

The City Council met in regular session in the Council Chambers on Wednesday, April 2, 2008, at 9:00 a.m.

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

On motion of Mr. Schember, Seconded by Mr. Thompson, the reading of the minutes of the meeting of March 19, 2008 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Copies of the bills under date of March 20, March 28 and April 4, 2008 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

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By Mrs. Jenkins-Husband Council File Ordinance #15,575, Pending Official File Ordinance #13-2008,

an ordinance amending Traffic Code Ordinance #26-1958, by installing **stop signs** at the following ten intersections which are currently uncontrolled:

Clayton Avenue at Harding Drive stopping Clayton Avenue  
Clayton Avenue at Rilling Avenue stopping Clayton Avenue  
Brighton Avenue at Harding Drive stopping Brighton Avenue  
Brighton Avenue at Rilling Avenue stopping Rilling Avenue  
Raspberry Street at Rilling Avenue stopping Raspberry Street  
West 39<sup>th</sup> Street at Rilling Avenue stopping West 39<sup>th</sup> Street  
West 41<sup>st</sup> Street at Rilling Avenue stopping West 41<sup>st</sup> Street  
Harding Drive at Belmont Avenue stopping Harding Drive  
NE corner of West 31<sup>st</sup> at Erie Street stopping West 31<sup>st</sup> Street  
SE corner of Erie Street at West 30<sup>th</sup> Street stopping Erie Street

April 2, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,575 and now known as Pending Official file Ordinance #13-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

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THE FOLLOWING COMMUNICATIONS WERE RECEIVED BY CITY COUNCIL IN REGARD TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ERIE, THE COUNTY OF ERIE, AND THE ERIE AIRPORT AUTHORITY. THE MOU OF THE CITY OF ERIE WAS ADOPTED AT A SPECIAL MEETING OF CITY COUNCIL HELD ON MARCH 24, 2008 WHICH WAS PREVIOUSLY ADOPTED BY THE AIRPORT AUTHORITY. THE COUNTY OF ERIE ADOPTED A DIFFERENT MOU.

Louis J. Porreco, President  
Erie Municipal Airport Authority  
P. O. Box 3086, Erie, Pa. 16508

March 26, 2008

Dear Mr. Porreco:

Enclosed you will find the County of Erie's resolution regarding the airport runway expansion project along with the Memorandum of Understanding (MOU) signed and adopted by County Council on Tuesday, March 25, 2008.

This is the county's most current MOU, and it was signed in good faith as our commitment to the runway expansion project. It is our hope that, as members of the Erie Municipal Airport Authority and Erie City Council, you will review this MOU so that we, collectively, can move this project forward and thereby advance the economic progress of Erie County and the region.

We are encouraged by the spirit and attitude of City Council and the Mayor at the March 24, 2008 conference meeting. We currently need time to explore and understand our differences. We take hope in the fact that there is a general sense of agreement among all parties on the major issues.

In the cash flow analysis developed by our mutual financial staff, there are significant fiscal concerns from 2011 to 2013. Therefore, we believe that we should continue to pursue the planned meeting with Governor Rendell and appropriate state officials. As you recall, this delegation was comprised of the leadership from each entity, including the Mayor, City Council President, the County Executive, County Council Chairman, the President and Executive Director of the Erie Airport Authority.



The Planning Commission, at its regular meeting held March 18, 2008, reviewed a zoning request by Gerald and Carolyn Munsch. For consideration is a property located at the southeast corner of West 26<sup>th</sup> and Cherry Streets, City Index Nos. 6045-120, 121, and 145. The appellant is requesting a change from C-4 Traditional Neighborhood Commercial and R-2 (Medium Density Residential District) to C-2 General Commercial District) for used car sales.

