

The City Council met in regular session in the Council Chambers on Wednesday, February 5, 2014 at 9:00 A.M.

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

On motion of Mr. Kwitowski, Seconded by Mr. Brennan the reading of the minutes of the Meeting of January 19, 2014 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, Winarski and Witherspoon. 7. Nays. 0.

Copies of the bills under date of February 2, 2014 and February 14, 2014 were given to City Council and same adopted by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

By Mr. Jones, Council File No. 15,858, Pending Official File Ordinance No. 5 -2014

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.

February 5, 2014. City Council on motion of Mr. Merski, Seconded by Mr. Jones having read Council File No. 15,858 now known as Pending Official File Ordinance No.5 -2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

February 5, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15.859, Pending Official File Ordinance No. 6-2014

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.

February 5, 2014. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,859, now known as Pending Official File Ordinance No. 6 -2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

February 5, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No.15,860, Pending Official File Ordinance No. 7-2014

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.

February 5, 2014. City Council on motion of Mr. Kwitowski, Seconded by Mr. Merski having read Council File No. 15,860, now known as Pending Official File Ordinance No. 7 -2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

February 5, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No.15,864 Pending Official File Ordinance No.8-2014

An ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the **Codified Ordinances** of Erie, Pennsylvania.

February 5, 2014. City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski having read Council File No.15,864, now known as Pending Official File Ordinance No. 8-2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15862

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 **2021 and 2047 East 38th Street**, Erie, PA, from R-1 (Low Density Residential District) to that of C-1 (Local Commercial District) per request of Attorney Richard A. Vendetti.

February 5,, 2014. City Council on motion of Mr. Witherspoon, Seconded by Mr. Merski having read Council File No.15,862 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Cle

By Mr. Brennan, Council File No. 15,863

An ordinance amending Official Ordinance known as the Zoning Ordinance of the City of Erie by changing the classification of the property located at **356 West Sixth Street**, from RLB (Residential Limited Business) to C-1 (Local Commercial District) per request of Caleb Pifer, Executive Director of the Erie County Historical Society. This property will contain an additional six lots at **333, 337, 341, 345, 349 and 353 West Fifth Street** from R-3 (High Density Residential) to that of C-1 (Local Commercial District).

A proposed amendment by Mr. Brennan, Seconded by Mrs. Horan-Kunco etc.

That the ordinance amending Official Ordinance known as the Zoning Ordinance of the City of Erie by changing the classification of the property located at **356 West Sixth**, remain RLB (Residential Limited Business).(as recommended by the Planning Commission) per request of Caleb Pifer, Executive Director of the Erie County Historical Society. This property will contain an additional six lots at **333, 337, 341, 345, 349 and 355 West Fifth Street** from R-3 (High Density Residential) to that of RLB (Residential Limited Business).

February 5,, 2014. City Council on motion of Mr. Brennan, Seconded by Mrs. Horan-Kunco having read Council File No.15,863 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

February 5,, 2014. City Council on motion of Mr. Brennan, Seconded by Mr. Merski having read Council File No.15,863 does hereby adopt on First Reading as amended by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Council File No. 15,865

An ordinance appropriating the sum of **\$13,500.00** from unappropriated and unanticipated revenue for the expenditure thereof (contribution is from the Mercy Terrace Apartments for the purchase of police equipment, fire prevention supplies or equipment and winter maintenance equipment).

February 5,, 2014. City Council on motion of Mr. Winarski, Seconded by Mr. Winarski having read Council File No.15,865 does hereby adopt on First Reading by yeas Council Members Brennan, Jones, Kwitowski, Merski, Winarski and Witherspoon. 6. Nays. 0. Mrs. Horan-Kunco abstains.

February 5, 2014. Signed by the President. Attested by the City Clerk.

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

That Mr. John Drew, 114 East 32nd Street, Erie, PA 16504 is appointed to the Zoning Hearing Board to replace Richard Wagner whose term has expired. Mr. Drew's term will expire on December 31, 2018.

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. 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 file a [County Aid Application](#) for the reimbursement of Liquid Fuels Tax Monies for 2014 in the sum of \$130,239.00.

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

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

That the City solicitor is authorized and directed to prepare an amendment to the **Codified Ordinances of the City of Erie, Part One (Administrative Code) Title Three, Article 112 (Rules of Council), Section 112.10 (Order of Business)** by moving "Citizens To Be Heard", letter (d) to letter (h) and "Committee Reports of Council to letter (i) and "Adjournment" to new letter (j), Letter (d) will be Titled as "Citizens To Be Heard Regarding Agenda Items Only".

February 5, 2014. City Council adopt by yeas Council Members Brennan, Jones, Winarski and Witherspoon. 4. Nays 3. Mrs. Horan-Kunco, Mr. Kwitowski and Mr. Merski.

February 5, 2014. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is respectfully requested to **research the feasibility** of requiring all landlords registered with the City of Erie Code Enforcement Office to be current with all taxes and fees levied by the City of Erie, to be eligible for a rental license, and report his findings thereon back to City Council.

