

The City Council met in regular session in the Council Chambers on Wednesday, February 20, 2019 at 7:30 P.M.

Council Members present: Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Yeas. 0. Arrington absent.

On motion of Mr. Kwitowski, Seconded by Mrs. Schaaf, the reading of the minutes of the Meeting of February 20, 2019 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays. 0. Copies of the bills under date of February 15, and 22, 2019, were given to City Council and same adopted by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

Council File No. 16,075

Pending Official Ordinance 15-2019

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 20, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski, having read Council File No. 16,075, and now known as Official File Ordinance No. 15-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

February 20, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 16,076

An ordinance appropriating the sum of \$350,000.00 from unappropriated and unanticipated revenue received from a Pennsylvania Department of Environmental Protection Act 101, Section 902 **Municipal Recycling Program Grant** and providing for the expenditure thereof.

February 20, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski, having read Council File No. 16,076, does hereby adopt on First Reading by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

February 20, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 16,077

An ordinance in accordance with the **2019 City of Erie Capital Fund Budget** the sum of \$100,000.00 is appropriated from unappropriated and unanticipated revenue for use by the City of Erie. These funds will be used for expenditures incurred by the Police Department for the **purchase of motorcycles**. The money was donated anonymously for this usage.

February 20, 2019. City Council on motion of Mr. Jones, Seconded by Mr. Witherspoon, having read Council File No. 16,077, does hereby adopt on First Reading by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0. February 20, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 16,078

An ordinance amending Article 1503.21(12) (D) of the City of Erie's Codified Ordinances to exclude certain native and/or **natural vegetation** from the definition of "weeds" in the International Property Maintenance Code.

February 20, 2019. City Council on motion of Mr. Jones, Seconded by Mr. Witherspoon, having read Council File No. 16,078, does hereby adopt on First Reading by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0. February 20, 2019 Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to submit a **Municipal Assistance Program Grant** application to the Pennsylvania Department of Community and Economic Development to support a traffic study in the West Bayfront area of Erie. Further resolved, that the Council of the City of Erie authorizes the City Engineer as an authorized official to execute all documents to facilitate and assist in obtaining the requested grant.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. 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:

Jenidas Corporation (Gene Davis Sales & Service)	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
	\$100,000.00	7 Years	\$500.00

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

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

Receiving the request from the **City Planning Commission** that City Council [approve Amendments](#) to the City of Erie **Zoning Code Official Ordinance No. 80-2005** as follows:

1. Amend Section 201.14 RLB (Residential Limited Business Use District) to add 'Eating and Drinking Establishment' and 'Limited Retail Business' uses to the Permitted Uses list; and
2. Amend Section 205 LOT, YARD AND HEIGHT REQUIREMENTS to increase the Maximum Height of Structure (Feet) from 35 to 45 in the RLB Use District. And the City Clerk authorized and directed to advertise notice of a Public Hearing to be held before City Council on Wednesday March 20, 2019 at approximately 8:00 p.m. in City Council Chambers, Municipal Building, and 626 State Street, Erie, PA 16501.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

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

That the communication from the **City Planning Commission** recommending the request submitted by **John J. Mehler** of McDonald, Illig, Jones and Britton, LLP representing Chiari Endeavors, LLC requesting the rezoning of three tax parcels (index Nos: 7-41-02-101,105 and 114) from R3 (High Density Residential) to RLB (Residential Limited Business) as amended is approved and authorizing and directing the City Clerk to advertise notice of a Public Hearing to be held before City Council on Wednesday March 20, 2019 at approximately 8:00 p.m. in City Council Chambers, Municipal Building, 626 State Street, Erie, PA 16501.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

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

That the Proper City Officials are authorized and directed to issue a payment to [PRI Community](#), 153 East 13th Street, Suite 1400, Erie, PA 16503 for the **snow removal** at various Erie Redevelopment locations per ERA contract. (Total of \$7,108.53)

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

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

Approving the request to submit a [Letter of Intent](#) to the Governor's Center for Local Government Services for technical assistance. The description of the project is: Several municipalities in Erie County are interested in conveying a meeting to determine their interest in working with DCED to study the feasibility of creating a **Joint Emergency Management Agency**. Contact person is Fire Chief Guy Santone.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Seconded by Resolved, etc.

That the City Solicitor is authorized and directed to prepare an ordinance amending the Codified Ordinances of the City of Erie, being Part One Administrative Code, Title Three, Article 119, Section 119.05 (**Compensation of the City Treasurer**) which presently establishes the compensation of the City Treasurer at \$48,000.00 by increasing the annual amount to \$68,000.00/year commencing the first Monday of January 2020.

**** Pulled at the request of Council, failed to get a second.**

By Mr. Witherspoon, Seconded by Resolved, etc.