After inspection and due consideration, the rezoning was unanimously approved for the following reasons:

- 1) The Planning Commission encourages growth and recognizes the need for expansion of successful businesses.
- 2) More than 51% of the area owners, including immediate neighbors, have signed a petition in favor of the rezoning.
- 3) The proposed area is a logical extension of the Local Business District which extends along the 26<sup>th</sup> Street corridor.
- 4) There is a need for off-street parking to eliminate congestion along two major thoroughfares.
- 5) The project would improve the intersections of 276<sup>th</sup> and Cherry Streets through cooperation with the City Traffic Engineer with plans as submitted.
- 6) The owner agrees to the following conditions:
  - a) There will be no junk cars, car parts or tires stored on premises.
  - b) Dumpster will be enclosed.
  - c) Complete compliance with storm water management provisions.
  - d) Curbing and sidewalk will be added to the areas that have none.
  - e) Green space to be provided as submitted in owner plans, including lawns, shrubs and trees.
  - f) Lighting will not protrude into residential area as submitted by owner plans.

MOTION CARRIED

Respectfully submitted,  
S/ Armand Chimenti  
City Planning Commission

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

That the communication from the City Planning Commission recommending that the request of Gerald and Carolyn Munsch to rezone property located at the southeast corner of **West 26<sup>th</sup> and Cherry Streets**, City Index #6045-120, 121, and 145 from C-4 (Traditional Neighborhood Commercial) and R-2 (Medium Density Residential District) to C-2 (General Commercial District) be approved under terms and conditions noted regarding general care and maintenance of said property and

Be It Further Resolved, that the City Clerk authorized and directed to publish legal advertisement of a Public Hearing to be held before City Council in the Council Chambers, Municipal Building on Wednesday, **May 7, 2008 at 10:00 a.m.** concerning the said request for rezoning.

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson, and Jones. 7. Nays. 0.  
April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mr. Cappabianca, Seconded by Council Members Aleksandrowicz, Horan-Kunco, Jenkins-Husband, Jones, Schember and Thompson

WHEREAS, the City Council of the City of Erie wishes to pay tribute to the Mercy Center for Women and honor and celebrate the achievements of the 2008 Twelve Dynamic Women in Erie County who have made significant contributions as Women Making History, and

WHEREAS, women throughout the ages have been instrumental in all areas of government, industry and education and have made their mark on American History from the founding colonies, through all our wars for freedom, the industrial revolution, to present day where they now head some of our nations largest corporations, so

THEREFORE, BE IT RESOLVED, by the Council of the City of Erie that this commendation be placed into the official records of the City of Erie to document our honor and respect for Sheila Baldwin, Jeanne Bender, Kathleen Benson, Angelo Bontempo, Debbie Barbules, Renee' Calabrese, Shona Eakin, Jessica Horan-Junco, Daphne Johnson, Sr. Patricia Lupo, OSB, Lydia Olshevski and Wilma Rahner as the 2008 Dynamic Women in Erie County, and we extend to them our best wishes for continued success in all of their endeavors.

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

NOTE: A SIMILAR RESOLUTION WAS PRESENTED TO CHRISTINE TOMBAUGH, winner of the Spirit of Catherine McAuley Award.

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CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY  
MERCYHURST COLLEGE PROJECT

WHEREAS, the City of Erie Higher Education Building Authority (the "Authority") is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act approved May 2, 1945, P. L. 382, as continued by Act approved June 19, 2001, P. L. 22, 53 Pa. C.S. Ch. 56, as amended (the "{Act}"), having been organized by the City Council of Erie, Pennsylvania by Official Ordinance #64-1985 dated November 13, 1985, approved by the Mayor of the City of Erie on November 15, 1985 and filed with the Department of State of the Commonwealth of Pennsylvania on December 31, 1985, and the Articles of Incorporation of the Authority having been subsequently amended and restated as approved by Resolution of City Council adopted December 16, 1992; and

WHEREAS, the Act, among other things, empowers authorities created thereunder to acquire, hold, construct, improve, maintain, operate, own and lease, as lessor or lessee, buildings equipment and facilities to be devoted wholly or partially for public uses, including buildings and facilities for private, non-profit, non-sectarian colleges and universities which are determined by the Authority to be eligible educational institutions provided that such buildings and facilities shall have been approved by resolution adopted by the governing body of the municipality organizing the authority and that the approval does not obligate the taxing power of the governing body in any way and to borrow money and to make and issue bonds, refunding bonds and other evidences of indebtedness and to secure payment of such bonds and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts; and

