

The City Council met in regular session in the Council Chambers on Wednesday, October 18, 2017 at 7:30 P.M.

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

On motion of Mr. Merski, Seconded by Mr. Brennan, the reading of the minutes of the Meeting of October 4, 2017 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski and Kwitowski. 7. Nays. 0.

Copies of the bills under date of October 13, 2017 and October 20, 2017 were given to City Council and same adopted by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

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By Mr. Witherspoon, Council File No. 15,604

An ordinance amending the City of Erie streets, utilities and public services code, article 955 (**Parks and Playground Areas**) Section 955.07 (Behavior) by adding Sub-Section 955.07 (j) (Consumption of Alcoholic beverages prohibited) to prohibit the consumption of alcoholic beverages and possession of open containers of alcoholic beverages in City parks and playgrounds, to provide for definitions and to provide for exceptions and by amending Section 955.99 (Penalty) to increase the fine provision.

October 18, 2017. City Council on motion of Mrs. Arrington, Seconded by Mr. Witherspoon to table by yeas Council Members Arrington, Brennan, Jones, Winarski, Witherspoon and Kwitowski. 6. Nays 1. Mr. Merski

By Mrs. Arrington, Council File No. 15,605

An ordinance appropriating the sum of \$60,000.00 from unappropriated and unanticipated revenue and providing for the expenditure thereof. In the **Capital Improvement Fund** for use of replacement of a roof at **Firehouse #13**.

October 18, 2017. City Council on motion of Mrs. Arrington, Seconded by Mr. Brennan having read Council File No. 15,605 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0

October 18, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15,606

An ordinance amending Ordinance Number 26-1958, the Traffic Code of the City of Erie by the installation of a **stop sign** at one intersection. **Peach Street West 3<sup>rd</sup> Street-stopping Peach Street**

October 18, 2017. City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski having read Council File No. 15,606 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0

October 18, 2017. Signed by the President. Attested by the City Clerk.

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

## **RESOLUTION TO SUPPORT NUCLEAR ENERGY IN PENNSYLVANIA**

**WHEREAS**, Pennsylvania's five nuclear energy plants provide many critical environmental, reliability, energy diversity and economic benefits; and

**WHEREAS**, Current federal and state energy policies fail to recognize the value nuclear energy plants provide to the public, creating an uncertain future for Pennsylvania nuclear plants; and

**WHEREAS**, Nuclear energy plants represent 38 percent of Pennsylvania's electricity generation capacity, and 93 percent of Pennsylvania's carbon-free electricity; and

**WHEREAS**, These plants avoid 37 million metric tons of carbon emissions, equivalent to keeping nearly 8 million cars off the road every year; and

**WHEREAS**, Nuclear facilities allow the Commonwealth to avoid \$2.6 billion over the next ten years (\$260 million per year) in air pollution costs from criteria pollutants; and

**WHEREAS**, Pennsylvania's five state-of-the-art nuclear plants generate energy on a 24/7 basis and in virtually all weather conditions, helping ensure the reliability and resiliency of our electric system; and

**WHEREAS**, Pennsylvania's nuclear energy plants contribute nearly \$2 billion annually to the Commonwealth's economy; and

**WHEREAS**, These plants directly and indirectly employ approximately 16,000 Pennsylvanians and generate \$438 million in annual state and federal tax revenue; and

**RESOLVED, by the (City of Erie)**, that we urge the Commonwealth of Pennsylvania to support policies to preserve Pennsylvania's nuclear energy plants, because of their support for our local economy by creating thousands of jobs, strengthening our commitment to a pollution and carbon-free environment, and ensuring a more reliable and resilient electric grid for consumers and businesses; while creating a sustainable energy future for generations, and be it further

**RESOLVED**, That suitable copies of this Resolution be forwarded to our State Senators and State Representatives in the General Assembly and to the Governor of Pennsylvania.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to allow the custodian of the City of Erie [Water Reserve Fund Account to release the amount of \\$432,152](#) payable to the **City of Erie Capital Fund**. The reimbursement amount was included in the Capital Fund budget as part of the 2017 City of Erie Budget.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

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

That the proper City Officials are authorized and directed to enter into the attached Memorandum of Understanding ([MOU with the Erie County](#) Department of Planning (ECPD). 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.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute the **Federal Aid Reimbursement Agreement No. 010W65** (MPMS No. 108204) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the construction of the **Little Italy Neighborhood Sidewalk Reconstruction Project West 18<sup>th</sup> Street from Poplar to Plum Streets.**

The total amount of the reimbursement is \$175,745.00.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute a Sidewalk Maintenance Agreement #010W64 (MPMS #58232, **McBride Viaduct**) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the following:

SR005, north side of East 12<sup>th</sup> Street between the East Side Connector and East Avenue, Beginning segment/offset 062/0760 Ending segment/offset 0621/1342

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the **Office of Debt Service**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$2,530.00	460-0963-0000-4802	Printshop Cap Lease	\$15,259.00	460-0963-0000-4078	Machinery & Equip.
\$7,869.00	460-0963-0000-4805	Pitney Bowes Lease			
\$4,860.00	460-0963-0000-4807	Ikon Lease			

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017, 2017. Signed by the President. Attested by the City Clerk.

