

The City Council met in regular session in the Council Chambers on
Wednesday, December 5, 2012 at 9:00 A.M.

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

On motion of Mr. Witherspoon, Seconded by Mr. Winarski, the reading of
the minutes of the Meeting of November 14, 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 November 21, 2012, November 30, 2012 and
December 7, 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. Winarski, Council File No.15.821

An Ordinance approving the extension of the term of existence of the **Erie City
Water Authority** for a term consistent with the extension of the lease agreement
between the City of Erie and Erie City Water Authority. .

December 5, 2012. City Council on motion of Mr. Winarski, Seconded by Mr.
Witherspoon having read Council File No. 15,821 does hereby adopt on First Reading by
yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and
Jones. 7. Nays. 0.

December 5, 2012. Signed by the President. Attested by the City Clerk.

Pursuant to the provisions of Zoning Ordinance No. 80-2005 and of the proper legal
advertising, the City Council did hold a **Public Hearing on Wednesday, December 5, 2012
at 10:00 A.M. in City Council Chambers**, Municipal Building, 626 State Street, Erie,
Pennsylvania to hear testimony on a proposed rezoning of vacant property located between
Parade Street and Ash Street on the south side of East 19th Street, covering City Index #'s
18-050-020-100.00 and 18-050-0200-100.00 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).

Pursuant to the provisions of PA 47 P.S. 4-461 (b.3) and of the proper legal advertising, the
City Council did hold a **Public Hearing on Wednesday, December 5, 2012 at
approximately 10:00 A.M. in City Council Chambers** to hear testimony concerning the
Inter Municipal Transfer of Liquor License No. R-08452.

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

A resolution authorizing and directing the City Clerk to advertise for a public
hearing on the initiative of City Council amending Zoning Ordinance No. 80-2005, by
changing the classification of property located on East 12th Street being Tax Parcels (15)
2105-101, (15)2105-107, (15)2105-108, (15)2105-109 and (15)2105-110 from (M-1) Light
Industrial District to (M-2) Heavy Industrial, owned by TSK Partners Inc., Twelfth Street
Realty, McInnes Rolled Rings and the Greater Erie Industrial Development Corporation will
be held on **Wednesday January 2, 2013 at 9:30 A.M. in City Council Chambers**,
Municipal Building, 626 State Street, Erie, Pennsylvania.

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans,
Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012. Signed by the President. Attested by the City Clerk.

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

A Resolution to approve the Annual Budget of the Erie Area Council of Governments for the calendar year ending December 31, 2013.

WHEREAS, The City of Erie is a member of the Erie Area Council of Governments (EACOG); and

WHEREAS, The EACOG has proposed its Annual Budget for its financial activities for the 2013 calendar year which will be voted upon for approval at the EACOG's continuation of the General Assembly Meeting of November 7 2012 on December 12, 2012; and

WHEREAS, the City Council of the City of Erie has reviewed the Proposed Annual Budget for 2013, a copy of which is attached hereto, and finds it to be in good order; and

WHEREAS, the City Council of the City of Erie acknowledges its proportionate share of the Members Dues as listed therein.

IT IS HEREBY RESOLVED by the City Council of the City of Erie, Erie, County, Pennsylvania that the proposed Annual Budget for the calendar year ending December 31, 2013 is approved by the City Council of the City of Erie.

ADOPTED this 5th day of December 2012.

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012. Signed by the President. Attested by the City Clerk.

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

That **Benjamin Gadsby**, 717 Hilltop Road, Erie, Pa. 16509 No. 1 on list having been nominated by Chief Stephen E. Franklin is hereby appointed as a Probationary Patrolman at the current salary of \$36,986.97 and that he is on probation for one (1) Year from the date of his appointment on Monday, December 10th, 2012.

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012. Signed by the President. Attested by the City Clerk.

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

That the communication from Atty. Timothy M. Ziezula, regarding the request of the Erie School District to close and vacate a 14' wide paper alleyway which runs through the former **Glenwood School** property, being tax parcel numbers (18) 53-26-200 and (18) 53-26-201, is hereby received and referred to the City Planning Commission for recommendation and report thereon.

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 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 hereby authorized to execute the **State Street Bridge Replacement Project** between the City of Erie and Herbert, Rowland & Grubic, Inc., Engineering and Related Services. For the completion of Part IV Shop Drawing Review/Construction Consultation for City of Erie State Street Bridge over Canal Basin. Original agreement \$32,140.52. Revised agreement \$39,629.02.