WHEREAS, Mercyhurst College (the "College"), a Pennsylvania non-for-profit corporation, is a private, non-sectarian college which owns and operates higher educational facilities located in the City of Erie, Pennsylvania; and

WHEREAS, the College has requested that the Authority provide funds for a project to be undertaken by the college to include

(a) refunding on a current basis of the Authority's College Revenue Bonds, Series of 1997 (Mercyhurst College Project), issued July 3, 1997; (b) construction of a three-story, approximately 60,000 sq. ft., academic building on the college's campus at 501 East 38<sup>th</sup> Street to include classrooms, offices and administrative areas; (c) construction of a four-story, approximately 100,000 sq. ft., 320 bed residence hall on the college's campus at 501 East 38<sup>th</sup> Street; (d) construction of a two-story, approximately 22,000 sq. ft., 75 bed residence hall on the college's campus at 16 West Division Street, North East township; (e) funding of a debt service reserve fund; and (f) payment of a portion of the costs of issuance of the bonds (together, the "Project), and

WHEREAS, the completion of the Project will enable the College to service its students and the people of the City of Erie, Pennsylvania in an improved manner; and

WHEREAS, in order to provide the funds for the Project, the College has requested that the Authority issue its College Revenue Bonds together in an amount not to exceed \$29,000,000 (the "Bonds"); and

WHEREAS, the Authority has approved the issuance of the Bonds at a meeting held on March 26, 2008 following a public hearing, subject to the approval of City Council as required by law.

NOW, THEREFORE, Be It Resolved:

1) It is hereby declared that it is desirable for the health, safety and prosperity of the people of the City of Erie for the Authority to undertake the Project and to finance the same by the issuance and sale of the Bonds.

2) the Authority by its proper officers is authorized to issue, execute, deliver and acknowledge the Bonds.

3) Nothing in this Resolution shall be construed to pledge the credit or taxing power of the City of Erie, Pennsylvania, nor shall the City of Erie be in any manner liable for any indebtedness arising out of this transaction.

We do hereby certify that the above Resolution was duly passed by the City Council of Erie, Pennsylvania at a regular meeting held on April 2, 2008 due notice of which had been given and at which a quorum was present and acting throughout.

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

James Klemm, City Clerk  
Erie City Hall

March 14, 2008

Re: EMTA Appointment

Dear Jim:

Please be advised that I have made the following appointment to the Erie Metropolitan Transit Authority Board.

Gary Grack has been appointed to fill the unexpired term of Tom Kennedy thru December 31, 2011, created upon Mr. Kennedy's resignation.

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/ Joseph E. Sinnott, Mayor

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

That the communication from Mayor Joseph Sinnott noting that he has appointed **Gary Grack** to the **Erie Metropolitan Transit Authority** board thru December 31, 2011 to fill the unexpired term of Tom Kennedy (resigned) is hereby received and confirmed by City Council.

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

To: Members of City Council April 1, 2008  
From: John Vahey, Demolition Coordinator, City of Erie  
Re: Agenda Items #4 and #5

It is the opinion of the Code Enforcement Office that this proposal be denied. Mr. Eric Moore lives in Waterford Connecticut. He has no intention to repair these properties. As stated in the article in the Times News on 3/18/08, he intends to clean out the properties only, and try to flip them for \$5,000 or \$6,000 each. 2121 Reed is across the street from Holy Trinity Church. If Mr. Moore's proposal is denied Holy Trinity will purchase the property and pay for the demolition. Helen Santiago, the neighbor adjacent to 526 East 23<sup>rd</sup> Street has agreed to purchase and repair the property if Mr. Moore's proposal is denied.

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

That the proposed Repository Sale of property commonly known as **526 East 23<sup>rd</sup> Street** and identified by Erie County Assessment Index Number 18-050-022.0-235.00 by the Erie County Tax Claim Bureau to Eric Moore for the sum of \$250.00 is hereby approved.

April 2, 2008. City Council on motion to adopt, FAIL TO ADOPT, by yeas Council Members Jenkins-Husband. 1. Nays. Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Schember, Thompson and Jones 6.