By Mrs. Arrington, Seconded by Mr. Brennan, 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. **Five Star Equipment, Inc.**, 46 Route 97, Waterford, PA 16441, for the purchase of two (2) **Front Loaders with Appurtenances**, for the Department of Public Works, Refuse and Recycling, Compost Site in the amount of \$251,827.44.
2. **Jeffrey Associates**, 897 Route 910, Indianola, PA 15051-0335 for the purchase and installation of a playground for the Department of Public Works in the amount of \$21,988.00.
3. **PVS Technologies, Inc.**, 10900 Harper Avenue, Detroit, MI 48213 for Anhydrous Ferric Chloride, for approximately 900 tons for the Bureau of Sewers in the amount of \$441.00/ton. **Contract term 10/18/2017 to 10/17/2018.**
4. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only to replace the sanitary main at 3<sup>rd</sup> and Myrtle Street for the Bureau of Sewers in the amount of \$43,671.09
5. **Progressive Services, Inc. dba Progressive Roofing**, 23 N. 35th Avenue, Phoenix, AZ 85009 for proposed **roof repairs at Fire Station 13**, 1027 East 28<sup>th</sup> Street in the amount of \$56,117.75.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.  
October 18, 2017. Signed by the President. Attested by the City Clerk.

By Mrs. Arrington, Seconded by Mr. Brennan, 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. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506, for materials only for blacktop cuts at North Park Row and State Street; and at Sloppy Duck for the Bureau of Sewers in the amount of \$2,188.00
2. **Pathmaster, Inc.**, 1960 Midway Drive, Twinsburg, OH 44087 for a new [controller/cabinet](#) to be used at the Bayfront Parkway/Lincoln Avenue intersection, for the Department of Public Works in the amount of \$10,500.00.
3. **Matthew M. Franckiewicz**, 1789 S, Braddock Avenue, Ste. 540, Pittsburgh, PA 15218 for arbitration fees for the City of Erie IAFF Local 293 for the Office of City Solicitor in the amount of \$2,282.17.
4. **Empire Snow Management Inc.**, 10860 Donation Rd., Waterford, PA 16441, for the 2017 Curb and [Sidewalk Replacement, Various Locations](#), Bid No. 1739-17 at a total cost of \$12,797.50.
5. **James B. Schwab Co.**, 2901 West 22<sup>nd</sup> Street, Erie, PA 1606 for an Xante Impressia envelope printer for the Print Shop for the Office of Reproduction in the amount of \$14,900.00.
6. **BIU**, 1805 West 38<sup>th</sup> Street, Erie, PA 16506 for the August 2017 [Mechanical Inspections](#) for the Bureau of Code Enforcement in the amount of \$2,938.60.
7. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, PA 16506-4978 for parking and [traffic tickets for the Bureau of Police](#), Office of Traffic Court in the amount of \$5,290.73.
8. **Smart Power**, 5000 North US 131, Reed City, MI, 49677 for the purchase of a generator system with pump for Engine 12 for the [Bureau of Fire](#) in the amount of \$9,904.74.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

October 18, 2017. Signed by the President. Attested by the City Clerk.

#### WAIVE RULES

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

#### Waive Rules

Resolution No. 23

That the proper City Officials are authorized and directed to designate a portion of West 3<sup>rd</sup> Street between Cherry and Poplar Streets as Ron "Baby" Steele Way in posthumous honor of Ronald A. Steele's service and dedication to the City of Erie and GECAC where he served and mentored for over 30 years ending his career as Chief Executive Officer.

October 18, 2017. City Council adopt waive rules by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

October 18, 2017. Signed by the President. Attested by the City Clerk.

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

Waive Rules

Resolution No. 24

**Resolution In Opposition to “Right to Work” Legislation**

WHEREAS, unionization has boosted workplace safety, wages and job security of all workers, particularly minorities; and

WHEREAS, so called “right to work” laws allow worker – “free rider” – to receive the benefits of a union contract without paying the cost necessary to secure those benefits; and

WHEREAS, “Right to Work” Legislation was originally developed in the 1940’s to reduce union strength and finances; and

WHEREAS, America’s workers are struggling, worried, underemployed, barely getting by and frustrated by a system that is not working; and over the past three decades, as “right to work” has spread across the country, income inequality has risen to historic levels; and

WHEREAS, at the County Commissioner’s Association of Pennsylvania’s (CCAP) 2014 Spring Conference, Resolution 1, in support of statewide “right to work” legislation, was withdrawn before a vote due to an overwhelming response against the legislation by county officials from across Pennsylvania, and

WHEREAS, the availability of skilled labor, access to our highways, trains and ports to assist in transporting of their goods and the markets in our proximity, a robust telecom infrastructure, facility and incentives all of which add to the quality of life of our business/companies and are more important factors in attracting new companies, not “right to work” legislation; and

NOW THEREFORE BE IT RESOLVED that Erie City Council hereby declares “Right to Work” Legislation to be unfair, unnecessary and unsafe.

BE IT FURTHER RESOLVED, Erie City Council opposes “right to work” legislation at all levels of government.

October 18, 2017. City Council adopt waive rules by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

October 18, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

October 18, 2017. Signed by the President. Attested by the City Clerk.

October 18, 2017, City Council on motion of Mr. Merski, Seconded by Mr. Brennan adjourned at 9:04 P.M. by yeas Council Members Kwitowski, Arrington, Brennan, Jones, Merski, and Witherspoon. 6. Nays. 0. Winarski 9:00 P.M.

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President of City Council

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