

The City Council met in regular session in the Council Chambers on Wednesday, April 3, 2019 at 9:00 A.M.

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

On motion of Mr. Winarski, Seconded by Mrs. Arrington, the reading of the minutes of the Meeting of March 20, 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 March 20 and 29, and April 5, 2019, were given to City Council and same adopted by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

By Mrs. Schaaf, Council File No. 16,083

Pending Official Ordinance 23-2019

An ordinance appropriating the sum of **\$24,998.00** from unappropriated and unanticipated revenue for the expenditure thereof (contribution is from the **Siebenbuerger Club**) for the purchase of a Heat, Humidity, Fuming Chamber for the ID Unit, Bureau of Police.

April 3, 2019. City Council on motion of Mrs. Schaaf, Seconded by Mr. Jones, having read Council File No. 16,083, and now known as Official File Ordinance No. 23-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 16,084

Pending Official Ordinance 24-2019

AN ORDINANCE AUTHORIZING AN INCREASE IN THE **NON-ELECTORAL DEBT** OF THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA BY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE IN THE AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$87,235,000 FEDERALLY TAXABLE, [GENERAL OBLIGATION NOTES, SERIES A OF 2019 \(THE "2019A NOTES"\)](#), [GENERAL OBLIGATION NOTES, SERIES B OF 2019 \(THE "2019B NOTES"\)](#) AND GENERAL OBLIGATION BONDS, SERIES C OF 2019 (THE "2019C BONDS") FOR THE PURPOSES RECITED HEREIN; DIRECTING THE CITY CLERK TO PREPARE, CERTIFY AND FILE THE REQUIRED DEBT STATEMENT AND TO TAKE ALL OTHER NECESSARY ACTION; COVENANTING THAT THE CITY SHALL INCLUDE THE AMOUNT OF ANNUAL DEBT SERVICE IN ITS BUDGET FOR EACH FISCAL YEAR; PROVIDING FOR REGISTERED NOTES AND BONDS, DATE OF THE NOTES AND BONDS AND PAYMENT DATES; PROVIDING FOR FACSIMILE SIGNATURES, SEAL AND AUTHENTICATION; APPROVING THE FORM OF THE NOTES AND BONDS, PAYING AGENT'S AUTHENTICATION CERTIFICATE, ENDORSEMENT AND REGISTRATION; PROVIDING FOR TEMPORARY NOTES AND BONDS; PROVIDING FOR THE MAXIMUM STATED PRINCIPAL MATURITY AMOUNTS AND FIXING THE MAXIMUM RATES OF INTEREST ON THE NOTES AND BONDS; AWARDED THE NOTES AND BONDS AT PRIVATE SALE; CREATING SINKING FUNDS; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO CONTRACT WITH A BANK FOR ITS SERVICES AS A SINKING FUND DEPOSITORY AND PAYING AGENT; AUTHORIZING AND DIRECTING THE CITY CLERK TO CERTIFY AND FILE WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT CERTIFIED COPIES OF THE NECESSARY PROCEEDINGS; COVENANTING THAT THE PROCEEDS OF THE 2019B NOTES AND 2019C BONDS SHALL NOT BE USED IN SUCH MANNER AS TO CAUSE THE 2019B NOTES AND 2019C BONDS TO BE ARBITRAGE NOTES OR BONDS UNDER FEDERAL TAX LAW PROVISIONS; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE; PROVIDING FOR MUNICIPAL BOND INSURANCE; AND RESCINDING ALL INCONSISTENT ORDINANCES.

April 3, 2019. City Council on motion of Mr. Kwitowski, Seconded by Ms. Allen, having read Council File No. 16,084, and now known as Official File Ordinance No. 24-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16,085

Pending Official Ordinance 25-2019

An ordinance appropriating the sum of **\$14,811.36** from unappropriated and unanticipated revenue from **PA Emergency Management Agency (PEMA)** for [Firefighting](#), training and rescue equipment.

April 3, 2019. City Council on motion of Mrs. Schaaf, Seconded by Mr. Jones, having read Council File No. 16,085, and now known as Official File Ordinance No. 25-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 16,086

An ordinance appropriating the sum of **\$150,000.00** from unappropriated and unanticipated revenue received from a Commonwealth of Pennsylvania Greenways, Trails and Recreation Grant and providing for the expenditure thereof for the Bayview Park Improvement Project.

April 3, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf, having read Council File No. 16,086, does hereby adopt on First Reading by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

By Ms. Allen, Council File No. 16,087

An ordinance amending the **Uniform Construction Code** of the City of Erie's Codified Ordinances to adopt and incorporate by reference the 2015 versions of various codes and to increase certain fees and licensing requirements

April 3, 2019. City Council on motion of Ms. Allen, Seconded by Mrs. Arrington, having read Council File No. 16,087, does hereby adopt on First Reading by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16,088

An ordinance appropriating the sum of **\$2,500.00** from unappropriated and unanticipated revenue from **National Night Out**.

April 3, 2019. City Council on motion of Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,088, does hereby adopt on First Reading by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

April 3, 2019 Signed by the President. Attested by the City Clerk.

