.
4. **Mayer Brothers Construction Company**, 1902 Cherry Street, Erie, PA 16502 for street and road maintenance materials for the Bureau of Streets at unit prices per COG bid. HOT MIX 9.5mm wearing course – picked up - \$64.00. 19mm binder course – picked up - \$58.00. 25mm binder course – picked up \$55.00. WARM MIX 9.5 mm wearing course – picked up - \$65.00.

May 1, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013. 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. **Russell Standard**, for 37.33 tons of Poly pave @81.25 for the Bureau of Streets at a cost of \$3,033.06.
2. **Rohrer Trucking, Inc.** 3180 Route 6, Waterford, PA 16441 for the demolitions at 2418 Wallace Street for the Department of Code Enforcement at a total cost of \$6,600.00.
3. **Printing Concepts, Inc.** 4982 Pacific Avenue, Erie, PA 16506 for the amount of \$8,954.00 for the printing and distribution of the 2013 Summer Parks & Recreation Guide.
4. **Hach Company**, PO Box 389 Loveland, CO 80539-0608 for the purchase of an ultrasonic open channel flow meter at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$4,428.00.
5. **Specialized Vehicles**, 912 Pittsburgh Road, Butler, PA 16002 for twelve (12) heavy duty front end protectors for the Ford Interceptors for the Bureau of Police at a total amount of \$13,620.00.

May 1, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

May 1, 2013 Signed by the President. Attested by the City Clerk.

May 1, 2013 City Council on motion of Mr. Evans, Seconded by Mr. Brennan, adjourned at 11:09 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

President of City Council

Attest:

City Clerk