

The City Council met in regular session in the Council Chambers on Wednesday, December 19, 2018 at 7:30 P.M.

Council Members present: Allen, Kwitowski, Schaaf, Winarski, and Arrington 6. Nays. 0. Mr. Witherspoon attended telephonically until 8:00 P.M.

On motion of Mr. Winarski, Seconded by Mrs. Arrington, the reading of the minutes of the Meeting of December 5, 2018 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Allen, Merski, Schaaf, Winarski, Witherspoon and Arrington. 6. Nays. 0. Copies of the bills under date of December 13th and 20th 2018, were given to City Council and same adopted by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, Witherspoon and Arrington 6. Nays. 0.

By Mrs. Arrington Council File No. 16,057 Pending Official Ordinance 51-2018

An ordinance **fixing the tax rate** for all city purposes for the Fiscal Year 2019 (beginning on January 1, 2019 and ending on December 31, 2019) is hereby fixed and levied at the rate of 11.65 Mills upon each dollar of assessed valuation of real estate taxable for city purposes in the City of Erie during the year 2019 or upon each hundred dollars assessed valuation of real estate for the tax purposes in the City of Erie.

December 19, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Winarski, having read Council File No. 16,057, and now known as Official File Ordinance No. 51-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, Witherspoon and Arrington. 6. Nays 0.
December 19, 2018 Signed by the President. Attested by the City Clerk

By Mrs. Arrington Council File No. 16,058 Pending Official Ordinance 52-2018

An ordinance of the 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, 2019 and ending December 31, 2019.

December 19, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Winarski, having read Council File No. 16,058, and now known as Official File Ordinance No. 52-2018 does hereby adopt on Final Passage by yeas Council Members Kwitowski, Schaaf, Winarski, Witherspoon and Arrington. 5. Nays 1. Allen
December 19, 2018 Signed by the President. Attested by the City Clerk

By Ms. Allen Council File No. 16,060

An ordinance amending the **Codified Ordinances** of the City of Erie, Part Nine Utilities and Public Service Code, **Title Five – Sewer and Water** Article 933 – Sewer Rental, Section 933.02 (A) – Sewer Rates by increasing the meter quantity charge per 100 cubic feet per quarter for the First 70 CF from \$2.65 to \$3.05 and the next 4,930 CF from \$2.52 to \$2.90 and usage over 5000 CF from \$2.38 to \$2.74 and by increasing the large volume user charges per 100 CF per month for the first 23 CF from \$2.65 to \$3.05 and the next 1,644 CF from \$2.52 to \$2.90, and all other usage over 1,667 CF from \$2.38 to \$2.74.

December 19, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Winarski, having read Council File No. 16,060, does hereby adopt on First Reading by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays 0.
December 19, 2018 Signed by the President. Attested by the City Clerk

By Mrs. Arrington Council File No. 16,061

An ordinance amending the **Codified Ordinances** of the City of Erie, Part Three (Business and Taxation Code), Article 371 (**Earned Income Tax**), Subsection 371.02 (d) by increasing the Earned Income Tax for residents of the City of Erie from one and eighteen hundredths percent (1.18%) to one and sixty-five hundredths percent (1.65%)

December 19, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Winarski, having read Council File No. 16,060, does hereby adopt on First Reading by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington 4. Nays 1. Allen Witherspoon (Absent)
December 19, 2018 Signed by the President. Attested by the City Clerk

By Mr. Kwitowski Council File No. 16,063

An ordinance appropriating the sum of \$28,000.00 from unappropriated and anticipated revenue to be received from the **Erie County Gaming Revenue Authority (ECGRA)** and \$11,000.00 to be received from Millcreek Township for a total of \$39,000.00 to carry out the **Multi-Municipal Collaboration Project** for which National Development Council (**NDC**) will provide community and economic development training through a 4-day seminar as well as remote training and certifications of municipal and township staff members.

December 19, 2018. City Council on motion of Mr. Kwitowski, Seconded by Ms. Allen, having read Council File No. 16,063, does hereby adopt on First Reading by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays 0.
December 19, 2018 Signed by the President. Attested by the City Clerk

By Mr. Kwitowski, Seconded by Ms. Allen, Resolved, etc.

