

The City Council met in regular session in the Council Chambers on Wednesday, February 19, 2014 at 7:30 P.M.

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

On motion of Mrs. Horan-Kunco, Seconded by Mr. Jones, the reading of the minutes Of the meeting of February 5, 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 21, 2014, February 28, 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.

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February 10, 2014

To the City Clerk:

On February 5, 2014, City Council passed, by unanimous vote, Official File Ordinance No. 5-2014, which increased the yearly fee for collection of garbage and refuse from \$192.00 per year to \$220.00 per year in Section 951 of the Codified Ordinances of the City of Erie. The ordinance further sought to make the revised rates temporary unless extended by Council through affirmative, future legislation. Under the authority vested in me under Section 41413 (a) of the Optional Third Class City Charter Law, I am returning to City Council the Ordinance unsigned, noting my objection herein.

My objection is to Section two of Council File No. 15, 858, Pending official File Ordinance No. 5-2014 which states: "The increase in the Garbage and Refuse Collection Fee applicable for the 2014 budget shall be in effect for 2014 unless extended by City Council." In my opinion and that of my administration, this provision unduly restricts our budget. As I understand this provision, Council sought to cushion the impact of the fee increase by setting a "sunset provision" in the ordinance with an intention of recouping delinquent refuse charges through payment of delinquents. As was stated at the budget sessions for the year 2014, the increase in fees also relates substantially to the overall increase in costs necessary for the maintenance and operation of the refuse program and that it is error to assume that all increases can be offset by delinquent collection. For this reason, I object to section two of this provision in that it is inconsistent with sound budgeting practice and I, therefore, object to its enactment, and issue my veto.

If Council disagrees with this determination I would respectfully invite its membership to conduct reconsideration of my final decision as provided by statute.

Joseph E. Sinnott, Mayor

Council File No. 15,858, Pending Official File Ordinance No. 5 -2014, has been vetoed by the Mayor.

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

That the communication received from Mayor Joseph E. Sinnott notifying City Council that he is objecting to the passage of Official File Ordinance No. 5-2014, is hereby received and ordered attached to said ordinance and placed on file in the City Clerk's office, and Be it further resolved, that the City Council Adopts this resolution over-riding the veto of the Mayor of Official Ordinance No. 5-2014, section 2, which was unanimously adopted by City Council on February 5, 2014.

February 19, 2014. City Council **failed to override veto** of Council File Ordinance No. 15,858 by yeas Council Members Brennan, Horan-Kunco, Jones, and Witherspoon. 4. Nays. 3. Mr. Kwitowski, Mr. Merski, and Mr. Winarski.

February 19, 2014. Signed by the President. Attested by the City Clerk.

February 10, 2014

To the City Clerk:

On February 5, 2014, City Council passed, by unanimous vote, Official File Ordinance No. 6-2014, which amended by increasing, the sewer rates set forth in Section 933.02 of the Codified Ordinances of the City of Erie. The ordinance further sought to make the revised rates temporary unless extended by Council through affirmative, future legislation, Under the authority vested in me by Section 41413 (a) of the Optional Third Class City Charter Law, I am returning to City council the Ordinance unsigned noting my objection herein.

My objection is to Section two of Council File No. 15,859, Pending Official File Ordinance No. 6-2014, which states: "The increase for Sewer Rates applicable for the 2014 budget shall be in effect only for 2014 unless extended by City Council." In my opinion and that of my administration, this provision unduly restricts our budget. Although the subject section's intent is to seek revenues, the mechanism for obtaining the potential revenues is an ill conceived review of longstanding sewer agreements with other participating municipalities that are merely suspect to be inequitable in favor of non-city residents. The implementation of section two will force an arbitrary time line to review complex contractual obligations only on speculation that is completed review may produce additional revenues. The section further hinders our budget process because those subject to the sewer agreements are under no compulsion to honor our self imposed time limit for review. The section does not comport with sound budgeting practice and I, therefore, object to its enactment and issue my veto.

If Council disagrees with this determination, I would respectfully invite its membership to conduct reconsideration of my final decision as provided by statute.

Joseph E. Sinnott, Mayor

Council File No. 15,859, Pending Official File Ordinance No. 6-2014, has been vetoed by the Mayor.

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

That the communication received from Mayor Joseph E. Sinnott notifying City Council that he is objecting to the passage of Official File Ordinance No. 6-2014, is hereby received and ordered attached to said ordinance and placed on file in the City Clerk's Office, and Be it further resolved, that the City Council Adopts this resolution over-riding the veto of the Mayor of Official Ordinance No. 6-2014, section 2, which was unanimously adopted by City Council on February 5, 2014

February 19, 2014. City Council **failed to override** of Council File Ordinance No. **16,859** by yeas Council Members Brennan, Horan-Kunco, Jones, and Witherspoon. 4. Nays. 3. Mr. Kwitowski, Mr. Merski, and Mr. Winarski.