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

That the proposed Repository Sale of Property commonly known as **2121 Reed Street** and identified by Erie County Assessment Index Number 18-050-029.0-117.00 by the Erie County Tax Claim Bureau to Eric Moore for the sum of \$250.00 is hereby approved.

April 2, 2008. City Council on motion to adopt, FAIL TO ADOPT, by yeas Council Members Jenkins-Husband. Nays. Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Schember, Thompson and Jones. 6.

AFTER CITY COUNCIL FAILED TO ADOPT THE ABOVE TWO PROPOSED REPOSITORY SALES OF PROPERTY, THE CITY SOLICITOR FORWARDED THE FOLLOWING LETTER TO THE ERIE COUNTY TAX CLAIM BUREAU.

Steven A. Letzelter, Erie County Tax Claim Bureau April 2, 2008  
Erie County Court House, 140 West Sixth Street, Erie, Pa.  
Re: Repository Sales - 526 East 23<sup>rd</sup> Street and 2121 Reed Street

Dear Mr. Letzelter:

Please be advised that City Council refused to consent to the sale of above referenced properties at the Council meeting April 2, 2008. The Council will no longer approve these sales unless that meet criteria which will be established by our Department of Community and Economic Development. I would kindly request that you refrain from tendering a deed to the prospective purchasers for these properties. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
S/ Gregory A. Karle, Esq.

April 2, 2008. City Council receive and enter in the minutes for information.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That Change Order #1 on the contract of **GraybaR**, 1220 Myrtle Street, Erie, Pa., for Electrical Equipment for the Perry Square Renovation, adding the sum of **\$5,767.00** for two 1200A 3P non-fused safety switches, 3R and two Neutral Assemblies Groundable, as required by Penelec and recommended and concurred with by the Bureau of Engineering, be approved. The original amount of the contract was \$44,867.12 and the revised contract amount is \$50,634.12.

This Change Order is hereby received by City Council and concurred with and copies of this resolution are ordered attached to the original contract. Additional copies are to be forwarded to the Contractor, Engineer and other interested Parties. To be charged to Budget Code #018-0713-0000-4075.

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, 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, via:

1. **Eagle Radio Technologies**, 1367 East Second Street, Jamestown, NY, for the purchase of (2) Base Station/Repeater Units located at the Radio Tower for the sum of \$9,903.24.
2. **Scobell Co.**, 1356 East 12<sup>th</sup> Street, Erie, Pa., for Repairs made to the G Heater in the garage for the Bureau of Streets for the sum of \$2,236.11.
3. **Chemung Supply Corp.**, P. O. Box 527, Elmira, NY, for 9' and 4' Channel Sign Posts & Bases for the Bureau of Streets, for the sum of \$4,894.00, with funds to be withdrawn from the Liquid Fuels Operating Supplies budget. (COG bid)
4. **M.B. Squires Company, Inc.**, 835 Hogue Road, Ellwood City, Pa., for the purchase of (2) 28ft. Steel Banner Poles for State Street, in the total amount of \$5,570.00. \*\* See following memo

April 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband. Schember, Thompson and Jones. 7. Nays. 0.

April 2, 2008. Signed by the President. Attested by the Acting City Clerk.

TO: Rubye Jenkins-Husband, City Council Liaison March 28, 2008  
FROM: David Mulvihill, Asst. Director of Public Works

On the Agenda for the April 2, 2008 City Council meeting is a resolution for a Purchase Order in the amount of \$5,670.00 to purchase two 26-foot banner poles from M. B. Squires Co. Inc., to replace the banner poles that have been located on State Street between North Park Row and South Park Row for several years. As you may recall, in late 2007, one of the two existing banner poles collapsed as a result of a combination of its deteriorated condition and high winds. The remaining pole has also deteriorated and needs to be replaced as well.

The city utilizes the poles for its own events such as Celebrate Erie, Arbor day, etc. and throughout the year, several organizations also rent space on the poles from the city to hang banners that announce various drives, fundraisers or other events. The revenue is collected by the City's Special Events Office and is deposited into the General Fund.

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April 2, 2008. City Council on motion of Mr. Thompson, Seconded by Mr. Schember, adjourned at 10:55 a.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Attest: \_\_\_\_\_ President of City Council

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(Acting) City Clerk