That the Financial Statements and Independent Auditor’s Report of the Erie Area Council of Governments (**EACOG**) for the Calendar Year ending December 31, 2017.

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.
December 19, 2018. Signed by the President. Attested by the City Clerk.

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

That **Mr. Richard Wagner** of 4228 State Street, Erie, PA 16508 is appointed to the Erie Airport Authority for his first term which will expire on December 31, 2023. **Mr. Wagner** replaces board member Mr. Namon McWilliams whose second term has expired.

December 19, 2018. City Council adopt by yeas Council Members, Kwitowski, Schaaf, Winarski, and Arrington 4. Nays. 1. Allen.
December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Mr. Kwitowski, Resolved, etc.

That the **Enterprise Zone Loan** Review Committee approval of the following loan be formally ratified:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>	
Jamal Properties, LLC	\$500,000.00	15 Years		\$2,500.00

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.
December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Mr. Kwitowski, Resolved, etc.

That the Enterprise Zone Loan Review Committee approval of the following loan be formally ratified:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>	
McCarty Printing Co.	\$500,000.00	7 Years		\$2,500.00

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.
December 19, 2018. Signed by the President. Attested by the City Clerk.

By Ms. Allen, Seconded by Mr. Winarski, Resolved, etc.

That the proper City Officials are authorized and directed to execute Payment In Lieu of Taxes (“PILOT”) Agreements as to properties listed on the attached Exhibit A. The terms of the agreement commit the following entities to a PILOT based on 50% of the properties’ assessed value. The agreements shall expire at the end of the 2020 tax year for the County and the City and shall remain in effect for the School District until June 30, 2021. Thereafter, the properties listed on Exhibit A become fully taxable.

[NBC USA](#) Housing Inc., Nineteen
E.I.H. [McClelland](#) Avenue Apartments, Inc.
E.I.H. [Bayview](#), Inc.
Alex W. [Thompson](#) Housing Corporation
[Erie Independence](#) House, Inc.

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Schaaf, Resolved, etc.

That the proper City Officials are authorized and directed to enter into an **Easement Agreement** with [Calypso Enterprises](#), LLC (Land Lessee) and/or Enterprise Development Center of Erie County, Inc. (Land Lessor), owner of property index # (14) 1108-100.00. An underground Telecommunication Easement is proposed within the right-of-way of Downing Avenue, in accordance with the Sketch Plan and Legal Description, as prepared by Sanford Surveying & Engineering, P.C.

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Schaaf, Resolved, etc.

That the proper City Officials are authorized and directed to execute the **Federal Aid Bridge Project Reimbursement** Agreement No. R16010009, Amendment No. 5, (MPMS No. 58232) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Final Design and for the Utilities and for the Right-of-way and for the Construction of the City of Erie [McBride](#) Viaduct (East Avenue Bridge)

The total cost is 80% Federal \$ 2,172,438.40
The total cost is 15% State \$ 407,332.20
The total cost is 5% Municipal \$ 135,777.40
The total cost is \$ 2,715,548.00

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk

By Mr. Winarski, Seconded by Mrs. Arrington, Resolved, etc.

That the following amounts are transferred in the **2018 Police General Fund Account**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 50,000.00	002-0963-0000-4098	Contingency Acct	\$ 50,000.00	002-0613-0000-4006	Overtime

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Arrington, Resolved, etc.

That the following amounts are transferred in the **2018 Police Civilian Gen Fund Account**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 5,000.00	002-0603-0000-4011	Salaries	\$ 54,000.00	002-0603-0000-4006	Overtime
35,000.00	002-0603-0000-4014	Crossing Guards			
11,500.00	002-0603-0000-4021	Deferred Comp			
1,072.00	002-0603-0000-4024	Tool/Uniform Allowance			
1,428.00	002-0617-0000-4031	Office Supplies			
\$ 54,000.00			\$ 54,000.00		

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Ms. Allen, Resolved, etc.

That the following amounts are transferred in the **Bureau of Fire**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 1,000.00	002-0639-0000-4055	Emergency Mgt. Services	\$ 1,000.00	002-0639-0000-4043	Education & Training
10,000.00	002-0639-0000-4056	Heat/Light/Power	\$ 10,000.00	002-0639-0000-4035	Repair & Maint Supplies
\$ 11,000.00			\$ 11,000.00		

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Ms. Allen, Resolved, etc.

That the following amounts are transferred in the **Bureau of Fire**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 95,000.00	002-0713-0000-4075	Bridges	\$ 95,000.00	002-0639-0000-4006	Overtime Wages
35,000.00	002-0205-0000-4059	Other Services	35,000.00	002-0639-0000-4006	Overtime Wages
50,000.00	002-0249-0000-4011	Salaries	50,000.00	002-0639-0000-4006	Overtime Wages
\$ 180,000.00			\$ 180,000.00		

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Ms. Allen, Resolved, etc.

That the following amounts are transferred in the **Bureau of Sewers**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 30,000.00	007-0773-0000-4077	Other Improvements	\$ 50,000.00	007-0773-0000-4018	Group Insurance
97,000.00	007-0773-0000-4047	Heat/Light/Power	15,000.00	007-0773-0000-4035	Repair Supplies
			30,000.00	007-0771-0000-4006	Overtime Wages
			30,000.00	007-0771-0000-4057	Refuse Tip/Recycling
			2,000.00	007-0771-0000-4007	Shift Differential
\$ 127,000.00			\$ 127,000.00		

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Mr. Winarski, Resolved, etc.

That the following amounts are transferred in the **Dept. of Public Works/Property & Parks**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 1,000.00	002-0205-0000-4043	Training & Education	\$ 1,000.00	002-0205-0000-4031	Office Supplies
360.00	002-0205-0000-4039	Consumable	360.00	002-0205-0000-4031	Office Supplies
250.00	002-0205-0000-4052	Advertising	250.00	002-0205-0000-4045	Communication
25,000.00	002-0719-0000-4035	Repair/Maint Supplies	25,000.00	002-0719-0000-4034	Fuel/Fluids
13,000.00	002-0719-0000-4047	Heat, Light, Power	13,000.00	002-0719-0000-4034	Fuel/Fluids
900.00	002-0719-0000-4048	Tech Support	900.00	002-0719-0000-4034	Fuel/Fluids
2,500.00	002-0713-0000-4033	Operating Supplies	2,500.00	002-0719-0000-4034	Fuel/Fluids
9,300.00	002-0713-0000-4039	Consumable Items	9,300.00	002-0719-0000-4034	Fuel/Fluids
9,500.00	002-0715-0000-4033	Operating Supplies	9,500.00	002-0719-0000-4034	Fuel/Fluids
5,000.00	002-0715-0000-4035	Repair/Maint Supplies	5,000.00	002-0719-0000-4034	Fuel/Fluids
1,000.00	002-0715-0000-4039	Consumable Items	1,000.00	002-0719-0000-4034	Fuel/Fluids
5,000.00	002-0723-0000-4047	Heat, Light, Power	5,000.00	002-0719-0000-4034	Fuel/Fluids
4,000.00	002-0723-0000-4056	Repair/Maint Svcs.	4,000.00	002-0719-0000-4034	Fuel/Fluids
46,000.00	002-0963-0000-4098	Contingency	46,000.00	002-0719-0000-4034	Fuel/Fluids
2,000.00	002-0723-0000-4033	Operating Supplies	2,000.00	002-0723-0000-4035	Repair/Maint Supplies
3,100.00	002-0725-0000-4039	Consumable Items	3,100.00	002-0725-0000-4056	Repair/Maint Svcs.
1,400.00	002-0725-0000-4039	Consumable Items	1,400.00	002-0725-0000-4047	Heat, Light, Power
3,600.00	002-0723-0000-4056	Repair/Maint Svcs.	3,600.00	002-0725-0000-4047	Heat, Light, Power
1,000.00	000-0725-0000-4039	Consumable Items	1,000.00	002-0725-0000-4035	Repair/Maint Supplies
30.00	002-0727-0000-4056	Repair/Maint Svcs	30.00	009-0727-0000-4031	Office Supplies
2,500.00	009-0728-0000-4033	Operating Supplies	2,500.00	009-0728-0000-4035	Repair/Maint Supplies
1,500.00	009-0728-0000-4033	Operating Supplies	1,500.00	009-0728-0000-4052	Advertising
100.00	009-0728-0000-4056	Repair/Maint Svcs.	100.00	009-0728-0000-4059	Other Services/Charges
\$ 138,540.00			\$ 138,540.00		

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Schaaf, 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 do hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **PA Department of General Services COSTARS Program**, for the purchase of Sodium Chloride (road salt) for the 2018-2019 season and runs through July 31, 2019 at the base unit price of \$45.23 per ton delivered.

