

The City Council met in regular session in the Council Chambers on Wednesday, December 21, 2016 at 7:30 P.M.

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

On motion of Mr. Brennan, Seconded by Mr. Kwitowski, the reading of the minutes of the Meeting of December 7, 2016 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays. 0.

Copies of the bills under date of December 16 & December 23, 2016, were given to City Council and same adopted by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays. 0.

By Mr. Merski, Council File No. 15,970 Pending Official File Ordinance No. 32-2016 An ordinance **fixing the tax rate** for all city purposes for the Fiscal Year 2017 (beginning on January 1, 2017 and ending on December 31, 2017) 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 2015 or upon each hundred dollars assessed valuation of real estate for the tax purposes in the City of Erie.

December 21, 2016. City Council on motion of Mr. Merski, Seconded by Mr. Winarski having read Council File No. 15,970 now known as Pending Official File Ordinance No. 32-2016 does hereby adopt on Final Passage by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.

December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,971 Pending Official File Ordinance No. 33-2016 An ordinance 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, 2107 and ending December 31, 2017.

December 21, 2016. City Council on motion of Mr. Merski, Seconded by Mr. Winarski having read Council File No. 15,971 now known as Pending Official File Ordinance No. 26-2016 does hereby adopt on Final Passage by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.

December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15,972 Pending Official File Ordinance No. 34-2016 An ordinance amending Article 330 (**Landlord and Rental**), by amending Section 330.12 (**Sunset Provision**) to extend the ordinance expiration to March 31, 2021.

December 21, 2016. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Arrington having read Council File No. 15,972 now known as Pending Official File Ordinance No. 34-2016 does hereby adopt on Final Passage by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.

December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 15,973 Pending Official File Ordinance No. 35-2016 An ordinance amending the Codified Ordinances of the City of Erie Part One- Administrative Code, Title Seven – Employment Provisions; Pension, Article 145. **Officers' and Employees' Retirement System** by amending Sections 145.131(d)(2), 145.13(1)(2), 145.13(b)(2)(F)(1) 145.13(b)(17), and 145.07(g) to comply with IRS Plan Qualification requirements to obtain a Plan Qualification Determination letter.

December 21, 2016. City Council on motion of Mr. Kwitowski, Seconded by Mr. Witherspoon having read Council File No. 15,973 now known as Pending Official File Ordinance No. 35-2016 does hereby adopt on Final Passage by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.

December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 15,974 Pending Official File Ordinance No. 36-2016
An ordinance amending the Codified Ordinances of the City of Erie Part One-
Administrative Code, Title Seven – Employment Provisions; Pension, Article 147.
Police Employees’ Pension Plan by amending Sections 147.08(1) (2), 147.08(b) (2)
(F) (1), and 147.08(b) (17), to comply with IRS Plan Qualification requirements to
obtain a Plan Qualification Determination letter.

December 21, 2016. City Council on motion of Mr. Kwitowski, Seconded by Mr.
Witherspoon having read Council File No. 15,974 now known as Pending Official File
Ordinance No. 36-2016 does hereby adopt on Final Passage by yeas Council Members
Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.
December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 15,975 Pending Official File Ordinance No. 37-2016
An ordinance amending the Codified Ordinances of the City of Erie Part One-
Administrative Code, Title Seven – Employment Provisions; Pension, Article 149.
Firefighters’ Pension Fund by amending Sections 149.07(1) (2), 149.07(b) (2) (F)
(1), and 149.07(b) (17), to comply with IRS Plan Qualification requirements to obtain a
Plan Qualification Determination letter.

December 21, 2016. City Council on motion of Mr. Kwitowski, Seconded by Mr.
Witherspoon having read Council File No. 15,975 now known as Pending Official File
Ordinance No. 37-2016 does hereby adopt on Final Passage by yeas Council Members
Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon. 7. Nays 0.
December 21, 2016, Signed by the President. Attested by the City Clerk.

By Mr. Brennan, 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 from January 1, 2017 through
December 31, 2017 in the amount of **\$1,300.00** per month, and \$130.00 an hour for
every hours in excess of 12 hours per month.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington,
Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.
December 21, 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>
Sunburst Electronics	\$177,000.00	7 yrs. Fixed	\$885.00

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 finance 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 effectuating same.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington,
Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.
December 21, 2016. Signed by the President. Attested by the City Clerk.

