

The City Council met in regular session in the Council Chambers on Wednesday, January 17, 2018 at 7:30 P.M.

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

On motion of Mr. Merski, Seconded by Mrs. Arrington, the reading of the minutes of the Meeting of January 3, 2017 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 January 12, 2017 and January 19, 2018, were given to City Council and same adopted by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

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Council File No. 15,611      Pending Official Ordinance 2-2018

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

January 17, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Witherspoon having read Council File No. 15,611, and now known as Official File Ordinance No. 2-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0.

January 17, 2018 Signed by the President. Attested by the City Clerk.

Council File No. 15,612      Pending Official Ordinance 3-2018

An ordinance amending part seven of the City of Erie General Offences by adding Article 714 ( **Marijuana Possession Procedure**); adding Section 714.01 (Definitions); Adding Section 714.02 (Possession of Smoking of a Small Amount of Marijuana; Possession of Drug Paraphernalia); adding Article 714.03 (**Enforcement**) and adding Article 714.03 (Enforcement) and Adding Article 714.99 (Penalties).

January 17, 2018. City Council on motion of Mr. Merski, Seconded by Mrs. Arrington having read Council File No. 15,612, and now known as Official File Ordinance No. 3-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0.

January 17, 2018 Signed by the President. Attested by the City Clerk.

Council File No. 15,613      Pending Official Ordinance 4-2018

Amending Ordinance **Number 26-1958**, the Traffic Code of the City of Erie by the installation of a stop sign at one intersection.

Whereas, the City Traffic Engineer conducted a study of the intersections and provides a recommendation for the **installation of stop sign** at one intersection.

1.) **Norman Way and Eliot Road** – stopping Norman Way.

January 17, 2018. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Arrington having read Council File No. 15,613, and now known as Official File Ordinance No. 4-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0.

January 17, 2018 Signed by the President. Attested by the City Clerk.

An ordinance appropriating the sum of **\$15,000.00** from unappropriated and unanticipated revenue for the expenditure thereof (contribution is from the **Sisters of Mercy** for the purchase of police equipment, fire prevention supplies or equipment and winter maintenance equipment.

January 17, 2018. City Council on motion of Mrs. Arrington, Seconded by Mr. Merski having read Council File No. 15,614, and now known as Official File Ordinance No. 5-2018 does hereby adopt on Final Passage by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0.

January 17, 2018 Signed by the President. Attested by the City Clerk.

Council File No. 15,615

An ordinance appropriating the sum of **\$339,881.44** to be received as a transfer from **BUDAG** (Bayfront Urban Development Action Grant) to the City of Erie Business Development Fund for the purpose of job creation, investment and economic development in the City of Erie.

January 17, 2018. City Council on motion of Mr. Merski, Seconded by Mr. Merski having read Council File No. 15,615, does hereby adopt on First Reading by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays 0.

January 17, 2018 Signed by the President. Attested by the City Clerk.

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

That **Mr. James Winarski** is appointed as City Council Vice President for 2018.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

January 17, 2018. Signed by the President. Attested by the City Clerk.

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

That **Mr. Shawn Walsh** of 3610 Pacific Avenue, Erie, PA 16506 is appointed to the Erie Sewer Authority for a term of five (5) years which will expire 12/31/22.

January 17, 2018. City Council adopt by yeas Council Members, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 6. Nays. 1. Allen.

January 17, 2018. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor authorized and directed to prepare an ordinance for the closing and **vacating of an alley between West 21<sup>st</sup> Street and West 22<sup>nd</sup> Street** between Peach and Sassafras Streets at the request of Brian Payer and **Village of Luther Square** and VL Holdings with Planning Commission approval, and forward to City Council for proper action (accompanied by the requisite \$300.00 filing fee.)

- **By Mr. Merski, Seconded by Mr. Kwitowski motion to table adopt by yeas Council Members Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays 0.**

By Mrs. Arrington, Seconded by Mrs. Schaaf, Resolved, etc.

