

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

Council Members present: Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Yeas. 0.

On motion of Mr. Merski, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of September 19, 2018 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays. 0. Copies of the bills under date of September 14, and 21, 2018, were given to City Council and same adopted by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

By Mr. Merski, Council File No. 15,642 Pending Official Ordinance 31-2018

An ordinance appropriating the sum of **\$61,894.63** of program income generated through the HOME Program for the following HOME (M14) projects.

September 19, 2018. City Council on motion of Mr. Merski, Seconded by Mr. Kwitowski, having read Council File No. 15,642, and now known as Official File Ordinance No. 31-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0. September 19, 2018 Signed by the President. Attested by the City Clerk

By Mr. Merski, Council File No. 15,643 Pending Official Ordinance 32-2018

An ordinance appropriating the sum of **\$8,000.00** of program income generated through the HOME Program for the following HOME (M15) projects.

September 19, 2018. City Council on motion of Mr. Merski, Seconded by Mr. Kwitowski having read Council File No. 15,643, and now known as Official File Ordinance No. 32-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0. September 19, 2018 Signed by the President. Attested by the City Clerk

By Mr. Merski, Council File No. 15,644 Pending Official Ordinance 33-2018

An ordinance closing and vacating approximately 100 foot long section of unimproved alley between Chestnut Street and Myrtle Street between West 25th Street and [West 26th Street](#), with reservation of existing utility rights-of-way.

September 19, 2018. City Council on motion of Mr. Kwitowski, Seconded by Mr. Merski having read Council File No. 15,644, and now known as Official File Ordinance No. 33-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Schaaf, Kwitowski, Merski, Winarski, Witherspoon and Arrington 7. Nays 0. September 19, 2018 Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,645

An ordinance appropriating the sum of **\$148,141.00** from un-appropriated and anticipated revenue and providing for the expenditure thereof.

PCCD-GUN VIOLENCE REDUCTION [GRANT](#)

September 19, 2018. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon having read Council File No. 15,645, does hereby adopt on First Reading by yeas Council Members Allen, Schaaf, Kwitowski, Merski, Winarski, Witherspoon and Arrington 7. Nays 0.

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

By Mr. Kwitowski, Council File No. 15,646

An ordinance **amending** Subsection 145.07(g) of the Codified Ordinances, Article 145 Officers' and Employees Retirement System by changing the enrollment period to enter the **Deferred Retirement Option Plan** to any day of the year for the employee for a term of no more than three (3) years.

September 19, 2018. City Council on motion of Mr. Kwitowski, Seconded by Mr. Merski having read Council File No. 15,646, does hereby adopt on First Reading by yeas Council Members Allen, Schaaf, Kwitowski, Merski, Winarski, Witherspoon and Arrington 7. Nays 0.

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

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

That City Council of the City of Erie **amend** the September 5, 2018 resolution sponsored by Councilwoman Kathy Schaaf proclaiming **September 25th** as "**Voter Registration Day**" and will be observed annually on September 25th from this day forward **amended to will be observed on the 4th Tuesday of every September** to encourage citizens to register to vote regardless of their political affiliation.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

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

That the proper City officials are authorized and directed to receive the [communication](#) from citizen **Jason Brendel** on Gay Conversion Therapy Ban is forwarded to the **Mayor's LGBTQ Advisory Council** for review as attached in exhibit A and report back to Council thereon.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

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

That the proper City officials are authorized and directed to enter into a **Memorandum of Understanding (MOU)**, 2018-2019, with the Erie County Department of Planning (ECDP). The purpose of the MOU is to assist the City of Erie in achieving the requirements of its **National Pollutant Discharge Elimination System (NPDES)** permit as a Municipal Separate Storm Sewer System (MS4) municipality.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

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

That the proper City officials are authorized and directed to execute an [Easement Agreement](#) between the City of Erie and **William T. Spaeder Co., Inc.**, 1602 East 18th Street, Erie, PA 16510, being the owner of 1602 E. 18th Street, Index (15) 2111-100 and 1802 Schaal Avenue, Index (15) 2110-305, in compliance with attached City Engineer's metes and bounds description and exhibit locating an aerial communication cable. A minimum cable height of eighteen feet (18') is required within the Right-of-Way.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

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

That the Mayor and other appropriate City officials are hereby authorized to execute an agreement between the City of Erie and **Our West Bayfront** whereby the City will make available to [Our West Bayfront](#), from **HOME program** income appropriated funds in the amount of \$8,000.00 to carry out a Rental Rehab project as described in the amended **FY2015 Annual Plan**.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other proper City officials are hereby authorized to execute an agreement between the City of Erie and **Our West Bayfront** whereby the City will make available to **Our West Bayfront**, from HOME program income appropriated, funds in the amount of [\\$61,894.63](#) to carry out a **Rental Rehab** project as described in the amended **FY2014 Annual Plan**

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City Officials are authorized to submit a **Redevelopment Assistance Capital Program (RACP)** formal Application and Business Plan to the Commonwealth of Pennsylvania for up to \$12,000,000.00 in State funding for the **Erie Event Complex Expansion** and improvements project. Further resolved, that the Council of the City of Erie hereby authorizes the Director of Economic and Community Development as an authorized official to execute all documents to facilitate and assist in submission of materials required by the State for this project.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City Officials are authorized to execute an agreement between the City of Erie and The **Erie County Convention Center Authority** to assist in the **Erie Events Complex Expansion** and Improvement project not to exceed \$12,000,000.00 of **Redevelopment Assistance Capital Program (RACP)** grant funds from the Commonwealth of Pennsylvania Office of the Budget.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the proposed **Repository Sale** of property commonly known as:

