

The City Council met in regular session in the Council Chambers on Wednesday, January 8, 2014 at A.M.

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

On motion of Mr. Kwitowski, Seconded by Mr. Brennan the reading of the minutes of the Meeting of December 18, 2013 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Witherspoon and Winarski. 7. Nays. 0.

Copies of the bills under date of January 10, 2014 were given to City Council and same adopted by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Witherspoon and Winarski. 7. Nays. 0.

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

That Mr. Melvin Witherspoon is appointed City Council President for 2014.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk

By Mr. Witherspoon, Council File No.15,855, Pending Official File Ordinance No. 1 -2014  
An ordinance [appropriating](#) the sum of **\$300,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2013 PROJECT SAFE NEIGHBORHOOD.

January 8, 2014. 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 Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

January 8, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,956, 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.

January 8, 2014. 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.2-2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon, 7. Nays 0.

January 8, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Brennan Council File No. 15,857

An Ordinance appropriating the sum of **\$87,447.00** to be received as a Byrne Criminal Justice Innovation Grant from the U.S. Department of Justice for the [BCJI Little Italy Program](#).

January 8, 2014. City Council on motion of Mr. Brennan, Seconded by Mr. Merski having read Council File No.15,857 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,858

An ordinance amending the Codified Ordinance of the City of Erie, Part Nine, Utilities and Public Service Code, Title Seven-Other Public Services, **Article 951, Residential Refuse**, Section 951.09-Garage and Refuse Collection Fees, by increasing the yearly fee for collections of garbage and refuse from \$192.00 per year to \$220.00 per year, and by adding section 951.09-Fee Increase Termination providing for termination of those fee increases for the 2014 budget year unless extended by City Council.

January 8, 2014. City Council on motion of Mr. Jones, Seconded by Mr. Witherspoon having read Council File No.15,858 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,859

An ordinance amending the Codified Ordinance of the City of Erie, Part Nine- Streets, Utilities and Public Services Code, Title Five-Sewers and Water, Article 933-Sewer Rental, **Section 933.02 (A)-Sewer Rates** by increasing the sewer rate service charge from \$12.00 per bill to \$17.45 per bill, and meter quantity charge 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 usage over 5000 CF from \$2.00 to \$2.38; and by increasing large volume user charges per 100 CF per month for the first 23 CF from \$1.65 to \$2.65 and the next 1,644 CF from \$1.40 to \$2.52, and all other usage over 1,667 from \$1.20 to \$2.38 and enacting Section 933.021-Rate Increase Termination, providing that those rate increases in effect in the 2014 budget year shall expire at the end of 2014 unless otherwise extended by City Council.

January 8, 2014. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No.15,859 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 15,860

An ordinance amending Part 1 of the Codified Ordinances, **Article 145 Officer and Employees Retirement System**, by adding a new subsection 145.07 (g) Deferred Retirement Option Plan for all participants.

January 8, 2014. City Council on motion of Mr. Kwitowski, Seconded by Mr. Merski having read Council File No.15,860 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,861

An ordinance in accordance with the 2013 City of Erie Budget the sum of **\$4,914,334.00** is appropriated from appropriated and anticipated revenue for the reallocation thereof from Debt Service Fund Revenues to General Fund Revenues. Also, this transaction generates a change in the General Fund and Debt Service Real Estate Tax Millage rates.

January 8, 2014. City Council on motion of Mr. Jones, Seconded by Mr. Witherspoon having read Council File No.15,861 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014. Signed by the President. Attested by the City Clerk.

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Pursuant to the provisions of Zoning Ordinance No. 80-2005, and of the proper legal advertising, the City Council held a **Public Hearing at approx. 9:30 A.M. in City Council Chambers, 626 Street, Erie, PA 16501**, to consider an amendment to the City of Erie Zoning Code, relative to the rezoning request of Attorney Richard Vendetti to rezone property commonly known as 2021 and 2047 West 38<sup>th</sup> Street, from R-1 (Low Density Residential District) to that of C-1 (Local Commercial District).

Pursuant to the provisions of Zoning Ordinance No. 80-2005, and of the proper legal advertising, the City Council held a **Public Hearing at approx. 9:30 A.M. in City Council Chambers, 626 Street, Erie, PA 16501**, relative to the rezoning of property located at 356 West 6<sup>th</sup> 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 5<sup>th</sup> 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

Pursuant to the provisions of Zoning Ordinance No. 80-2005, and of the proper legal advertising, the City Council held a **Public Hearing at approx. 9:30 A.M. in City Council Chambers, 626 Street, Erie, PA 16501**, relative to property located at 239 East 2<sup>nd</sup> Street, relative to a Waterfront conditional Use request, for the construction of a new home which was destroyed by fire in the WR (Waterfront Residential District).

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

That Mr. Namon McWilliams, 4111 Appleberry Drive, Erie, Pa is reappointed to a second term to the Erie Regional Airport Authority for a term of five years, expiring on December 31, 2018.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. .7. Nays. 0.  
January 8, 2014. Signed by the President. Attested by the City Clerk.

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

That Mr. Dan Susi, 714 Sassafras Street, Erie, Pa is reappointed to a second term to the Erie Municipal Sewer Authority for a term of five years, expiring on December 31, 2018.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. .7. Nays. 0.  
January 8, 2014. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized to enter into an agreement between the City of Erie and **Attorney Donald L. Wagner** to provide legal counsel to the Zoning Hearing Board of the City of Erie from January 1, 2014 through December 31, 2014 in the amount of \$1,200.00 per month, and \$120.00 dollars an hour for every hour in excess of 12 hours per month.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. .7. Nays. 0.  
January 8, 2014. Signed by the President. Attested by the City Clerk.

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

That the proposed [Repository sale](#) of property commonly known as 336 East 14<sup>th</sup> Street and identified by Erie County Assessment Index Number 15-020-018.0-136.00 by the Erie County Tax Claim Bureau to HANDS d/b/a 7E7 LLC with offices located at 7 East 7<sup>th</sup> Street, Erie, PA in the amount of \$250.00 is hereby approved.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.  
January 8, 2014. Signed by the President. Attested by the City Clerk

By Mr. Jones, 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. **William J. Miller, Jr., Esq.**, 106 Rampart Lane, Ligonier, PA 15658 for the arbitration services for the Kim Hall discharge for the Office of Solicitor of the City of Erie at a total cost of \$2,929.73.

2. **Robison Forensic**, P.O. Box 4847, Lancaster, PA 17604-4847 for the expert fees for litigation (Disselhoff v City) for the Office of Solicitor of the City of Erie at a total cost of \$4,427.20
3. **Walter Drane**, Suite 344, 23811 Chagrin Blvd, Beachwood, OH 44122-5525 for replacement pages to the Codified Ordinances and ordinances on CD rom for the Office of City Clerk at a total cost of \$2,450.00.
4. **Premier Safety & Service Inc.** Two Industrial Park Drive, Oakdale, PA 15071 for a rescue saw for the Bureau of Fire at a total cost of \$2,239.93.

January 8, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Merski, Kwitowski, Winarski and Witherspoon. 7. Nays. 0.  
January 8, 2014 Signed by the President. Attested by the City Clerk.

January 8, 2014 City Council recess at 10:10 A.M. by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski, and Witherspoon. 7. Nays. 0.  
January 8, 2014 City Council reconvene at 10:15 A.M. by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

January 8, 2014 City Council on motion of Mr. Kwitowski, Seconded by Mr. Brennan adjourned at 11:35 A.M. by yeas Council Members Brennan, Horan-Kunco, Jones, Merski, Winarski and Witherspoon. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk