

The City Council met in regular session in the Council Chambers on Wednesday, February 6, 2019 at 9:00 A.M.

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

On motion of Mrs. Schaaf, Seconded by Mr. Kwitowski, the reading of the minutes of The Meeting of January 16, 2019 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Allen, Arrington Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays. 0. Copies of the bills under date of February 1, and 8, 2019, were given to City Council and same adopted by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

Council File No. 16,066

Pending Official Ordinance 6-2019

An ordinance [closing and vacating](#) 12 foot long section of unimproved alley at the southwest corner of West 5th and Cranberry Streets, with reservation of existing utility rights-of-way.

February 6, 2019. City Council on motion of Mr. Jones, Seconded by Mr. Winarski, having read Council File No. 16,066, and now known as Official File Ordinance No. 6-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,067

Pending Official Ordinance 7-2019

An ordinance amending **Article 313, Peddlers and Sidewalk Vendors**, Section 313.03 subsection (a) (11) and (b), by increasing the minimum insurance requirements and application fees.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,067, and now known as Official File Ordinance No. 7-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,068

Pending Official Ordinance 8-2019

An ordinance amending Prerequisites to Obtaining a Permit under **Article 901**, Street Excavations, Section 901.04 subsection (e), by increasing the minimum liability insurance requirements.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,068, and now known as Official File Ordinance No. 8-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,069

Pending Official Ordinance 9-2019

An ordinance amending Prerequisites to Obtaining a Permit under **Article 901**, Street Excavations, Section 901.06 by increasing the fees.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,069, and now known as Official File Ordinance No. 9-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,070

Pending Official Ordinance 10-2019

An ordinance amending Article 935, **Sewers and Utility Connections**, Section 935.03 by increasing fees.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,070, and now known as Official File Ordinance No. 10-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,071

Pending Official Ordinance 11-2019

An ordinance appropriating the sum of \$1,715.00 from unappropriated and anticipated revenue to be received from **Erie Arts & Culture**. The funds will be utilized to install vinyl art wraps on signal and electrical cabinets located in Perry Square.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,071, and now known as Official File Ordinance No. 11-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,072

Pending Official Ordinance 12-2019

An ordinance appropriating the sum of \$2,400.00 from unappropriated and anticipated revenue to be received from **Erie Arts & Culture**. The funds will be utilized to install vinyl art wraps on signal and electrical cabinets located in the downtown area.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,072, and now known as Official File Ordinance No. 12-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,073

Pending Official Ordinance 13-2019

An ordinance appropriating the sum of \$234,992.00 from unappropriated and anticipated revenue and providing for the expenditure thereof.

SCHOOL VIOLENCE PREVENTION

February 6, 2019. City Council on motion of Mr. Jones, Seconded by Mr. Winarski, having read Council File No. 16,073, and now known as Official File Ordinance No. 13-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Council File No. 16,074

Pending Official Ordinance 14-2019

An ordinance in accordance with the 2019 City of Erie Budget the sum of \$15,000.00 is appropriated from unappropriated and anticipated revenue for use by the City of Erie Administration **Grant Fund**. These funds will be used to provide **MIDEO** services to City of Erie first responder employees.

February 6, 2019. City Council on motion of Mr. Winarski, Seconded by Mr. Jones, having read Council File No. 16,074, and now known as Official File Ordinance No. 14-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 16,075

An ordinance in accordance with the 2019 City of Erie Budget the sum of \$153,427.00 is appropriated from unappropriated and unanticipated revenue for use by expenditures incurred by **CSX Transportation** in the demolition of the McBride Viaduct.

February 6, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski, having read Council File No. 16,075, does hereby adopt on First Reading by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

February 6, 2019 Signed by the President. Attested by the City Clerk.

Pursuant to the provisions of Zoning Ordinance No. 80-2005 and the proper legal advertising the City Council held a **Public Hearing** at approx. 9:30 AM in City Council Chambers, 626 State Street, Erie PA regarding the request by City Council for proposed amendments to the City of Erie **Zoning Ordinance No 80-2005** Article 3 Section 303 [Signs](#) and Article 6 – Definitions.