- [Fairville Sub](#) Lot 10, Index Number 15-021-030.0-302.00
- Fairville Sub Lot 11, Index Number 15-021-030.0-303.00
- Fairville Sub Lot 12, Index Number 15-021-030.0-304.00
- Fairville Sub Lot 13, Index Number 15-021-030.0-305.00
- Fairville Sub Lot 14, Index Number 15-021-030.0-306.00
- Fairville Sub Lot 15, Index Number 15-021-030.0-307.00
- Fairville Sub Lot 16, Index Number 15-021-030.0-308.00

(Franklin Avenue between 18th and 19th Streets)

by the Erie County Tax Claim Bureau to **Aaron Jarmolowicz**, 2320 Deer Run Trail, Erie, PA in the amount of **\$250.00** is hereby approved.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City Officials are authorized that interim legal fees in the amounts of \$45,884.97 and \$27,615.86 be paid to Heberle and Finnegan of Ann Arbor, Michigan, and Elderkin Martin Kelly and Messina of Erie, respectively, for Plaintiff legal work on **Barrier Busters** federal litigation. This includes the period from November 2015 through August 22, 2018, as provided by the Fourth Stipulated Order among Plaintiffs and Defendants, and is a compromise from an initial demand of \$49,388.68 and \$29,693.40 from the firms. The City would be ordered to pay legal fees to Plaintiff's attorneys for successful work in a Civil Rights or **ADA** case under federal law and the Solicitor's Office believes that the compromised amount is reasonable and would not likely be reduced significantly by the Magistrate Judge in the event there is no agreement.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

Thar the proper City officials are authorized and directed to enter into a **Fourth Stipulated Order** Among Plaintiffs and Defendant, City of Erie regarding the curb cut litigation in Federal Court at No. 03-203E.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 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
\$ 20,000.00	002-0613-0000-4033	Operating Supplies	\$ 20,000.00	002-0613-0000-4024	Uniform Allowance

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the **Dept. of Public Works, Bureau of Parks**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 9,000.00	002-0725-0000-4035	Repair & Maintenance	\$ 9,000.00	002-0725-000-4006	Overtime Wages

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the **Byrne Criminal Justice Innovation Grant**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 4,725.70	342-1342-0000-4467	Erie County Sheriff- OT	\$ 5,811.92	342-0613-0000-4006	Overtime Wages
\$ 2,000.00	342-1342-0000-4465	ERA Programs	\$ 913.78	342-0613-0000-4020	Workers Compensation
\$ 6,725.70			\$ 6,725.70		

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.
September 19, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, 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. **Empire Snow Management**, 10860 Donation Road, Erie, PA 16441, for the 2018 [Curb Ramps](#) Project, Bid 1750-18, on behalf of the City of Erie in the amount of \$136,202.55.
2. **Church & Murdock Electric, Inc.**, P.O. 10908, Erie, PA 16502 for the emergency [electrical repairs](#) of the 1200 amp main breaker and four (4) feed liners for 7, 8, 9 and 3W, Return Activated Sludge Pumps at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$36,178.00.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

By Mrs. Schaaf, Seconded by Mr. Merski, 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. **Miller Bros. Co.**, 2111 State Street, Erie, PA 16503 for three (3) Ultra vac systems with completing kits for the Department of Public Works, Bureau of [Parks](#) in the amount of \$8,515.20.
2. **Tom Keenan**, 3111 Patio Drive, Erie, PA 16506 for the Summer Recreations, J.C. Martin [Golf Course Youth Clinics](#) for the Bureau of Parks, Department of Public Works at a total cost of \$ \$2,750.00
3. **Karen Bukowski**, 321 Shenley Drive, Erie, PA 16505, for the Summer Recreations, J. C. Martin [Golf Course Youth Clinics](#) for the Bureau of Parks, Department of Public Works at a total cost of \$2,750.00.
4. **Shaffer Technology**, 1001 State Street, Suite 1400, Erie, PA 16501 for one (1) year renewal support of Laserfiche Document [Management System Support](#) for the Office of Computer Services at a cost of \$6,380.00.
5. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506, for materials only to repair a [storm lateral](#) at 822 Peach Street for the Bureau of Sewers at a total cost of \$2,124.15. (Material Costs Only).
6. **Championship Awards**, 4135 West 26th street, Erie, PA 16506, for the Summer Recreation Program [Awards](#) for Spoon's Basketball League in the amount of \$4,957.00.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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

WAIVE RULES

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

That the proper City Officials are hereby authorized and directed to execute the Agreement between the City of Erie and the Housing Authority of the City of Erie (HACE) for continuation of Community-Oriented Police Services to create a drug and crime free environment and to provide for the safety and protection of the residents in its public housing developments and all (HACE) locations for an additional term of two (2) years, commencing September 1, 2108 through August 31, 2020.

September 19, 2018. City Council adopt waive rules by yeas Council Members Allen, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays. 0.

September 19, 2018. City Council adopt by yeas Council Members, Allen, Merski, Schaaf, Witherspoon, Winarski and Arrington 7. Nays. 0.

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

September 19, 2018, City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon adjourned at 9:27 P.M. by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

President of City Council

Attest: _____
City Clerk