

The City Council met in regular session in the Council Chambers on Wednesday, December 18, 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. Witherspoon, Seconded by Mr. Winarski, the reading of the minutes of the Meeting of December 4, 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 December 4, 2013, December 20, 2013 December 27, 2013 and January 3, 2014 were given to City Council and same adopted by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7, Yeas, Nays. 0.

By Mr. Merski, Council File No. 15,854 Pending Official File Ordinance No. 31-2013

An ordinance amending Official Ordinance No. 80-2005 known as the Zoning Ordinance of the City of Erie by **changing the classification** of the property located at **3503 Peach Street** bearing Index No. 18-053-0260-20000, the back portion of said property from R-1A (Traditional Single Family Residential) to that of RLB (Residential Limited Commercial) per request of Attorney James B. Toohey, representing Erie Federal Credit Union.

December 18, 2013. City Council on motion of Mr. Merski, Seconded by Mr. Winarski, having read Council File No.15,854, now known as Pending Official File Ordinance No. 31-2013 does hereby adopt on Final Passage by yeas Council Members, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 6. Nays 0. Council Member Brennan abstains.

December 18, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No.15,849, Pending Official File Ordinance No. 32-2013

An ordinance **fixing the tax rate** for all city purposes for the Fiscal Year 2014 (beginning on January 1, 2014 and ending on December 31, 2014.

December 18, 2013. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon having read Council File No. 15,849, now known as Pending Official File Ordinance No.32 -2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0. December 18, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,850, Pending Official File Ordinance No. 33-2013

An ordinance of the City of Erie, County of Erie and Commonwealth of Pennsylvania, **adopting** the General Fund and certain other budgets for the fiscal year beginning January 1, 2014 and ending December 31, 2014.

December 18, 2013. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon having read Council File No. 15,850, now known as Pending Official File Ordinance No.33 -2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0. December 18, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon Council File No. 15,855.

An ordinance [appropriating](#) the sum of **\$300,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2013 PROJECT SAFE NEIGHBORHOOD

December 18, 2013. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Horan-Kunco having read Council File No. 15,855 now known as Pending Official File Ordinance No. 1-2014 does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0.
December 18, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,856, Pending Official File Ordinance No 2-2014

An ordinance requiring all persons, partnerships, businesses, and corporations to **obtain a permit** for any construction or development; providing for the issuance of such permits; setting forth certain minimum requirements for new construction and development within areas of the City of Erie which are subject to flooding and establishing penalties for any persons who fail, or refuse to comply with the requirements or provisions of this ordinance.

December 18, 2013. City Council on motion of Mr. Merski, Seconded by Mrs. Horan-Kunco having read Council File No. 15,856 now known as Pending Official File Ordinance No. 2-2014 does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0.
December 18, 2013, Signed by the President. Attested by the City Clerk.

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

A resolution authorizing and directing the City Clerk to advertise for a **Public Hearing on Wednesday, January 8, 2014 at approximately 9:30 A.M. in City Council Chambers, 626 State Street, Municipal Building, Erie, PA** relative to the rezoning request of Attorney Richard Vendetti to rezone property commonly known as 2021 and 2047 East 38th Street from R-1 (Low Density Residential District) to that of C-1 (Local Commercial District), accompanied by the requisite filing fee of \$500.00.

December 18, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.
December 18, 2013. Signed by the President. Attested by the City Clerk.

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

A resolution authorizing and directing the City Clerk to advertise for a **Public Hearing on Wednesday January 8, 2014 at approximately 9:30 A.M. in City Council Chambers, 626 State Street, Erie, PA** relative to the rezoning of property located at 356 West 6th Street from RLB (Residential Limited Business) to that of C-1 (Local Commercial District) and six additional lots namely 333, 337, 341, 345, 349 and 355 West 5th Street from R-3 (High Density Residential) to that of C-1 (Local Commercial District), at the request of Caleb Pifer, Executive Director of the Erie County Historical Society (accompanied by the requisite filing fee of \$500.00).

December 18, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.
December 18, 2013. Signed by the President. Attested by the City Clerk.