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 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 two **(2) Easement Agreements** with Penelec, 311 Industrial Park Road, Johnstown, PA 15904 for electrical service on Index No. 18-5162-303. The Erie City Water Authority is making improvements to the Johnson Pump Station, located on the property. The electrical service installation will be in accordance with the provided Exhibit(s).

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 5, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Public Works, Municipal. Garage

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$15,000.00	002-0719-0000-4056	Repair & Maint	\$67,380.27	002-0719-0000-4035	Repair & Maint.
15,000.00	002-0719-0000-4047	Heat/Light/Power			
<u>37,380.27</u>	002-0719-0000-4018	Group insurance			
\$67,380.27					

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 5, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Bureau of Streets.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$ 5,000.00	002-0713-0000-4041	Profess. Svs.	\$26,132.63	002-0713-0000-4035	Repair & Maint.
535.47	002-0713-0000-4046	Communication			
3,806.93	002-0713-0000-4047	Heat/Light			
9,961.52	002-0713-0000-4057	Tipping Fees			
4,328.71	002-0713-0000-4047	Paint& Sign H&L			
<u>2,500.00</u>	002-0713-0000-4054	Paint&Sign rentals			
\$26,132.63					

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 5, 2012. Signed by the President. Attested by the City Clerk.

By Mr. , Seconded by Mr. , 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. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for labor and equipment for emergency Sewer Work 2013 for the Bureau of Engineering at unit prices (from 2010 bid)

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 5, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Winarski, 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. **Michael D. McDowell, Esq**, PO Box 15054, Pittsburgh, PA 15237 for Arbitration Services-FOP Lodge #7 and City of Erie for discipline of Det. Sgt. Spagel for the Office of the Solicitor at a total cost of \$3,166.67.

2. **David Milano Construction**, 2202 Zimmerly Road, Erie, AP 16505 for materials only for installing a new 24 Inch storm sewer at 38th and Old French Road for the Bureau of Sewers as follows: \$24,101.22 (MATERIAL COSTS ONLY).
3. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only for repairing sanitary sewer main at 660 Payne, repairing sanitary sewer connection at 502 West 6th Street, installing sanitary manhole at 1015 East 8th Street and at 555 West 7th Street for the Bureau of Sewers as follows: \$2,942.63 (MATERIAL COSTS ONLY), \$2,197.65 (MATERIAL COSTS ONLY), \$2,163.34 (MATERIAL COSTS ONLY), \$2,395.91 (MATERIAL COSTS ONLY).
4. **Tri State Instruments**, 3657 West 26th Street, Erie, PA 1650 for meter calibrations performed at the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$2,634.00.
5. **Jamestown Electric Supply**, 246 East Main Street, Corry, PA 16407 for the emergency purchase of a breaker for the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$3,275.00.
6. **Hach Company**, 2207 Collections Center Drive, Chicago, IL 60693 for the emergency purchase of a portable sampler for the Industrial pre-Treatment Program at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,641.40.
7. **Mayer Brother Construction**, 1902 Cherry Street, Erie, PA 16502 for the emergency replacement of an additional 84 feet of curb, due to the emergency storm sewer replacement on Old French Road for the Bureau of Sewers at a total cost of \$2,352.00.
8. **W.C. Weil Company**, PO Box 199, Allison Park, PA 15010 for the emergency purchase of mechanical seals for the City of Erie Sewage Lift Station pumps for the Bureau of Sewers at a total cost of \$2,411.07.
9. **Ace Viking Electrical**, 2222 East 30th Street, Erie, PA 16510 for the emergency purchase of a 40HP drive for the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$3,436.00.
10. **Witmer Public Safety Group**, 104 Independence Way, Coatesville, PA 19320 for a Laerdal Suction Unit AC & DC adapter for the Bureau of Fire at a total cost of \$2,444.97.
11. **A. W. Farrell & Son, Inc.**, 3791 East Lake Road, Dunkirk, NY 14048 for repairs at the Central Fire House for the Bureau of Fire at a total cost of \$2,090.00.
12. **Gov Connection**, 7503 Standish Place, Rockville, MD 20855 for ten (10) Lenovo PC's for the Office of Computer Services at a cost of \$4,400.00.
13. **Greffen IBS Inc.**, 73 Harry Street, Conshohocken, PA 19428-0910 for server hardware plus first year of dictation services for the Bureau of Police at a total amount of \$1,463.98.
14. **Eni USA & R & M Co. Inc.-Cabot**, PO Box 7247-7028, Cabot, PA 16023, for motor oil and hydraulic oil for the Municipal Garage at a total amount of \$4,224.42.
15. **Pitney Bowes Inc.**, Suite 105A, 3939 West Ridge Road, Erie, PA 16506-1880 for a DA55S AddressRight Printer for the Print Shop for \$4,035.00