February 19, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15,862, Pending Official File Ordinance No.9-2014

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 E 38 ST** 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 19, 2014. City Council on motion of Mr. Witherspoon, Seconded by Mr. Merski, having read Council File No 15,862, now known as Pending Official File Ordinance No. 11-2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

February 19, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Council File No. 15,863, Pending Official File Ordinance No.10-2014

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**, 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 19, 2014. City Council on motion of Mr. Brennan, Seconded by Mr. Merski having read Council File No 15,863, now known as Pending Official File Ordinance No. 10-2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays 0.

February 19, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,865, Pending Official File Ordinance No.11-2014

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 19, 2014. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon, having read Council File No 15,865, now known as Pending Official File Ordinance No. 11-2014 does hereby adopt on Final Passage by yeas Council Members Brennan, Jones, Kwitowski, Merski, Winarski and Witherspoon. 6. Nays 0 Mrs. Horan-Kunco abstained.

February 19, 2014, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon Council File No. 15,866

An ordinance amending 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 moving "Adjournment" to new letter (j), Letter (d) will be Titled as "Citizens To Be Heard Regarding Agenda Items Only".

February 19, 2014, City Council on motion of Mr. Witherspoon, Seconded by Mr. Jones having read Council File No.15,866 does hereby adopt on First Reading by yeas Council Members Brennan, Jones, Winarski and Witherspoon. 4. Nays. 3. Mrs. Horan-Kunco, Mr. Kwitowski, and Mr. Merski.

February 19, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 15,867

An ordinance appropriating the sum of **\$15,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof for the **Federal Forfeiture Program**.

February 19, 2014. City Council on motion of Mr. Kwitowski, Seconded by Mr. Jones having read Council File No. 15,867 does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 19, 2014. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No.15,868

An ordinance appropriating the sum of **10,000.00** from anticipated and unappropriated revenue in the City of Erie Capital Fund. This amount represents a donation from the Star Athletic Club for the purchase of capital assets in the Police Department

February 19, 2014. City Council on motion of Mr. Kwitowski, Seconded by Mr. Jones, having read Council File No.15,868, does hereby adopt on First Reading by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 19, 2014. Signed by the President. Attested by the City Clerk.

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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

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon .7. Nays. 0.

February 19, 2014. Signed by the President. Attested by the City Clerk.

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

That the communications from **City of Erie Authorities** pursuant to Act 339 listing the names, positions and salaries of their respective employees for the six month period ending December 31, 2014 is hereby received and ordered to be placed on file in the Office of Accounts, Finance and Budget:

Erie Housing Authority	Erie County Convention Center Authority
Erie Parking Authority	Erie-Western PA Port Authority
Erie Airport Authority	Erie Metropolitan Transit Authority
Erie Water Authority	Erie Park Authority/Zoological Society
	Erie Redevelopment Authority

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.  
February 19, 2014. Signed by the President. Attested by the City Clerk.

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

**A RESOLUTION TO ENDORSE  
PENNSYLVANIA'S STATEWIDE HISTORIC PRESERVATION PLAN 2012-2017**

**WHEREAS**, the City of Erie understands that the irreplaceable historical, architectural, archaeological, and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations, and;

**WHEREAS**, Section 301 of the Municipalities Planning Code requires local governments to identify a plan for historic preservation and the adoption of relevant goals of the Pennsylvania's Statewide Historic Preservation Plan is a step in fulfilling that requirement;

**WHEREAS**, the City of Erie has expressed interest in the endorsement of Pennsylvania's Statewide Historic Preservation Plan and will assist in the implementation at the local level;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Erie of Erie County, Pennsylvania ENDORSES Pennsylvania's Statewide Historic Preservation Plan and will take the following actions or partner with active preservation groups to implement relevant goals and objectives:

**Local Action:**

- A. Create a comprehensive historic resources inventory to help identify places of local significance that will also be shared with Pennsylvania Historic and Museum Commission's Bureau for Historic Preservation (BHP).
- B. Identify ways that cultural and historic resources can (or do) contribute to local community character, quality of life, and economic growth potential.
- C. Evaluate municipal planning policies and regulations to ensure that these policies address the community's historic preservation needs to the greatest extent possible. A thorough review of municipal code and zoning ordinances, planning procedures and other regulatory mechanisms is essential to advancing preservation and making the highest and best use of historic resources.
- D. Identify significant historic resources that need to be protected through a local historic preservation ordinance (seeking technical advice from the BHP community preservation coordinator). For resources that are threatened by demolition or neglect, apply to be included on the annual *Pennsylvania at Risk* list.
- E. If the local government owns, occupies, or manages historic buildings, take action to keep these properties occupied and in good repair.
- F. If consensus is needed about historic preservation actions and priorities, prepare a historic preservation plan for the community.