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

That the Mayor and proper City officials are authorized and directed to submit for a Multimodal Transportation Fund **Grant of \$277,880.00** from the PENNDOT to be used **for improved lighting on 10th and 11th Street between Sassafras and Peach Street**. Be it further resolved that the City of Erie designates Christopher Mong, Director Erie City's Department of Economic and Community Development (DCED) as the official to execute all documents and agreements between the City of Erie, PA and the PA Department of Transportation to facilitate and assist in obtaining the requested Grant.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

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

That the Mayor and proper City officials are authorized and directed to submit for a Multimodal Transportation Fund **Grant of \$277,880.00** from the PENNDOT to be used **for improved lighting on 10th and 11th Street between Sassafras and Peach Street**. Be it further resolved that the City of Erie designates Christopher Mong, Director Erie City's Department of Economic and Community Development (DCED) as the official to execute all documents and agreements between the City of Erie, PA and the PA Department of Transportation to facilitate and assist in obtaining the requested Grant.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

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

That the following amounts are **transferred in the Department of Public Works, Public Buildings**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 7,000.00	002-0723-0000-4047	Heat, Light, Other	\$ 7,000.00	002-0723-0000-4056	Repair Maint. Svc

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

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

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

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 12,000.00	002-0725-0000-4552	Summer Rec.	\$ 12,000.00	002-0725-0000-4056	Repair Maint. Svc

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 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 Department of Public Works,**
 Transferred from: Transferred to:

Amount	Account	Title	Amount	Account	Title
\$ 1,500.00	002-0713-0000-4006	Overtime Wages	\$ 1,500.00	002-0713-0000-4011	Salaries
200.00	002-0713-0000-4047	Heat, Light, Power	200.00	002-0713-0000-4045	Communication
4,000.00	002-0715-0000-4006	Overtime Wages	4,000.00	007-0715-0000-4011	Salaries
1,500.00	002-0723-0000-4011	Salaries	1,500.00	002-0723-0000-4006	Overtime Wages
300.00	002-0723-0000-4047	Heat, Light Power	300.00	002-0723-0000-4039	Consum. Items.
4,000.00	002-0723-0000-4047	Heat, Light Power	4,000.00	002-0723-0000-4056	Repair and Maint
9,000.00	002-0723-0000-4047	Heat, Light Power	9,000.00	002-0723-0000-4059	Other Services
500.00	002-0725-0000-4021	Deferred Comp.	500.00	002-0725-0000-4006	Overtime Wages
1,800.00	002-0725-0000-4021	Deferred Comp.	1,800.00	002-0725-0000-4033	Operating Suppl.
2,500.00	002-0725-0000-4021	Deferred Comp.	2,500.00	002-0725-0000-4035	Repair and Maint.
500.00	002-0725-0000-4021	Deferred Comp.	500.00	002-0725-0000-4045	Communications

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

December 7, 2016. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Department of Public Works,**
 Transferred from: Transferred to:

Amount	Account	Title	Amount	Account	Title
\$ 1,000.00	002-0963-0000-4098	Contingency	\$ 1,000.00	002-0709-0000-4006	Overtime Wages
5,000.00	002-0963-0000-4098	Contingency	5,000.00	002-0709-0000-4011	Salaries
8,000.00	002-0963-0000-4098	Contingency	8,000.00	002-0713-0000-4011	Salaries
4,000.00	002-0963-0000-4098	Contingency	4,000.00	002-0715-0000-4011	Salaries
5,000.00	002-0963-0000-4098	Contingency	5,000.00	002-0720-0000-4011	Salaries
8,000.00	002-0963-0000-4098	Contingency	8,000.00	002-0725-0000-4011	Salaries
6,000.00	002-0963-0000-4041	Profess. Services	6,000.00	002-0963-0000-4059	Other Services

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

December 7, 2016. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Bureau of Fire**
 Transferred from: Transferred to:

Amount	Account	Title	Amount	Account	Title
\$ 10,000.00	002-0639-0000-4006	Overtime	\$ 6,000.00	002-0639-0000-4024	Tool Allow & Unif
			4,000.00	002-0639-0000-4035	Repair Maint. Sup

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

That the following amounts are transferred in the **Bureau of Police**
 Transferred from: Transferred to:

Amount	Account	Title	Amount	Account	Title
\$150,000.00	002-0613-0000-4011	Salaries	150,000.00	002-0613-0000-4006	Overtime
5,000.00	002-0613-0000-4059	Other Services	5,000.00	002-0613-0000-4043	Education Training

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

December 7, 2016. Signed by the President. Attested by the City Clerk

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

That the following amounts are **transferred in the Department of Public Works, Municipal Garage**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 12,000.00	002-0719-0000-4034	Fuel and Fluids	\$ 12,000.00	002-0719-0000-4035	Repair Maint. Sup

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

December 7, 2016. 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 Department of Public Works, Bureau of Sewers**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 30,000.00	007-0771-0000-4033	Operating Supplies	\$ 30,000.00	007-0771-0000-4035	Repair Maint. Sup