That **Bond No. 8847184** from the Cincinnati Insurance Company as submitted by City Treasurer, Susan DiVecchio, in the amount of \$2 million is hereby received and placed on file in the City Clerk's Office.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.

January 17, 2018. Signed by the President. Attested by the City Clerk.

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

That the following members of City Council are hereby assigned to the **Area Council of Governments (EACOG)** as of January 2018: Casimir Kwitowski COG Delegate, Liz Allen 1<sup>st</sup> Alternate, Sonya Arrington COG Alternate, Robert Merski COG Alternate, Kathleen Schaaf COG Alternate, James Winarski, COG Alternate and Melvin Witherspoon COG Alternate.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.  
January 17, 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 an empty lot on East 23<sup>rd</sup> Street (428/420 East 23rd Street), Erie, PA and identified by Erie County Assessment Index Number 18-050-018.0-234.00, by the Erie County Tax Claim Bureau to Diane Hammond, **3519 Davison Avenue**, Erie, PA in the amount of \$250.00 is hereby approved; and

That the [proposed Repository sale](#) of three (3) properties commonly known as Andrews Land Co. Subdivision Lots 57, 58 and 59, Erie, PA, and identified by Erie County Assessment Index Numbers 15-021-031.0-103.00; 15-021-031.0-102.00; and 15-021-031.0-101.00, by the Erie County Tax Claim Bureau to Joseph Hosey on behalf of Joseph McCormick Construction Company, **3340 Pearl Avenue**, Erie, PA in the amount of \$250 each is hereby approved

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.  
January 17, 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 sell an out of service **Baum 714XE Ultrafold Friction Feed Folding Machine** to Rosann Barker of Northwestern PA Labor Federation (a non-profit) who has offered \$200.00 for the machine as-is. The machine was replaced 2 years ago and has bad rollers and other issues which prevent its functioning. The same machine with a similar problem was sold at an 11/16/2016 auction on GovDeals for \$150.00.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.  
January 17, 2018. Signed by the President. Attested by the City Clerk.

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

That the proper City Officials to execute a **Sidewalk Easement Agreement** between Parade Street Commons East, LLC (Grantor) and the City of Erie (Grantee), for the benefit of the City of Erie for the placement of a Portland cement concrete sidewalk, located on East 20<sup>th</sup> Street (parcel 18080016010000) (from the northeast corner of Parade Street and East 20<sup>th</sup> Street along the north side of East 20<sup>th</sup> Street to Wallace Street) and as more fully set forth in the attached Exhibit "A" and in accordance with the Easement Agreement.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.  
January 17, 2018. Signed by the President. Attested by the City Clerk.

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

That the proper City Officials authorized and directed to execute a **Roadway Right-of-Way Dedication** between Parade Street Commons East, LLC (Grantor) and the City of Erie (Grantee), for the benefit of the City of Erie for the realignment of East 20<sup>th</sup> Street roadway, located on East 20<sup>th</sup> Street (parcel 18050016010000) (adjacent to the northeast corner of Parade Street and East 20<sup>th</sup> Street) and as more fully set forth in the attached Exhibit "A" and in accordance with the Roadway Right-of Way Dedication Plan.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington 7. Nays. 0.  
January 17, 2018. Signed by the President. Attested by the City Clerk.-

By Mr. Winarski, Seconded by Mr. Witherspoon, 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. **Mid Atlantic Inspections**, 1805 West 38<sup>th</sup> Street, Erie, PA 16508 for a one-year contract for Electrical Inspection Services for the Bureau of Code Enforcement at the following price formula (Permit Fee-State Fee) 30% (BIU Fee)÷Number of Trips/Inspections made between the City of Erie and BIU to Finalize the Permit=Inspection Total.
2. **Builders Inspection Underwriters of PA, Inc.**, 1805 West Erie, PA 16508 for a one-year contract for Plumbing and Mechanical Inspection Services for the Bureau of Code Enforcement at the following unit price formula: (Permit Fee-State Fee) – 30% (BIU Fee) = BIU Inspection Payment.
3. **Superion, LLC (formerly SunGard Public Sector, Inc.)**, 12709 Collection Center Drive, Chicago, IL 60693 for the 2018 Finance Plus annual maintenance agreement for the Penemation System used by Finance, Payroll, Human Resources, Code Enforcement and the Office of City Treasurer for the City of Erie at a total amount of \$86,281.82.
4. **Centrisys Centrifuge Systems**, 9586 58<sup>th</sup> Place, Kenosha, WI 53144 for the [emergency repair](#) of the Centrifuge E-1 at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$63,953.53.