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

That the proper City officials authorized and directed to settle the claims of **Andrew Jack and Ryan Hohman** for losses sustained due to sewage back-up in their residence on March 12, 2015. The parties have agreed to settle the lawsuit filed in the Court of Common Pleas at No. 13017-2015 in the amount of Two Thousand Five Hundred Dollars (\$2,500).

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

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

That the proposed **Repository sale** of property commonly known as [608 East 7th](#) Street, Erie, PA and identified by the Erie County Assessment Index Number 14-010-019.0-221.00 by the Erie County Tax Claim Bureau to **The Erie Land Bank**, c/o Scott Henry, 626 State Street, Room 107, Erie, PA in the amount of **\$250.00** is hereby approved.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

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

That the proposed **Repository sale** of property commonly known as a [West 23rd](#) Street, Lot 90, Ridgehurst Subdivision, Erie, PA and identified by the Erie County Assessment Index Number 19-062-014.0-115.00 by the Erie County Tax Claim Bureau to **Mahdi Al-Asadi**, 2016 West 23rd Street, Erie, PA in the amount of **\$250.00** is hereby approved.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other proper City of Erie officials are authorized and directed to execute a Cooperation Agreement between the City of Erie and The **Redevelopment Authority** of the City of Erie to accompany an application to the Pennsylvania Redevelopment Assistance Capital Program (**RACP**) on behalf of the Presbyterian Homes of the Presbytery of Lake Erie for the **Elmwood Gardens Renovation Project**.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. 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 the **Erie Downtown Streetscape Master Plan 2018** Mission Main Street Program Grant between the City of Erie and the Erie County Gaming Revenue Authority (ECGRA) for the construction of the Erie Downtown Streetscape Master Plan State Street Improvements from 3rd Street to 12th Street. The total amount of the **Grant to the Municipality is \$250,000.00**.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. 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 the **General Reimbursement Grant Agreement for Federal-Aid Highway Projects No. R19010003 (MPMS No. 108, ECMS No. 000108)** between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the construction of the **2019 City of Erie Milling and Asphalt Resurfacing Federal Aid Local Routes-Zimmerman Road**. The total amount eligible to be reimbursed to the Municipality is **\$107,000.00**.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. 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 execute an Agreement which was reached between the parties resolving the disputes currently at Docket Nos. 11129-2013 and 12540-2014 with regard to the taxable portions of **Bay Harbor West and Bay Harbor East**

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

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

Pursuant to the request of Attorney Richard A. Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509, requesting the City Council approval of the transfer of PLCB liquor license R19292 from the "**Asian King 1, Inc.**" 5901 West Ridge Road, Erie, Pennsylvania 16506-1034 (Fairview Township) to the **Kang Fuel and Food Mart, Inc.** situate at 605 Parade Street, Erie, Pennsylvania, 16503, is hereby received and pursuant to PA 47 P.S. 4-461 the City Clerk is hereby authorized and directed to advertise for a public hearing in reference to the above matter, on Wednesday, March 6, 2019 at approximately 9:30 AM to hear testimony concerning the **Inter Municipal Transfer of Liquor** License No. R 19292, LID 81234.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, 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. **Process and Data Automation.**, 5451 Merwin Lane, Erie, PA 16510 for the preparation of the 2018 Annual Audit/Financial Report for the Finance Office of the annual contract for the Engineering and Service of the **SCADA** System at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$30,000.00.

2. **Edward J. Betza, Esquire, of the Elderkin Law Firm**, 150 East 8th 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 at quarterly increments and invoices will be sent monthly. There is no guarantee of hours.
3. **3 Rivers Fire Equipment**, 1319 Airbrake Avenue, Turtle Creek, PA 15145 for two (2) X-Series Cameras with Standard Hot & Cold Spot Tracker for the Bureau of Fire and Police at \$7,935.00 each at a total cost of \$15,870.00 plus shipping.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, 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. **GovConnection., Inc.**, 732 Milford Road, Merrimack, NH 03054 for thirty (30) PC's and mounting brackets needed to replenish its stock for the Office of Computer Services at a total cost of \$19,680.00.
2. **Ganzer Equipment Company**, 5045 Buffalo Road, Erie, PA 16510 for a Hot Water Pressure Washer for the Department of Public Works, Bureau of [Refuse](#) and Recycling at a cost of \$3,430.00.
3. **Control Analytics, Inc.**, 6017 Enterprise Drive, Export, PA, 15632 for the 2019 maintenance agreement and unscheduled service rates for the Continuous Emissions Monitoring Systems (CEMS) at the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$9,600.00 (\$2,400.00 per quarter).
4. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, PA 16506, for the 2019 Recycling Guides for the Department of Refuse at a cost of \$12,879.41.
5. **Trumbull Industries**, 16335 Conneaut Lake Road, Meadville, PA 16335, for the emergency purchase of materials for repair & replacement of damaged piping and valves for the Polymer Feed System at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,535.94.
6. **GovConnection**, P.O. Box 536477, Pittsburgh, PA 15253-5906, for assorted [computer](#) equipment needed to replenish its stock for the Office of Computer Services at a cost of \$1,816.26.
7. **ESO Solutions**, P.O. Box 670324, Dallas, TX 75267-0324 for [firehouse software](#) for the firehouse computers for the Bureau of Fire at a total cost of \$3,605.00.
8. **Custom Products**, P. O. Box 54091, Jackson, MS 39288, for [signs](#) needed in the Paint & Sign Division for the Bureau of Streets at a cost of \$3,040.68.
9. **Washtronics**, 521 Ridgeview Drive, Erie, PA 16505, for car wash chemicals for the [Bureau](#) of Streets at a cost of \$2,302.00.
10. **Telog Instruments**, 830 Canning Parkway, Victor, NY 14564 for the 2019 Annual Enterprise [TELOG](#) Software Support for the Bureau of Sewers at a total cost of \$3,950.00.
11. **Commonwealth of Pennsylvania, Department of Environmental Protection**, P.O. Box 1467, Harrisburg, PA 17105-1467 for the renewal of the annual Laboratory Certification of Accreditation for the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$3,000.00.
12. **Empire Stack Testing**, 1090 Cain Road, Angola, NY 14006 for final payment of the Annual [CEMS](#) Audit of the Continuous Emission Monitoring Systems at the Wastewater Treatment Plant for the Bureau of Sewers for a 2-year period at a total cost of \$14,000.00/year.
13. **VelocityEHS/MSDS Online**, 222 Merchandise Mart Plaza, Suite 1750, Chicago, IL 60654 for the final payment of the annual service and support agreement for the [Material Safety Data](#) Sheet Online Library used at the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of \$2,749.00.

February 6, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

February 6, 2019. Signed by the President. Attested by the City Clerk.

Jeffrey W. Evans
372 Erica Drive
Erie, Pa. 16509
1-28-2019

I will be out of town and unable to attend the City Council meeting on February 6th concerning guideline/zoning amendments that would regulate electronic signs and appreciate being able to express my thoughts/comments in writing.

I believe this is a thorny issue from different angles.

1. The resident that raised concerns has expressed the fact that her eyesight is failing somewhat and the brightness from signs affects her vision. My response is that I actually prefer the brightness as it provides additional lighting on the street and in some cases, makes up for the lower lighting from street lights.
2. Respectfully, I am older than this citizen because of the fact that she expressed that her eyesight was under some pressure, I ask that she provide some documentation that she has had a recent eye exam and she is okay to drive after dark as this is a safety issue for everyone. I don't believe that you would request that everyone who drives after dark meet certain eyesight requirements but yet one person making a complaint has led us to this point of having meetings on sign brightness.
3. I am more concerned about the varying degrees of brightness coming from car headlights. The difference in brightness is quite illuminating and frankly, much more dangerous than lights from a sign. I don't believe you would be holding a meeting if I complained about this and made a request that you consider challenging car owners to meet certain requirements on their car headlights.
4. Continuing, I believe there are so many issues of importance that could/should be on your agenda that outweigh this issue and ask why it has commanded top priority.....

Thank you for allowing me to outline some of my thoughts regarding this issue and should the opportunity present itself, I would be willing to deliver them in person if asked to do so.


Jeffrey W. Evans

February 6, 2019, City Council on motion of Mrs. Schaaf, Seconded by Mr. Jones adjourned at 10:59 A.M. by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

Attest: _____
City Clerk

President of City Council