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

Pursuant to the provisions of **Zoning Ordinance 80-2005** and a public hearing held on Wednesday, March 20, 2019 in City Council Chambers, 626 State Street, Erie, PA 16501 to consider a request submitted by the City [Planning Commission](#) to 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 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 is hereby approved by City Council. The City Solicitor is authorized and directed to prepare an ordinance for the above stated request.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

Pursuant to the provisions of **Zoning Ordinance 80-2005** and a public hearing held on Wednesday, March 20, 2019 in City Council Chambers, 626 State Street, Erie, PA 16501 to consider a request submitted by Atty. John Mehler of MacDonald Illig Zones and Britton representing [Chiari](#) Endeavors LLC, **requesting the rezoning of three parcels** (Index Nos. 7-41-02-101.105 and 114 from R3 (High Density Residential) to RLB (Residential Limited Business) as amended is hereby approved by City Council and the City Solicitor is authorized and directed to prepare an ordinance for the above stated request.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 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 for the following loan is formally ratified:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
Myrtle Street Realty Company (New Directions Healthcare)	\$1,000,000.00	15 Years	\$5,000.00

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Ms. Allen, Resolved, etc.

Erie City Council's governing body will formally send a letter to the Department of Environmental Protection regarding the toxic pollution emerging from the Erie Coke Plant. Whereas the Erie Coke Plant has in the past been non-compliant, this Council wishes to make certain that they follow the specific rules of operating their plan within the mandates of the Environmental Protection Agency.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

Receiving the communication from Mayor Joe Schember that **Dr. Matthew White**, 3306 Stough Avenue, Erie, PA 16508 is hereby appointed to the **Erie County Convention Center Authority** for a four (4) year term expiring 12/31/22. Dr. replaces Atty. Chris Sinnott whose term had expired.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

Receiving the recommendation from Mayor Joe Schember that **Mr. Jason Pero**, 3355 Zimmerly Road, is hereby appointed to the **Erie Land Bank Board**. Mr. Pero replaces board member Jay Alberstadt and will fulfill the remainder of his term which expires 12/8/19 and then be eligible for a three (3) year term.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an Agreement between the City of Erie and Gary N. Horton in settlement of his personal injury lawsuit in the Erie County Court of Common Pleas at No. 12671-2016 in the amount of \$3,000.00.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Schaaf, and Witherspoon 5. Nays. 2. Mr. Kwitowski and Mr. Winarski

April 3, 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 execute an Easement Agreement between the City of Erie and Andora's Bubble, tenant of 516 State Street, Erie, PA 16501, for the installation of a thirteen foot (13') long temporary dining area that will protrude seven feet (7') into the public right-of-way on the west side of State Street, between West 5th Street and North Park Row, in compliance with the attached City Engineer's metes and bounds description and exhibit.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 1. Mr. Jones.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

Receiving the request from Jones Petrie Rafinski on behalf of the Erie County Convention Center Authority for vacation of a portion of 9th Street, West of UPMC Park. Beginning at a point in the north line of East 9th Street (60'R/W); said point being a distance of 117.44 easterly of the east line of French Street (60'R/W); Thence easterly, along the north line of said East 9th Street, a distance of 89.30' to the current terminus of said East 9th Street; Thence southerly, along said terminus and parallel to the west line of Holland Street, a distance of 60.00' to the south line of said East 9th Street; Thence westerly, along said south line of East 9th Street, a distance of 89.32' to the northeast corner of the parcel bearing Erie County Index No. 15 020 006.0 111.00; Thence northerly and parallel to the east line of said French Street, a distance of 60.00' to the Point of Beginning.

Containing 5,359 SF/0.123 Acre of land more or less.

Attached to this request are Exhibits A and B which depict the portion of 9th Street to be vacated. The undersigned requests that this portion of 9th Street be vacated for the following reasons.

1. A new main left field entrance to UPMC Park and an addition to Erie Insurance Arena integrating the two venues are proposed in this location. The addition is programmed to include Team store and office space for both the Seawolves and Otters organizations as well as a new Club Level group venue overlooking the ballpark on the top floor. The left field entrance configuration will result in improved vehicular circulation on 9th Street.

2. As part of the original stadium construction, approximately 450' of the 9th Street Right of Way was vacated from Holland Street to the West boundary of the stadium property.

Be it further resolved that this resolution be forwarded to the City Planning Commission for recommendation and report thereon.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Bureau of Streets