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

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

That the proposed [Repository sale](#) of property commonly known as 1012 Ash Street and identified by Erie County Assessment Index Number 15-020-027.0-204.00 by the Erie County Tax Claim Bureau to Clarence Noble, 1845 Buffalo Road, Erie, PA in the amount of \$250.00 is hereby approved.
****Pulled at the request of City Council.**

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

That the Mayor and other appropriate City officials are authorized and directed to file the following applications for a [Redevelopment Assistance Capital Program](#) (RACP) grant for first round of funding in 2014:

Harbor Place: in the amount of \$12,000,000 for the construction of a hotel, long term hotel residence and private residences along with associated parking and other site improvements;

Erie Event Complex: in the amount of \$12,000,000 for the construction of improvements to Jerry Uht Park and Erie Insurance Arena;

Liberty Park: in the amount of \$1,500,000 for infrastructure and construction of restrooms and a concession building within Liberty Park; and

Perry Square: in the amount of \$650,000 for the completion of the remaining items associated with the Perry Square Master Plan;

BE IT FURTHER RESOLVED, that the City of Erie will reimburse the Commonwealth for any funding received which is determined to be an ineligible expense by the close-out audit for each project.

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, 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. [Institute of Police Technology and Management](#), University of North Florida, Jacksonville, Florida, to provide professional, technical and other services needed in conducting a forty (40) hour training course entitled "Street Gangs Identification and Investigation". Training will take place March 10-14, 2014, and be held at the Erie County 911 Center. The total compensation to be paid to Institute of Police Technology and Management under this agreement is not to exceed \$12,500.00.
2. **Empire Stack Testing, LLC**, Bid #6287 for a one (1) year extension for Emissions Testing at the Wastewater Treatment Plant for the Bureau of Sewers at unit prices.
3. [Niagara Electrical Contractors](#), Inc., 151 East 10th Street, Erie, PA 16501 for the Proposed Electrical Upgrade and Supplemental Heat Municipal Building Cell Range, Bureau of Police in the sum of \$7,120.00. (Only bid received).

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.
February 5, 2014. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, 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. **Coleman & Co. P.C.** 2415 West Grandview Blvd, Erie, PA 16506 for the audit of SNOOPS Neighborhood Elm Street Grant for the Department of Economic & Community Development for the City of Erie at a total cost of \$3,000.00.
2. **Robson Forensic**, PO 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 \$4,710.50.
3. [Markl Supply Company](#), 904 Perry Highway, Pittsburgh, PA 15229 for (3) Corel M4.223 rifles for the Patrol Division for the Bureau of Police at a total amount of \$2,044.50.
4. [Taser International](#), 17800 North 85th Street, Scottsdale, AZ 85255-9603 for a repair kit, replacement cartridges, and batteries for the Tasers for the Bureau of Police at a total amount of \$5,238.20.
5. [Tactical & Survival Specialties Inc.](#) PO Box 1890, Harrisonburg, VA 22801 for simmunition marking cartridges, protective masks, collars and groins, conversation kits, ballistic face shields and cotton tipped applicators for the training unit for quarterly officer training for the Bureau of Police at a total amount of \$5,787.10.
6. [Witmer Public Safety Group](#), Inc. 104 Independence Way, Coatesville, PA 19320 for ammunition for training and operations for the Sniper Team for the Bureau of Police at a total amount of \$6,792.27.
7. **Kovatch Mobile Equipment**, One Industrial Complex, Nesquehoning, PA 18240 for a fire communication control pump panel and fan blade for the Bureau of Fire at a total cost of \$2,826.64.
8. **Gorman Enterprises**, 691 Bullis Road, Elma, NY 14059-9669 for the reassembly of a welded frame for the Bureau of Fire at a total cost of \$2,758.36.
9. **Plyler Overhead Door Co.** 8850 Fry Road, McKean, PA 16425 for the emergency service to repair door at Engine Co. #6 for the Bureau of Fire at a total cost of \$2,909.00.
10. **Ace Viking Electric Motor**, 2222 East 30th Street, Erie, PA 16510 for service and parts to repair a motor at City Hall for the Department of Public Works at a total amount of \$2,365.00.
11. **Jeffery Associates**, 897 Route 910, Indianola, PA 15051-0335 for the installation of a playground unit for the Bureau of Parks at a total cost of \$7,185.00.
12. **Smoracy LLC**, PO Box 77000, Detroit, MI 48277-0982 for wheel and tire assembly for the Municipal Garage at a total amount of \$2,294.70.
13. [B2B Direct](#), PO Box 1130, Niwot, CO 80544-1130 for ink for the large sign printer for the Bureau of Streets, Paint & Sign Division for the City of Erie at a cost of \$2,391.92.

14. [U.S. Signs and Safety](#) for vinyl for the Paint & Sign Division in the Bureau of Streets, for the price of \$2,754.00.
15. [PA DEP Bureau of Laboratories](#) for Laboratory Accreditation Fees at the Wastewater Treatment Plant lab for the Bureau of Sewers at a total cost of \$2,150.00.
16. [Ace Viking](#), 2222 East 30th Street, Erie, AP 16510 for a Variable Frequency Drive for one of the pumps in the Cranch Street Lift Station for the Bureau of Sewers at a total cost of \$3,016.00.
17. [RAM Industrial](#), 2850 Appleton Street, Suite D, Camp Hill, PA 17011 for parts for the thickened sludge pumps in the Plant's flotation building for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$10,818.79.

February 5, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Merski, Kwitowski, Winarski and Witherspoon. 7. Nays. 0.

February 5, 2014 Signed by the President. Attested by the City Clerk.

February 5, 2014 City Council on motion of Mr. Kwitowski, Seconded by Mr. Brennan adjourned at 10:25 A.M. by yeas Council Members Brennan, Horan-Kunco, Jones, Merski, Winarski and Witherspoon. 7. Nays. 0.

President of City Council

Attest:

City Clerk