**Training:**

- A. Alert municipal staff and local partner organizations to the requirements of the Pennsylvania History Code, Section 106 of the National Historic Preservation Act, and consultation obligations required when state and federal funding are used for projects and request training from the BHP staff when necessary.

**Signs and Markers:**

- A. Submit a historical marker application to BHP for persons, places, or events that have statewide or national significance.
- B. Take action or partner with local preservation advocates to interpret history in public spaces (public gathering areas, parks, and trails) that would benefit from the addition of a sign, marker, or media tag to educate people about community history.

**Outreach and Funding:**

- A. Alert property owners of income-producing buildings (stores, offices, rental housing, etc.) that are listed on the National Register of Historic Places or are located in Historic Districts to the federal Rehabilitation Investment Tax Credit (RITC) program for historic building rehabilitations. Contact the BHP tax credit manager for assistance in preparing RITC applications.
- B. Identify all active, preservation-related, grassroots advocacy groups, reach out to them and seek their support and collaboration in working toward preservation goals and priorities.
- C. Reach out to local school districts and preservation advocacy organizations to identify ways to provide traditional and non-traditional (outside the classroom) learning opportunities.
- D. Seek out grants, state and federal funding and philanthropic donations to conduct historic preservation projects.

Signed: City of Erie, PA

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.  
February 19, 2014. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to execute an agreement between the City of Erie and Mercyhurst University Civic Institute, 501 E 38 ST ERIE PA 16546, **for consulting services** related to the FY13 Department of Justice Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhood) for the East Erie Bayfront Area. The total compensation to be paid to Mercyhurst University Civic Institute under the agreement is not to exceed **\$60,000.00**

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Merski, Kwitowski, Winarski and Witherspoon. 7. Nays. 0.

February 19, 2014. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Jones, 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. **Hughes Associates**, 67 East Washington ST, Chagrin Falls OH 44022 for the design of an Automatic Fire Alarm System in the amount of \$21,685.00 for the City of Erie Municipal Building.
2. **Erie Truck Center** 3900 Depot Rd Erie PA 16510 in the amount of \$128,985.00 for one (1) 2013 Mack GU432 base chassis with truck body for the Bureau of Refuse and Recycling.
3. **R-Tech, LLC**, 100 Southpoint Blvd. Canonsburg, PA 15317 for the emergency repair of two AUMA actuators on incoming flow gates for the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$18,824.02.
4. **Erie Truck Center**. 3900 Depot RD. Erie PA 16510 in the amount \$262,970.61 for three (3) 2015 Mack GU base chassis for the Bureau of Refuse and Recycling.
5. **Mid-Atlantic Waste Systems**, PO Box 64104, Baltimore MD 21264 in the amount of \$166,713.00 for three (3) HEIL Rear Loaders for the Bureau of Refuse and Recycling.

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 19, 2014. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Jones, 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. **SBM Electronics, Inc.** 628 California Ave, Pittsburgh PA 15202 for the annual maintenance agreement for the Police Radio & Telephone Recording System for the Bureau of Police at a total amount of \$3,495.00
2. **Northshore Technologies, Inc.** 3618 W 12 ST Erie, PA 16505 for the Office of Computer Services for the City of Erie for ten (10) PC's at a cost of \$4,990.00
3. **Printing Concepts, Inc.** 4982 Pacific Avenue Erie PA 16506 for the postage for the recycling guide for the Bureau of Refuse and Recycling at a total cost of \$6,491.14
4. **David Milano Construction**, 2202 Zimmerly Rd, Erie PA 16506 for materials only for repairing a sanitary sewer main and sanitary connections at 639 W 7 ST for the Bureau of Sewers in the amount of \$8,181.50 for material costs only.
5. **Hunter Erie Truck Sales LP.** 8125 Wattsburg Rd, Erie PA 16509 for two Peterbilt Model 337 Chassis for the Bureau of Streets at a cost of \$83,951.00 each.
6. **A&H Equipment Co.** 1124 McLaughlin Rd, Bridgeville, PA 15017 for two Beau-Rock 9 ft Bodies for the Bureau of Streets at a cost of \$24,348.00 each.
7. **Eni USA & R&M Co Inc. -Cabot**, PO Box 7247-7028, Philadelphia PA 19170-7028 for hydraulic oil for the Municipal Garage at a total amount of \$2,535.51.

February 19, 2014. City Council adopt by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski, Merski, Winarski and Witherspoon. 7. Nays. 0.

February 19, 2014 Signed by the President. Attested by the City Clerk.

February 19, 2014 City Council on motion of Mrs. Horan Kunco, Seconded by Mr. Jones, adjourned at 9:25 P.M.M. by yeas Council Members Brennan, Horan-Kunco, Jones, Kwitowski Merski, Winarski and Witherspoon. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk

