

The City Council met in regular session in the Council Chambers on Wednesday, October 19, 2016 at 7:30 P.M.

Council Members present, Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays. 0.

On motion of Mr. Merski, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of October 5, 2016 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 6. Nays. 0.

Copies of the bills under date of October 14, 2016, October 21, 2016 were given to City Council and same adopted by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays. 0.

Council File No. 15,966

An ordinance amending Ordinance **Number 26-1958**, the Traffic Code of the City of Erie by the installation of stop signs at thirteen intersections.

- 1) Emery Drive and Allegheny Road – stopping Emery Drive
- 2) Emery Drive and Skyline Drive – stopping Emery Drive
- 3) Perkins Street and Skyline Drive – stopping Perkins Street
- 4) West 45th Street and Perkins Street – stopping West 45th Street
- 5) Harvard Road and West 42nd Street – stopping Harvard Road
- 6) East 41st Street and Genesee Avenue – stopping East 41st Street
- 7) East 43rd Street and Genesee Avenue – stopping East 43rd Street
- 8) East 40th Street and Genesee Avenue – stopping East 40th Street
- 9) Zenith Drive and Genesee Avenue – stopping Zenith Drive
- 10) East 18th Street and Schaal Avenue – Multiway Stop
- 11) West Grandview Boulevard and Greengarden Boulevard – Multiway Stop
- 12) East 40th Street and Rice Avenue – Multiway Stop
- 13) East 43rd and Magnolia Drive – Multiway Stop

October 19, 2016. City Council on motion of Mr. Witherspoon, Seconded by Mr. Kwitowski having read Council File No. 15,966 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays 0.

October 19, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mrs. Jones, Resolved, etc.

That the Mayor and City Solicitor are respectfully requested to prepare an ordinance creating a City Revolving Loan fund for economic development projects.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That City Council hereby approved the Mayor's recommendation to appoint **Mas Sala**, City of Erie Community and Economic Development Specialist, as the City of Erie Trustee to the **Erie County Signing Region Trust**. Mas Sala replaces Kim Green and this appointment will last through June 30, 2018. The trust has been functioning for twelve years and was established to guide visitors and residents to and from desired destinations in their travels throughout Erie County.

WHEREAS, PennDot has given approval for Erie County to be designated as a Wayfinding Signing Region; and

WHEREAS, the City of Erie, through the Erie Area Council of Governments, has established a Signing Region Trust for the benefit of PennDot; and

WHEREAS, the approved Trust Agreement stipulates and eleven (11) member Board of Trustees be appointed; and

WHEREAS, one of those appointments is to be made by the Mayor of the City of Erie, with the concurrence of Erie City Council,

NOW THEREFORE, THE NOMINATION by the Mayor of the City of Erie is hereby approved.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the proper city officials are directed to file with the Secretary of the Commonwealth a statement of Revival for the purpose of obtaining a **Certificate of Revival** which acts to retroactively receive the expired existence of the EMTA and formalize its current operation. The purpose of the filing is to obtain legal validity for EMTA and assure continued public mass transit for the citizens of the City of Erie and Erie County. In accordance with the Municipal Authorities Act, the revival period commences September 15, 2016 and continues for 50 years. The Statement of Revival will be submitted to the Secretary with or without the County's participation.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor be directed to file an appeal to the Commonwealth Court of Pennsylvania from the decision rendered in EMTA and the City of Erie v. County of Erie and Kathy Dahlkemper, in her capacity as County Executive **docked at No. 12196-2016**.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City Officials are aware of and approve of the Erie **Downtown Partnership's** submission of an application to the Department of Community and Economic Development, Commonwealth of Pennsylvania, for an **Implementation Grant** of \$50,000. This grant will be used for the creation of Downtown District Gateways within the City of Erie in accordance with the Downtown Master Plan and the City's Comp Plan, Erie Refocused. The Downtown Partnership's Executive Director will work with the City Engineer to ensure compliance with City regulations.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City Officials are hereby authorized to submit for a **Public Improvement Grant** in the amount of \$500,000 from the Department of Community and Economic Development in the Commonwealth of Pennsylvania.

This grant will be used for acquisition and demolition of blighted property in the City of Erie. Further resolved, that the City of Erie hereby designate Chris Mong, Director of Erie City's Department of **Economic and Community Development** (DECD) as the official(s) to execute all documents and agreements between the City of Erie and the Commonwealth of Pennsylvania through the Department of Community and Economic Development to facilitate and assist in obtaining the request Grant.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the enterprise **Zone Loan Review Committee** approval of the following loan is formally ratified:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
Finish Thompson, Inc.	\$350,000.00	15 yrs. Fixed	\$1,750.00

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Loan Fund and loan repayments. The loan will be charged against account number 310-000-0000-1007. The interest rate is fixed at 3.5% per annum. A one-time loan processing fee based on ½ of 1.0% of the amount financed will be assessed to the client. The City Solicitor's Office will assist with the preparation of the loan documents for these transactions. City Council further directs that the proper City officials are authorized to sign the necessary documents and agreements effectuation same.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute an easement agreement between the City of Erie and Gary Kanonczyk, owner of **418/420 State St.**, Erie, PA 16501, for the installation of a concrete ramp and outdoor patio area that is a total of forty-five feet (45') long and that will protrude seven feet two inches (7'-2") into the public right-of-way on the west side of State St. between W 4th St. and W. 5th St., in compliance with the attached City Engineer's metes and bounds description and exhibit.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the Change Order No. 1 on the contract of
Vavala Concrete Construction LLC
2059 West 20th Street, Erie, PA 16502
for the Proposed Concrete Curb and Sidewalk South Side of South Park Row from State to Peach Bid No. 1731-16 Increased scope of work, a recommended and concurred with by the Bureau of Engineering be approved as follows:
Net Changes \$44,181.78
The original contract was \$65,988.20 - The revised contract amount is \$110,169.98
The **Change Order total is \$44,181.78**. This Change Order is hereby received by the City Council and concurred with and copies of this resolution are to be ordered attached to the Original Contract and additional copies are to be forwarded to the Contractor, Engineer and Other Interested parties.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the Change Order No. 1 on the contract of [Blue Rock Construction, LLC](#), 1854 East 26th Street, Erie, PA 16510; for the **2016 Curb and Sidewalk Replacement**, Various Locations, Bid No. 1728-16, as recommended and concurred with by the Bureau of Engineering, be approved as follows:

Original Contract \$13,271.50
 Change Order (see attachment) \$ 3,454.00
 Final Contract Amount: \$16,725.50

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the resolution submitted and enacted by the City Council and City of Erie Administration requesting that the Erie Metropolitan Transit Authority (“EMTA”) modify its **Articles of Incorporation** under §5605(a)(4) of the Municipal Authorities Act (“Act”) to amend the membership of EMTA’s board to reflect a board make-up composed of five members appointed by the City of Erie and four members to be appointed by the County of Erie, and do so in a manner consistent with Section 5610 of the Act; and

Further, the City agrees that the EMTA’s combined local match from the City and the County will be divided fifty-five percent City and forty-five percent County; and Further, request EMTA to amend its Articles of Incorporation by specifying a term of existence of ten (10) years; and

Further, the City of Erie urges EMTA to revise its by-laws such that no less than one City and County board appointee will serve as officers on the EMTA’s board.

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the **Liquid Fuels**

Transferred from:

Transferred to:

Amount	Account	Title	Amount	Account	Title
\$100,000.00	013-1291-0000-4033	Operating Supplies	\$289,268.95	013-1291-0000-4059	Street Lighting
20,000.00	013-1291-0000-4039	Other Svcs/Charges			
1,000.00	013-1291-0000-4043	Contingency Acct.			
168,268.95	013-1291-0000-4075	Bridges and Streets			

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Bureau of Streets and Paint and Sign

Transferred from:

Transferred to:

Amount	Account	Title	Amount	Account	Title
\$ 600.00	002-0715-0000-4006	Overtime Wages	\$ 600.00	002-0715-0000-4013	Seasonal Wages
22,000.00	002-0715-0000-4033	Operating Supplies	26,097.54	002-0713-0000-4006	Overtime Wages
4,000.00	002-0715-0000-4035	Repair/Maint Supplies	4,000.00	002-0713-0000-4033	Operating Supplies
1,855.25	002-0715-0000-4039	Consumable Items	11,000.00	002-0713-0000-4035	Repair/Maint Sup
675.00	002-0715-0000-4056	Repair Services	13,000.00	002-0713-0000-4039	Consumable Items
171.67	002-0715-0000-4059	Other Services			
16,220.62	002-0713-0000-4013	Seasonal Wages			
5,000.00	002-0713-0000-4047	Heat, Light, Power			
1,175.00	002-0713-0000-4054	Rentals			
3,000.00	002-0713-0000-4057	Tipping Fees			

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Winarski, 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. **Amendola Development Co.** 4153 Feidler Drive, Erie, PA 16506 for proposed concrete and stairs at Walczak Park in the amount of \$16,885.00.
2. **Atlantic Irrigation**, P.O. Box 261, Brattleboro, VT 05302 in the amount of \$6,785.20 for a one year GSP irrigation system maintenance renewal at the City of Erie Municipal Golf Courses.
3. **Bentley Tree Care, LLC.**, 9357 Route 20, P.O. Box 841, Ripley, NY 14775, in the amount of \$6,724.00, for [removal of six\(6\) dead trees](#) throughout the city.
4. **Chemung Supply**, P.O. Box 527, Elmira, NY 14902 for [Plow Blades](#) for the Bureau of Streets, at a cost of \$18,768.00.
5. **Erie Sport Store**, 1720 Keystone Drive, Erie, PA 16509, in the amount of \$7,000.00, for four (4) playground basketball systems at Bayview Park.
6. **Hi-T-Fence Systems**, 5255 Wheelertown Road, Waterford, PA 16441, in the amount of \$2,600.00, for fence replacement at Spoon's Court.
7. **John M. Lipchik**, 10163 Sampson Road, Erie, PA 16509 for a demolition at 626 East 24th Street for the Bureau of Economic and Community Development at a total cost of \$4,850.00
8. **Spray Foam Solutions of Erie**, 3724 Cumberland Road, Erie, PA 16510, in the amount of \$3,000.00, for application of weather protective coating for the interior of the compost storage building.
9. **Techworx**, 1525 Industrial Drive, Erie, PA 16505 for a three (3) year renewal of the VMware [software maintenance contract](#) for the Office of Computer Services for the City of Erie at a cost of \$3,970.00

October 19, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Winarski and Witherspoon. 7. Nays. 0.

October 19, 2016. Signed by the President. Attested by the City Clerk.

October 19, 2016, City Council on motion of Mr. Merski, Seconded by Mr. Brennan; Adjourned at 9:07 P.M. by yeas Council Members Merski, Arrington, Brennan, Jones and Kwitowski, Winarski and Witherspoon. 7. Nays. 0.

President of City Council

Attest: _____
City Clerk