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

A resolution authorizing and directing the City Clerk to advertise for a **Public Hearing relative to property located at 239 East 2nd Street on Wednesday January 8, 2014 at approximately 9:30 A.M. in City Council Chambers, 626 State Street, Municipal Building, Erie, PA** relative to a Waterfront Conditional request, for the construction of a new home which was destroyed by fire in the WR (Waterfront Residential District).

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

In Support of the Establishment Of A City Revitalization And Improvement Zone (CRIZ) in the City of Erie

WHEREAS, the City Revitalization and Improvement Zone (CRIZ) Program was created by Act 52 of 2013 to provide opportunity for new growth, revive downtowns and create jobs for the residents in the regions where vacant, desolate, underutilized or abandoned space is available to be developed; and

WHEREAS, the City of Erie Department of Economic and Community Development's proposed 101 acre site extending from Erie Waterworks to Donjon Shipyard which incorporates three major local project plans:

1. GAF – Bayfront Place – 12.5 acres, environmental remediation and dock wall repair to be complete in the first quarter of 2014.
2. Scott Property – Harborplace – 12 acres for a self-contained community of hotels, shops, three restaurants, housing and an entertainment representing a \$150 million investment including \$40 million for public improvements.
3. 3. McAllister Place – Port Authority – 1.745 acres

WHEREAS, the proposed development is augmented by the areas' ready access to Presque Isle Bay and the three major draws already there: the U.S. Brig Niagara, Maritime Museum and Blasco Library; and

WHEREAS, a CRIZ designation this year would jumpstart additional Bayfront development; leading to the creation/retention of 900 jobs in the City of Erie thereby increasing personal incomes, growing state and local tax revenues, energizing our local economy and improving the lives of city and county residents, and visitors; and

BE IT RESOLVED by the City of Erie City Council that the Pennsylvania Department of Revenue, the Pennsylvania Department of Community of Economic Development and the Governor's Office of Budget to select the City of Erie bayfront property for one of the Commonwealth's two CRIZ designations.

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to: The Honorable Tom Corbett, Governor of Pennsylvania, and Representatives Ryan Bizzarro, Florindo Fabrizio, Patrick Harkins, Greg Lucas and Curt Sonney, and Senators Sean Wiley and Scott Hutchinson.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is hereby authorized and directed to prepare an ordinance amending the Codified Ordinance of the City of Erie, being Part Nine- Streets, Utilities and Public Services Code, Title Seven- Other Public Services Article 951 Residential Refuse, Section 951.09- Garbage and Refuse Collection Fees, by increasing the yearly fee for collections of garbage and refuse from \$192.00/year to \$220.00/year along with the stipulation that the Refuse Fees will expire on December 31, 2014 without a designed plan by the City Administration for the collection of delinquent garbage fee, said increases to be in effect for the 2014 year only unless extended by City Council.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is hereby authorized and directed to prepare an ordinance Solicitor to prepare an ordinance amending the Codified Ordinance of the City of Erie, being Part Nine - Streets, Utilities and Public Services Code, Title Five – Sewers and Water – Article 933. – Sewer Rental – Section 933.02 – Sewer Rates; Rate Changes by increasing the Sewer Rate Service Charge from \$12.00/bill to \$17.45 /bill, and meter quantity charged per 100 cubic feet per quarter for the first 70 CF from \$2.20 to \$2.65, and the next 4,930 CF, from \$2.10 to \$2.52, and all over 5,000 CF from \$2.00 to \$2.38; and repealing the Large Volume User Charges (100 Cubic Feet Per Month Rates), said increases to be in effect for the 2014 year only unless extended by City Council.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

A resolution receiving the surety bond submitted by **Susan E. DiVecchio, City Treasurer**, from the Cincinnati Insurance Company, 6200 S. Gilmore Road, Fairfield, Ohio, 95014-5141 in the amount of \$2 million is hereby placed on file in the City Clerk's office.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

A resolution that the proper City officials of Erie are authorized to accept **Ferguson & Holdnack Reporting, Inc.**'s proposal for stenography services for the City of Erie's Zoning Board, Building Code Appeals Board and Property Maintenance Board of Appeals hearings for the 2014 calendar year. The terms of this contract will be \$100.00 for daytime hearings and \$125.00 for hearings scheduled to commence at 6:00 P.M. or later. We will charge \$30.00 per hour for each additional hour; to be billed in half-hour increments where applicable, as more fully set forth in Exhibit "A" attached.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

