

The City Council met in regular session in the Council Chambers on Wednesday, March 28, 2007 at 7:30 p.m.

Council Members present: Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes of the meeting of March 21, 2007 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Copies of the bills under date of March 30, 2007 were given to City Council and same adopted by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0., with the exception of invoices to The Booker T. Washington Center on which Mrs. Jenkins-Husband abstained from voting.

By Mrs. Horan-Kunco, Council File Ordinance #15,512 an ordinance appropriating the sum of **\$300,000.00** from unappropriated and anticipated revenue from Account #324-1324-2005-3336 State Operating Grant-Department of Community and Economic Development and providing for the expenditure thereof by allocating said funds to Account #324-1324-2005-4041 Prof. Services (\$2,000.00) and #324-1324-2005-4443 ERA (\$298,000.00).

March 28, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,512, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

By Councilman James Thompson, Seconded by Mr. Schember, Resolved, etc.,

That the proper City officials are authorized and directed to file a Renewal Application with the **Pennsylvania Liquor Control Board** for the purpose of **exempting the areas identified as Zone 1** (Cranberry Street to Parade Street, North edge of Second Street to the Water's Edge) and **Zone 2** (Holland Street to Peach Street, Fourteenth Street north to the northern edge of Second Street) on the map attached hereto as Exhibit A from the Board's regulations regarding amplified music being heard off-premises. (Council authorized the initial Application by resolution of March 8, 2006. This renewal Application shall be for a two year period if the Board approves. The City will enforce its own Noise Control ordinances at Article 705 of the Codified Ordinances.)

March 28, 2007. City Council adopt by yeas Council Members Cappabianca, Jones, Schember and Thompson. 4. Nays. Council Members González, Horan-Kunco and Jenkins-Husband. 3.

March 3, 2007. Signed by the President. Attested by the City Clerk.

To: President and Members of City Council

March 12, 2007

As required by the City of Erie Rezoning Procedures format, I am formally requesting the consideration for rezoning my property, locate at 1909 Franklin Avenue, Erie, Pa. 16510. The property is currently under R-1 and I am asking for it to be rezoned C-2. I have contacted a member of Council, Jim Thompson, who has agreed with sponsoring this rezoning.

The proposed use of the property will consist of office and mixed retail use, within the construction of a new mini-plaza, totaling approximately 13,000 sq. ft. I have attached a rough plan of the layout and the recommendation for parking and egress from the City's Engineer office. I already have some people interested in leasing if all is approved.

If there are any questions that I need to address, I can be reached at (814) 899-8853, after 3:30 p.m. or at work at (814) 878-5026, during the day.

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

That the City Solicitor is authorized and directed to prepare an ordinance on the initiative of the City Council, amending Zoning Ordinance #80-2005 by changing the classification of property located at **1909 Franklin Avenue**, from R-1 (Low Density Residential District) to that of C-2 (Local Business District) and after preparation to refer same to the City Planning Commission for recommendation and report thereon.

(Sponsored by Councilman James Thompson at the request of Vernon L. Brown for construction of an office and mixed retail use with a new mini-plaza, totaling approximately 13,000 square feet - Accompanied by the requisite filing fee in the sum of \$500.00.)

March 28, 2007. The foregoing resolution was withdrawn from consideration by City Council pending further information.

To: City of Erie Council Members
From: Stephen Benson, CIO
Subject: PC Replacement Project

March 14, 2007

As you know, Computer Services have been working on improving the City's overall computer system and operations one project at the time. Today, I'm writing you about our next major project -the PC replacement Project.

This project has three main components:

1. Replace all old and outdated PCs (54 PCs)
2. Upgrade all PCs that do not need to be replaced but require some new parts (22 PCs)
3. Move all user that are currently on the Novell network operating system to the Windows Server network system (131 users). Once this part of the project is completed, Novell will be retired.

Total cost for this project is \$44,132. We have received six quotes from vendors - all having government discount contracts, thus eliminating the need for RFP and bidding. This project will be paid out of the 2004 Capital Improvement Bond Fund designated for Computer Services usage only. The account number is 018-0535-2004-4079.

More details are on the attached memo and attachments that I sent to Mayor Sinnott. After we reviewed the entire project, he approved and requested that it be put on Council's agenda. This will appear on Council's agenda for your meeting dated March 28, 2007.