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

5. **Edward J. Betza, Esquire**, of the Elderkin Law Firm, 150 East 8<sup>th</sup> Street, Erie, PA 16501 to serve as Solicitor for the City of Erie, at a unit price of \$125.00 per hour. Time will be billed quarterly increments and invoices will be sent monthly. There is no guarantee of hours.

By Mr. Merski, Seconded by Mr. Kwitowski, a proposed amendment respectfully requesting monthly reports to council of the itemized billing for the Elderkin Law Firm and a review of the contract by City Council at the Mayor's midyear budget report **failed to adopt** by Council Members Kwitowski, Merski and Winarski. 3. Nays. 4. Allen, Schaaf, Witherspoon and Arrington.

By Mr. Merski, Seconded by Mr. Kwitowski, a proposed amendment putting a limit of \$103,000 on the contract which is the amount budgeted in the salary for the solicitor **failed to adopt** by Council Members Kwitowski, Merski and Winarski. 3. Nays. 4. Allen, Schaaf, Witherspoon and Arrington.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Schaaf, Winarski, Witherspoon and Arrington. 5. Nays. 2. Kwitowski and Merski  
January 17, 2018. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Witherspoon, 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. **PA Chiefs of Police Association**, 3905 North Front Street, Harrisburg, PA 17110 for the annual maintenance agreements for the [Livescan/CPIN](#) Systems, the fingerprint and mugshot equipment, for the Bureau of Police at a total amount of \$6,500.00.
2. **Gerster Sales & Service, Inc.**, 45 Earhart Drive, Buffalo, NY. 14221, for the 2018 Annual Preventative [Maintenance Service Agreement](#) for the Absorption Chillers at the Wastewater Treatment Plant for the Bureau of Sewers at a cost of \$7,575.00.
3. **Graybar Electric, Inc.**, 12444 Collections Center Drive, Chicago, IL 60693 for the [emergency purchase](#) of the main power feed breaker at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,035.00.
4. **Empire Stack Testing**, 1090 Cain Road, Angola, NY 14006 for the Annual CEMS Audit of the Continuous Emission Monitoring System at the Wastewater Treatment Plant for the Bureau of Sewers for a two [\(2\) year period](#) at a total cost of \$14,000.00/yr.
5. **Monitoring Solutions, Inc.**, 78 Route 173, Suite 7, Hampton, NJ 08827, for the 2018 Annual CEMDAS [Software Support Agreement](#) for the CEMS units at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$11,250.00.
6. **Telog Instruments**, 830 Canning Parkway, Victor, NY 14564 for the 2018 Annual Enterprise [TELOG Software](#) Support Agreement for the Bureau of Sewers at a total cost of \$3,950.00.

January 17, 2018. City Council adopt by yeas Council Members, Allen, Kwitowski, Merski, Schaaf, Winarski, Witherspoon and Arrington. 7. Nays. 0.

January 17, 2018. Signed by the President. Attested by the City Clerk.

January 17, 2018, City Council on motion of Mr. Winarski, Seconded by Mrs. Arrington adjourned at 9:42 P.M. by yeas Council Members Kwitowski, Arrington, Brennan, Jones, Merski, Winarski and Witherspoon. 7. Nays. 0.

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President of City Council

Attest: \_\_\_\_\_  
City Clerk