That the City Solicitor is authorized and directed to prepare an ordinance, amending the Codified Ordinances of the City of Erie, being Part One Administrative Code, Title Three, Article 111, Section 111.06 (**Compensation of the City Council**) which presently establishes the compensation of members of Council at \$6,000.00 by increasing the annual amount to \$10,000.00/year, and President of Council from, \$7,500.00 by increasing the annual amount to \$11,500.00. That increase in compensation shall not apply to the current terms of any Council member now in office or such member's replacement for the duration of a current term of office commencing the first Monday of January 2020, and the first Monday of January 2022.

**** Pulled at the request of Council, failed to get a second.**

By Mr. Witherspoon, Seconded by Resolved, etc.

That the City Solicitor is authorized and directed to prepare an ordinance, amending the Codified Ordinances of the City of Erie amending the Codified Ordinances of the City of Erie, being Part One Administrative Code, Title Three, Article 121 Section 121.10 (**Compensation of the City Controller**) which presently establishes the compensation of the City Controller at \$38,000 by increasing the annual amount to \$48,000.00 commencing the first Monday of January 2022.

**** Pulled at the request of Council, failed to get a second.**

By Mr. Kwitowski, Seconded by Mrs. Schaaf, 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. **Sherwin Williams**. 101 W. Prospect Ave., Cleveland, OH 44115, for the purchase of a Traffic Line Marking Paint, for the Department of Public Works, Bureau of Streets, Paint and Sign, in the amount of \$33,660.00.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Seconded by Mrs. Schaaf, 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. **US Municipal**, 10583 Raystown Road, Huntington, PA 16658 for three (3) salt [spreaders](#) for the Bureau of Streets, at a cost of \$4,206.00 each for a total cost of \$12,618.00.

2. **Legacy Truck Centers**, 3900 Depot Road, Erie, PA 16510 for tow (2) single axel cabs and [chassis](#) for the Bureau of Streets, at a total cost of \$92,245.00 each for a total cost of \$184,490.00.
3. **H.D. Industries**, P.O. Box 8250, Jacksonville, TX 75766, for a [Pothole Patcher](#) for the Bureau of Streets, at a cost of \$81,264.00.
4. **Force America**, 501 East Cliff Road, Burnsville, MN 55337, for [spreader control](#) boxes and harness for the Bureau of Streets, at a total cost of \$2,147.73.
5. **A&H Equipment**, 1124 McLaughlin Run Road, Bridgeville, PA 15017 for two (2) [plow trucks](#) for the Bureau of Streets, at a cost of \$39,344.00 each for a total cost of \$78,688.00 and two (2) wing plows at a cost of \$14,301.00 each for a total cost of \$28,602.00.
6. **JWC Environmental**, 2600 S. Garnsey Street, Santa Ana, CA 92707 for the purchase of a [Grinder](#) Reducer Assembly Unit at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$2,270.41.
7. **Legacy Truck Centers**, 3900 Depot Road, Erie, PA 16510, for a [flatbed truck](#) for the Bureau of Streets at a cost of \$89,007.49.
8. **David Milano Construction**, 2207 Zimmerly Road, Erie, PA 16506, for [materials](#) only to install sanitary manholes at two (2) locations, for the Bureau of Sewers at a total cost of \$5,721.69.
9. **Siemens Industry, Inc., c/o Gilson Engineering Sales, Inc.**, 535 Rochester Road, Pittsburgh, PA 15237 for one (1) replacement Siemens [Flow Meter](#) for the Bureau of Sewers at a total amount of \$2,195.60.
10. **Cellebrite USA, Inc.**, 7 Campus Drive, Suite 210, Parsippany, NJ 07054 for the yearly [software maintenance](#) contract for the Cellphone Extraction Unit for the Bureau of Police at a total amount of \$3,700.00.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the Mayor and City Controller have previously been authorized to execute all required Agreements to date with all parties as required for the **McBride Viaduct Removal (East Avenue Bridge)**, And whereas the project now requires additional coordination and Agreement with the railroad at the above grade crossing, The Mayor and City Controller are hereby authorized and directed to execute and award the Construction Agreement between the City of Erie and **CSXT** for the **Flagging and Construction Engineering/Inspection Services** for the City of Erie Demolition of the McBride Viaduct (East Avenue Br) over CSXT
Estimated costs for the construction services are **\$153,427.00**.
Cost Sharing: Federal 80%, State 15%, Municipality 5%

February 20, 2019. City Council adopt waive rules by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Winarski and Witherspoon. 6. Nays. 0.

February 20, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Winarski and Witherspoon. 6 Nays. 0.

February 20, 2019. Signed by the President. Attested by the City Clerk.

February 20, 2019, City Council on motion of Mr. Kwitowski, Seconded by Mrs. Schaaf adjourned at 8:50 P.M. by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays. 0.

President of City Council

Attest: _____
City Clerk