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
 December 5, 2012 Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

A RESOLUTION OF THE CITY OF ERIE, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE NO. 4-08452 INTO THE CITY OF ERIE FROM THE TOWNSHIP OF MILLCREEK.

WHEREAS, Section 4-461(b.3) of the Pennsylvania Liquor Code (47 P.S. 4-461 (b.3)) authorizes, among other things, the Pennsylvania Liquor Control Board (the "PLCB") to approve, in certain instances, the transfer of liquor licenses across municipal boundaries within the same county regardless of the municipal quota limitations provided for in the Pennsylvania Liquor Code, if sales of liquor and malt or brewed beverages are lawful in the municipality to which the license is to be transferred; and

WHEREAS, under Section 4-461 (b.3) as prerequisite to such approval by the PLCB, the receiving municipality must adopt a resolution or ordinance approving the intermunicipal transfer of the liquor license into that municipality; and

WHEREAS, Section 4-461 (b.3) also requires that, prior to adoption of such a resolution or ordinance by the receiving municipality, at least one public hearing must be held for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for an intermunicipal transfer filed under Section 4-461 (b.3) must contain a copy of the resolution or ordinance adopted by the receiving municipality approving the intermunicipal transfer of the liquor license into the receiving municipality; and

WHEREAS, PINAPPLE PRODUCTIONS, LLC trading as PINEAPPLE EDDIE SOUTHERN BISTRO (collectively "Applicant") has requested the approval of the Erie City Council, as the governing body of the City of Erie, for the proposed intermunicipal transfer of Pennsylvania Liquor License No. R-08452 from within the Township of Millcreek, Erie County, Pennsylvania to the Applicant at 1402 West 10th Street, within the City of Erie, Erie County, Pennsylvania, with the understanding that such liquor license transfer must also be approved at a later date by the PLCB; and

WHEREAS, the Erie City Council has held a public hearing on December 5, 2012 to receive and consider comments and recommendations on this proposed intermunicipal liquor license transfer as referenced above and, after due consideration of this matter and all issues relating thereto, finds that the intermunicipal transfer of Pennsylvania Liquor License No. R-08452 into the Applicant at Applicant's existing restaurant business located 1402 West 10th Street within the City of Erie will result in job creation, revenue enhancement and/or enhanced dining accommodations for residents of and visitors to the City of Erie, all of which will benefit the local economy and local residents, and finds no evidence that the proposed intermunicipal transfer will adversely affect the welfare, health, peace and morals of the municipality of its residents; and

UPON MOTION OF Mr. Witherspoon and Second of Mr. Merski,

NOW, THEREFORE, BE IT RESOLVED, that the Erie City Council hereby approves by adoption of this Resolution, the proposed intermunicipal transfer of Pennsylvania Liquor License No. R-08452 into PINEAPPLE PRODUCTIONS, LLC trading as PINEAPPLE EDDIE SOUTHERN BISTRO, such liquor license to be used and operated at the restaurant premises commonly known as 1402 West 10th Street, within the City of Erie, Erie County, Pennsylvania 16502.

BE IT FURTHER RESOLVED, THAT THE ABOVE-referenced liquor license transfer remains nevertheless subject to approval by the Pennsylvania Liquor Control Board in accordance with applicable law.

VOTING FOR: 7

VOTING AGAINST: 0

ABSTAINING: 0

WE HEREBY CERTIFY THAT this Resolution was adopted by the Erie City Council at its official meeting held on December 5, 2012.

Attest: James Klemm:
Erie City Clerk

ERIE CITY COUNCIL: Curtis L. Jones Jr.
President Erie City Council

December 5, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012 Signed by the President. Attested by the City Clerk.

December 5, 2012 City Council recess at 9:40 A.M by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012 City Council reconvene at 10:00 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 5, 2012 City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski, adjourned at 10:42 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

President of City Council

Attest:

City Clerk