That the [Change Order No. 1](#) on the contract of Joseph McCormick Construction Company, 3340 Pearl Avenue, Erie, PA 16510 for the 2013 Proposed Milling and Asphalt Resurfacing of Various City Streets and Installation of Concrete Curb Ramps-II, increased scope of work, streets added to paving list as recommended and concurred with by the Bureau of Engineering be approved as follows: Net Change \$108,899.04. The original contract was \$1,237,118.00. The revised contract amount is \$1,346,017.04. The Change Order total is \$108,899.04.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

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

That the **Change Order No. 1** on the contract of Vavala Concrete Construction LLC, 2059 West 20th Street, Erie, PA 16502, for the 2013 Curb Ramps III Project, as recommended and concurred with by the Bureau of Engineering, be approved as follows: The original contract amount: \$223,689.00. The Change Order add: \$17,700.18. The final contract amount: \$241,389.18.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the Office of Fire, Municipal Garage, Division of Radio, General Government.

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$100,000.00	002-0639-0000-4006	Overtime	\$350,000.00	002-0963-0000-4012	Employee Payout
18,000.00	002-0639-0000-4016	FICA/Medicare			
90,000.00	002-0719-0000-4011	Salaries			
19,000.00	002-0720-0000-4011	Salaries			
78,000.00	002-0963-0000-4098	Contingency Acct			
45,000.00	002-0963-0000-4143	Erie Zoo Society Gas			
\$350,000.00					

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk

By Mr. Witherspoon, Seconded by Mrs. Horan-Kunco 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. **The Officer Store, Witmer Associates**, 2961 National Pike, PO Box 249, Chalk Hill, PA 16421 for (17) tasers, holders, and 4 year extended warranties, and (38) power magazines for the Bureau of Police at a total amount of \$21,897.00.
2. **Printing Concepts, Inc.** 4982 Pacific Avenue, Erie, PA 16506 for the amount of \$6,302.00 for the printing and distribution of the 2014 Recycling Calendar. (Refuse).
3. **Bonded Services Corporation**, 4859 Pacific Avenue, Erie, PA 16506 for providing janitorial services for City of Erie Municipal Building for the amount of \$83,796.00 for 2014 and \$84,888.00 for 2015. (Public Works)

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Horan-Kunco, 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. **Hagan Business Machines**, 1112 Peach Street, Erie, PA 16512 for a Toshiba 2550c copier, printer, fax machine and scanner for the Controller's Office at a cost of \$5,250.00.
2. **Custom Products Corp.** PO Box 54091, Jackson MS 39288-4091 for Sign Posts for the Bureau of Streets, Paint & Sign Division at a cost of \$6,483.00.
3. **Process & Data Automation**, 670 West 36th Street, Erie, PA 16508, to provide data services onsite to configure, test and support the installation of required networking, client PC's and associated hardware at the Treatment Plant for the Bureau of Sewers at a total cost of \$3,800.00.
4. **Process & Data Automation**, 670 West 36th Street, Erie, AP 16508, for the IT work performed at the Treatment Plant for the Bureau of Sewers at a total cost of \$3,800.00.
5. **Eni USA & R&M Co Inc.-Cabot**, PO Box 7247-7028, Philadelphia, PA 19170-7028 for hydraulic oil and motor oil for the Municipal Garage at a total amount of \$4,189.96.
6. **McCarl's Services Inc.** 3020 Unionville Road, Suite D, Cranberry Township, PA 16056 for the emergency repair to the overhead heaters at the Municipal Garage at a total cost of \$4,724.72.
7. **Telog Instruments, Inc.** 830 Canning Parkway, Victor, NY 14564 for the annual software maintenance agreement for the Telog computerized maintenance system utilized by the Bureau of Sewers at a total cost of \$2,350.00.
8. **Cellebrite USA, Inc.** 266 Harristown Road, Ste. 105, Glen Rock, NJ 07452 for the yearly license upgrade and maintenance contract for the Cellphone Extraction Unit for the Bureau of Police at a total amount of \$2,998.99.

December 18, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 18, 2013 Signed by the President. Attested by the City Clerk.

December 18, 2013 City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski adjourned at 10:10 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