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

December 7, 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. **Dell Financial Services**, PO Box 81577, Austin, TX 787708-1577, for replacement SAN pair equipment for the Office of Computer Services, at the annual cost of \$30,536.84. Total cost for [replacement SAN](#) pair is \$87,094.36, 3 annual payments starting January 2017.
2. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for a one (1) year extension for Emergency Sewer Work 2017 for the Bureau of Sewers at unit prices (from 2014 Bid # 1707-14).
3. **Jim Brozell Construction**, 9298 Peach Street, Waterford, PA 16441 for a one (1) year agreement for Emergency Sewer Work 2017 for the Bureau of Sewers at unit prices (from 2014 Bid # 1707-14).
4. **Erie Regional Chamber & Growth Partnership**, 208 East Bayfront Parkway, Suite 100, Erie, PA 16507 for the 2017 membership investment fees for the Department of Economic & Community Development for the City of Erie at a total cost of \$25,000.00.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Winarski, 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. **DCED**, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, for State Fees due for July, Aug, and Sept. 2016 (651 permits) for the Bureau of Code Enforcement at a total cost of \$2,604.00.
2. **DME Forensics**, 9105-B Owens Drive, Suite 202, Manassas Park, VA 20111 for the software and annual license fee for a [Software Examiner for the Bureau of Police](#) at an amount of \$2,695.00.
3. **Electrical Repair Technology, LLC.**, 922 ½ Bacon Street, Erie, PA 16511 for the repair of an [Ash Slurry Pump at the WWTP](#) at a total cost of \$2,995.00
4. **Evoqua Water Technologies**, 1451 East Nine Mile Road, Hazel Park, MI 48030 for the 2017 annual service contract for the [Deionized Water System](#) used in the lab of the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$3,500.00.

5. [Gem City Gun Club](#), PO Box 10533, Erie, PA 16514-0533 for training and qualifications range fees for the Bureau of Police at a total amount of \$2,460.00.
6. **Hy-Tech Sales, Inc., 3170 Leechburg Road, Pittsburgh, PA 15239** for [Insulators](#) for the Wet Electrostatic Precipitator at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,202.05.
7. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only to install a sanitary man hole at 928 Cherry Street for the Bureau of Sewers in the amount of \$3,017.20 (Material Costs Only).
8. **Siemens Industry, Inc., c/o Gilson Engineering Sales, Inc.**, 535 Rochester Road, Pittsburgh, PA 15237 for [replacement Scrubber Flow Meters](#) for the Incinerator at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$7,933.05.
9. **Wm. T. Spaeder Co., Inc.**, 1602 East 18th Street PO Box 10066, Erie, PA 16514 for the Proposed [Snow Melt System Project](#) at the Municipal Building South Ramps for the Bureau of Engineering at a total cost of \$19,185.05.
10. **Wm. T. Spaeder Co., Inc.**, 1602 East 18th Street PO Box 10066, Erie, PA 16514 for labor and materials to repair the air dryer at the Municipal Building in the amount of \$2,729.91 for the Public Works Office.
11. **Wm. T. Spaeder Co., Inc.**, 1602 East 18th Street PO Box 10066, Erie, PA 16514 in the amount of \$3,850.00 for back flow testing for the Public Works Office.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That Mr. Michael Outlaw Sr. 432 East 26th Street, Erie, PA 16504 is hereby appointed to the Erie Water Authority for a five year term from January 2, 2017 expiring the first Monday of January 2022.

December 21, 2016. City Council votes to adopt the waive rules by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski and Merski. 6. Nays 1. Mr. Witherspoon.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski and Winarski 6. Nays. 1 Mr. Witherspoon.

December 21, 2016. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That Mr. John Vincent 1339 West 10th Street, Erie PA 16502 is hereby appointed to the Erie Sewer Authority for a five year term expiring December 31, 2021.

December 21, 2016. City Council votes to adopt the waive rules by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays. 0.

December 21, 2016. City Council adopt by yeas Council Members Merski, Arrington, Brennan, Jones, Kwitowski, Winarski and Witherspoon 7. Nays. 0.

December 21, 2016. Signed by the President. Attested by the City Clerk.

December 14, 2016

RE: Erie Land Bank Board Appointment

Dear Rose:

Please be advised that I have made the following re-appointment to the **Erie Land Bank Board of Directors**.

Attorney J.W. Alberstadt, Jr.
 MacDonald, Illig, Jones and Britton LLP
 100 State Street #700
 Erie, PA 16507
jalberstadt@mijb.com
 (814) 870-7550

December 14, 2016

RE: Design Review Committee

Rose:

Please be advised that I have made the following re-appointment to the **Design Review Committee**.

Chris Mong, whose term expires 12/31/2016, will be re-appointed to fill the same seat he is currently holding. His term will expire 12/31/2020.

December 14, 2016

RE: Design Review Committee

Rose:

Please be advised that I have made the following re-appointment to the **Design Review Committee**.

Shelly Buehler, whose term expires 12/31/2016, will be re-appointed to fill the same seat she is currently holding. His term will expire 12/31/2020.

Please feel free to contact me should you have any questions or require anything further.

Sincerely,

Joseph E. Sinnott
Mayor

December 21, 2016, City Council on motion of Mr. Winarski, Seconded by Mrs. Arrington adjourned at 8:34 P.M. by yeas Council Members Arrington, Brennan, Jones, Kwitowski, Winarski, Witherspoon and Merski. 7. Nays. 0.

President of City Council

Attest: _____
City Clerk