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Arrington, 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. **Process & Data Automation, Inc.**, 5451 Merwin Lane, Erie, PA 16510 in the ongoing development and deployment of the Combined [Sewer Overflow](#) Notification mandated by the United States Environmental Protection Agency for services needed to assist the Bureau of Sewers at a total cost of \$9,368.75.
2. **Process & Data Automation, Inc.**, 5451 Merwin Lane, Erie, PA 16426 for engineering and data services needed to create Deviation Reports for MACT 129 Air Quality [Compliance](#) Regulations for the Bureau of Sewers at a total amount of \$8,281.25.
3. **Centrisys Centrifuge Systems**, 9586 58th Place, Kenosha, WI, 53144 for replacement expansion [boots and chutes](#) for the D1 and D2 Centrifuges at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of \$6,653.52.

4. **VWR International, Inc.**, P.O. Box 640169, Pittsburgh, PA 15264-0169 for the purchase of a moisture [analyzer](#), water bath and a cyanide probe for use at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$6,434.19.
5. **Lake City Power Systems, LLC**, 2170 Rice Avenue, Lake City, PA 16423 for the purchase of two (2) 20k emergency [generators](#), two (2) 200 AMP transfer switches, and two (2) concrete mounting pads for use at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of \$10,664.00.
6. **Telog Instruments, Inc.**, 830 Canning Parkway, Victor, NY 14564 for the purchase of replacement cellular modems and appurtenances used in flow monitoring and sewage lift station telemetry equipment for the Bureau of Sewers at a total cost of \$17,700.00.
7. **Penn Detroit Diesel**, 12 South Park Row, Girard, PA 16417 for [fuel injectors](#), gaskets and seal rings for the Bureau of Fire at a total cost of \$2,200.40.
8. **NITV Federal Services, LLC**, 11400 Fortune Circle, West Palm Beach, FL 33414, for a CVSA III Dell Rugged 14 [Computer](#) for the Bureau of Police at a total amount of \$5,495.00.
9. **The Walter Drane Company**, 23811 Chagrin Blvd., Suite 344, Beachwood, OH 44122-5525 for preparation of the 2018 replacement pages for the codified ordinance on CD-ROM for the Office of City Clerk at a total amount of \$2,868.64.
10. **FAST SIGNS**, 144 West 12th Street, Erie, PA 16501 for the purchase of [reflective](#) vinyl lettering for the Deputy Chief's new truck for the Bureau of Fire at a total cost of \$2,498.90.
11. **Plyler Overhead Door**, 8850 Fry Road, McKean, PA 16426 for new [overhead doors](#) at 9th and East Avenue for the Bureau of Fire at a total cost of \$5,850.00.

December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.
 December 19, 2018. Signed by the President. Attested by the City Clerk.

WAIVE RULES

By Ms. Allen, Seconded by Mr. Winarski, Resolved, etc.

That the proper City officials are authorized and directed 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 at the rate of One Hundred Twenty Dollars (\$120.00) per hour.

December 19, 2018. City Council adopt waive rules by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington. 5. Nays. 0.
 December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.

December 19, 2018. Signed by the President. Attested by the City Clerk.

WAIVE RULES

By Mrs. Arrington, Seconded by Mr. Winarski, Resolved, etc.

That Mr. Curtis Jones, 2204 Plum Street, Erie, PA 16502 is hereby appointed City Councilman to fill the vacancy created by the resignation of Mr. Robert E. Merski, with a term expiring on January 6, 2020.

December 19, 2018. City Council adopt waive rules by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington. 5. Nays. 0.
 December 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Schaaf, Winarski and Arrington 5. Nays. 0.
 December 19, 2018. Signed by the President. Attested by the City Clerk.

December 19, 2018 City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski adjourned at 9:39 P.M. by yeas Council Members Allen, Kwitowski, Schaaf, Winarski, and Arrington 5. Nays. 0.

 President of City Council

Attest: _____
 City Clerk