I'm looking forward to your support for this project. I will be glad to discuss the project details with each of you, collectively or individually, at your convenience.

That's it. Your questions and comments are always welcome.

By Mr. Thompson, Seconded by Mr. González, Resolved, etc.

That the Mayor and City Controller re authorized and directed to execute contracts between the following individuals and/or companies as for goods and/or services as noted and the City Council does hereby ratify and confirm the said transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Office Machines Sales & Service**, 2016 Peach Street, Erie, Pa., for supplying fifty-four (54) PC's, twenty-two (22) PC Upgrades, one hundred thirty-one (131) Software Licenses and other related items for all city departments for the year 2007 at a total cost of \$44,132.31. (State Contract - lowest of 6 quotes off Costars-31T Hardware)

2. **Heffern Septic Service**, 668 Buttermilk Hill Road, Franklin, Pa., extending the current contract for providing Portable Toilet Service per Bid #6169 for an additional year at the same rates per the current contract which will now expire on May 4, 2008, with the exception that the price of cleaning for special events has been changed from \$24.00 per unit to \$10.00 per unit for the Department of Public Works, Bureau of Parks.

March 28, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7.
Nays. 0.

March 28, 2007. Signed by the President. Attested by the City Clerk.

By Mr. González, Seconded by Mr. Cappabianca, Resolved, etc.,

That the City 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 transaction which is to be charged to the respective Budget Code Numbers, viz:

1. **Five Star International**, P. O. Box 64006, Baltimore, MD, for a hood, bumper and other various parts to repair Streets vehicle #1463 for the Bureau of Streets, for the sum of \$3,375.74.
2. **B. J. Muirhead Company**, 115 Mid County Drive, Orchard Park, NY, for the Emergency Repair of an Auxiliary Boiler at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$5,751.40.
3. **Kinzua Environmental**, 1176 East 38th Street, Cleveland, Ohio, for the purchase of Homogenizer, Soluble Sewer Solvent and Sanitizer for the Bureau of Sewers for the sum of \$6,211.61.
4. **KB Wash Equipment & Supply**, 729 West Mulberry Street, Deshler, Ohio, for Repairs to the City Car Wash at the Public Works Complex at 20th & French Streets for a total of \$9,732.80.

March 28, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

March 28, 2007. Signed by the President. Attested by the City Clerk.

The Honorable Joseph E. Sinnott
626 State Street, Erie, Pa. 16501

March 28, 2007

Re: Invest Erie vs. City of Erie vs. Commonwealth Realty XL, LLC, Docket #12621-2006

Dear Mayor:

We sincerely regret to inform you that Commonwealth Realty no longer desires to participate as a party in the above captioned lawsuit and consequently will file with the court in the near future in this litigation. With respect to this motion, I suggest that one of the city's solicitor be assigned to cooperate in the proper disposition of this matter and contact either me or my attorney Robert c. LeSuer.

Commonwealth Realty has attempted in good faith to negotiate a settlement with Invest Erie since January 9, 2007 to no avail. Limited negotiations continued until yesterday when Norman "Buddy" Stark, attorney for Invest Erie, made it clear that Invest would not settle the lawsuit unless it received \$250,000 including the land constituting Phase III of the proposed Nickel Plat Plaza. He also demanded portion of this payment be paid immediately upon execution of the settlement agreement. In view of these unreasonable demands it was obvious to us that It would be impossible to settle the lawsuit without a substantial payment.

The County of Erie made a tentative offer to provide assistance in the form of a grant to Commonwealth Realty of a portion of the payment requested. There are serious questions as to whether or not such payment would be legal or even appropriate to give Invest Erie any more public funds whatsoever in view of the fact that it wasted several hundred thousand dollars over a period of several years without achieving any results. We were advised by Kim Green today that you would not approve of the payment of any additional public funds to Invest Erie in order to settle this lawsuit. e understand such decision.

In view of these circumstances, Commonwealth Realty no longer desires to exercise its option and Agreement with the City dated May 3, 2006. Consequently, we will forward to your solicitor a separate document terminating the Option and surrendering any rights Commonwealth may have in the property.

Yours very truly,
Commonwealth Realty XL, LLC
s/ William G. Sesler, Managing Member
s/ Gregory P. Sesler, Managing Member

March 28, 2007. City Council receive and enter in the minutes for information.

March 28, 2007. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 9:12 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0

President of City Council

Attest:

City Clerk