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 20,000.00	013-1291-0000-4039	Consum Items	\$ 20,000.00	013-1291-0000-4056	Rep/Maint. Svc.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Seconded by Ms. Allen, 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. **Dave Hallman Fleet Service**, 1925 State Street, Erie, PA 16501 for two (2) 2019 [Chevrolet Traverses](#) for the Department of Public Works, at a cost of \$29,555.00 each, for a total amount of \$59,111.00
2. **Bob Ferrando Ford Lincoln Sales, Inc.**, 8868 West Ridge Road, Girard, PA 16423 for one (1) 2019 [Ford F-150](#) Truck for the Department of Public Works, at a total amount of \$24,479.00.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mr. Kwitowski, 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. **Executive Pulse, Inc.**, 11 East 4th Street, Erie, PA 16507 for a one-year contract to provide web hosting, system maintenance and normal & customary system upgrades for the [Rental Licensing Software](#) Program for the Bureau of Code Enforcement at a total cost of \$20,000.00.
2. **Executive Pulse, Inc.**, 11 East 4th Street, Erie, PA 16507 for the software customization for the Rental Licensing Software Program for the Bureau of Code Enforcement at a total cost of \$15,000.00.
3. **Dollamur**, 1734 East El Paso Street, Fort Worth, TX 76102 for three (3) training mats used when [officers](#) attend quarterly training.
Stop stick, LTD, 365 Industrial Drive, Harrison, OH 45030 for fifteen (15) 9" Stop Sticks to be placed in front line [patrol vehicles](#) and used during pursuits to stop vehicles for the Bureau of Police at a total amount of \$7,288.00.
4. **Markl Supply Company, Inc.**, 904 Perry Highway, Pittsburgh, PA 15229 for training and department issue [ammunition and misc.](#) supplies for the training and SWAT units for the Bureau of Police at a total amount of \$9,779.23.
5. **CZ-USA**, P.O. Box 17103, Kansas City, KS 66117-0073 for five (5) CZ Scorpion 9mm Pistols and magpull foregrips for the [SWAT](#) Unit for the Bureau of Police at a total amount of \$8,625.00.
6. **Axon Enterprise, Inc.**, 17800 North 85th Street, Scottsdale, AZ 85255 for ten (1) [new tasers](#), holsters, cartridges and battery packs for the Bureau of Police at a total amount of \$14,202.00.
7. **Law Enforcement Targets**, 8802 West 35W Service Drive NE, Blaine, MN 55449-6740 for various targets and backers for use in the [firearms range](#) for the Bureau of Police at a total amount of \$5,917.30.
8. **Praetorian Digital (PoliceOne.com)**, 5217 Tennyson Parkway, Suite 500, Plano, TX 75024 for the set-up fee and for fifty (50) user [subscription licenses](#) for the Bureau of Police at a total amount of \$3,050.00.
9. **SBM Electronics, Inc.**, 628 California Avenue, Pittsburgh, PA 15202 for the annual maintenance agreement for the [Police Radio](#) & Telephone Recording System for the Bureau of Police at a total amount of \$3,1995.00.
10. **Potters Industries**, P.O. Box 90414, Chicago, IL, for 22,000 lbs. of [Fiberglass beads](#) for the Bureau of Streets, at a cost of \$9,460.00.
11. **Allen Heavy Equipment Repair**, 9176 Finley Lake Road, North East, PA 16428, for [Milling Machine repairs](#) for the Bureau of Streets, at a cost of \$16,924.88.
12. **Bay City Millwork, LLC**, 959 West 12th Street, Suite, 5, Erie, PA 16501 for twenty-seven (27) [elevator panels](#) for the City Hall elevators for the Department of Public Works, Public Buildings, in the amount of \$2,240.00.
13. **Lowes Home Center, Inc.**, 1930 Keystone Drive, Erie, PA 16509 for material costs for three (3) revision pavilions to be installed at [Glenwood Park](#) for the Bureau of Parks at a cost of \$10,274.28.

14. **Wm. T. Spaeder**, 1602 East 18th Street, Erie, PA 16514 for the replacement and installation of the Controller for the [Cooling Tower](#) at the Wastewater Treatment Plant, Bureau of Sewers at a total amount of \$2,040.00.
15. **ErieTec, Inc.**, 1432 East 12th Street, Erie, PA 16503 for the replacement of the [Variable Frequency](#) Drive for the #1 Scrubber Pump at the Wastewater Treatment Plant, Bureau of Sewers at a total amount of \$7,071.02.
16. **ErieTec, Inc.**, 1432 East 12th Street, Erie, PA 16503 for the replacement of a Sprocket for the #3 [Grit Chamber](#) at the Wastewater Treatment Plant, Bureau of Sewers at a total amount of \$3,552.38.
17. **ErieTec, Inc.**, 1432 East 12th Street, Erie, PA 16503 for internal parts for the #3 Scrubber Pump at the Wastewater Treatment Plant, Bureau of Sewers at a total amount of \$2,631.48.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the Proper City Officials are authorized and directed to issue a purchase order to Witmer Public Safety Group, 104 Independence Way, Coatesville, PA 19320 for training and department issue ammunition and miscellaneous supplies for the training and SWAT units for the Bureau of Police at a total amount of \$19,312.00.

Be it further resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged against budget code 002-0613-0000-4033.

April 3, 2019. City Council adopt waive rules by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 3, 2019. Signed by the President. Attested by the City Clerk.

April 3, 2019, City Council on motion of Mr. Winarski, Seconded by Mrs. Arrington adjourned at 11:12 A.M. by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

President of City Council

Attest: _____
City Clerk

The Finance Committee meeting was cancelled.

Representatives from the ECCCA made a presentation to City Council concerning the UPMC ball park upgrades.