

The City Council met in regular session in the Council Chambers on Wednesday,
May 1, 2019 at 9:00 A.M.

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

On motion of Ms. Allen, Seconded by Mrs. Schaaf, the reading of the minutes
of the Meeting of April 17, 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
April 26, 2019 and May 3, 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 Mr. Witherspoon, Council File No. 16,089 Pending Official Ordinance 29-2019

An ordinance appropriating the sum of **\$18,147.00** from unappropriated and
unanticipated revenue received from Our West Bayfront Neighborhood Group and
providing for the expenditure thereof for the Bayview Park Improvement Project.

May 1, 2019. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Schaaf,
having read Council File No. 16,089, and now known as Pending Official File Ordinance No.
29-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington,
Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

May 1, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 16,090 Pending Official Ordinance 30-2019

An ordinance [amending](#) **Article 204, Section 204.14 Article 205, Article 305, Sections
305.24, 305.25 and 305.44**, and **Article 6** to allow eating and drinking establishments and
limited retail business to be located in the RLB District.

May 1, 2019. City Council on motion of Mr. Kwitowski, Seconded by Mr. Jones,
having read Council File No. 16,090, and now known as Pending Official File Ordinance No.
30-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington,
Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

May 1, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 16,091 Pending Official Ordinance 31-2019

An ordinance Amending Official **Ordinance No. 80-2005** known as the Zoning Ordinance
of the City of Erie by changing the classification of the property located at the southwest
corner of [West 5th Street and Cranberry](#) Street (Index Nos: [17-41-02-101, 105](#) and 114)
from R-3 High Density Residential to RLB Residential Limited Business, as amended.

May 1, 2019. City Council on motion of Mr. Kwitowski, Seconded by Mr. Jones,
having read Council File No. 16,091, and now known as Pending Official File Ordinance No.
31-2019 does hereby adopt on Final Passage by yeas Council Members Allen, Arrington,
Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

May 1, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 16,092

An ordinance appropriating the sum of **\$2,253,301.00** from unappropriated and un-
anticipated revenue for the expenditure thereof from bond proceeds.

May 1, 2019. City Council on motion of Mr. Jones, Seconded by Mr. Kwitowski,
having read Council File No. 16,092, does hereby adopt on First Reading by yeas Council
Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.

May 1, 2019 Signed by the President. Attested by the City Clerk.

By Ms. Allen, Council File No. 16,093

An ordinance amending the Codified Ordinances of the **City of Erie Part 5 (Traffic)**, (Title Five Stopping, Standing; and Parking), Article 527 (Impounding of Vehicles) by amending Articles 527.03 (Garage to Post Bond) and Article 527.04 (Towing and Storage Fees) to provide that the applicable bond, towing and storage fees apply to vehicles which are stored, as well as impounded, under the authority of Articles 527.03 and 527.04.

May 1, 2019. City Council on motion of Ms. Allen, Seconded by Mrs. Arrington, having read Council File No. 16,090, does hereby adopt on First Reading by yeas Council Members Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 7. Nays 0.
May 1, 2019 Signed by the President. Attested by the City Clerk.

Pursuant to the **Public Hearing** held Wednesday April 17, 2019 and the provisions of Act 141 which requires the consent of the Pennsylvania Liquor Control Board, the request from Michael Agresti, 300 State Street, Suite 300, Erie, Pennsylvania, 16507, requesting City Council approval for the transfer of PLCB liquor license D2947 for **Huskies Beer Distributor**, LLC, 6835 Buffalo Rd. Harborcreek, PA 16421 to 3820 Washington Avenue, A4 Erie, PA (commonly known as "Park Plaza" and also the former location of **Greengarden Beer Distributor**) is hereby approved.

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

That Erie City Council supports the **Restore Pennsylvania**, A \$4.5 billion Infrastructure Improvement Plan.

WHEREAS, Pennsylvania must position its communities for success and position itself as a leader in the 21st century by investing in critical infrastructure needs that for too long have been neglected.

WHEREAS, To help build a better future for all Pennsylvanians, Restore Pennsylvania will invest \$4.5 billion over the next four-years in significant, high-impact projects throughout the commonwealth to help catapult Pennsylvania ahead of every state in the country in terms of technology, development, and infrastructure.

WHEREAS, Restore Pennsylvania will provide funding to bridge the digital divide, supporting the installation of infrastructure to bring high-speed internet to communities across the commonwealth and making Pennsylvania a better place to work, do business, and live.

WHEREAS, Restore Pennsylvania will provide funding to assist individuals who suffer severe weather-related losses and funding to help communities prepare for flooding and severe weather, upgrade flood walls and levees, replace high-hazard dams, and conduct stream restoration and maintenance.

WHEREAS, Restore Pennsylvania will address blight by providing financial resources to local communities to establish land banks and acquire and demolish blighted buildings in order to create new development opportunities or provide new green space.

WHEREAS, Restore Pennsylvania will fund expanded efforts to remove lead and other contaminants from communities.

WHEREAS, Restore Pennsylvania will enable new environmental projects and new recreational opportunities across the commonwealth, including infrastructure and maintenance in state parks, local water quality improvements on farms, and funding for new hiking, biking and trail projects.

WHEREAS, Restore Pennsylvania will help to build manufacturing facilities and other downstream businesses while helping businesses and individuals use more of Pennsylvania's natural gas in their homes, creating jobs, lowering costs, and improving energy efficiency.

WHEREAS, Restore Pennsylvania will provide funding for local road and bridge upgrades, create new flexible funding options for businesses that need local infrastructure upgrades to enable development projects, and multimodal and large-scale capital projects for transit.

WHEREAS, Restore Pennsylvania projects will be driven by local input about local needs, and projects will be evaluated through a competitive process to ensure that high-priority, high-impact projects are funded and needs across Pennsylvania are met; now therefore be it

RESOLVED, that the *Erie City Council* hereby urges the Pennsylvania General Assembly to support Restore Pennsylvania.

May 1, 2019. City Council adopt by yeas Council Members, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0 Allen.
May 1, 2019. Signed by the President. Attested by the City Clerk.

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

That **Sonya Byes** of 931 West 3rd Street, Apt. #1, Erie, PA 16507 is hereby appointed to the **Erie County Human Relations Commission Advisory Board** to replace Ms. Elizabeth E. Espinosa, who has resigned. Ms. Byes' term will expire August 31, 2022.

May 1, 2019. City Council adopt by yeas Council Members, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0 Allen.

May 1, 2019. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance on the recommendation and approval of the City Planning Commission for the **vacating of an approximately 90' portion of East 9th Street**, immediately adjacent and west of UPMC Park at the request of Jones Petrie Rafinski on behalf of the Erie County Convention Center Authority. The ECCCA indicated that the right-of-way vacation is being requested to accommodate construction of a proposed addition to Erie Insurance Arena and a new left field main entrance to UPMC Park.

May 1, 2019. City Council adopt by yeas Council Members, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0 Allen.

May 1, 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 Amendment 1 No. R19010003 (MPMS No. 108, ECMA 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.

May 1, 2019. City Council adopt by yeas Council Members, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0 Allen.

May 1, 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:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
DLS Erie Properties, LLC and NJS Erie Properties, LLC	\$473,154.00	15 Years	\$2,365.77

May 1, 2019. City Council adopt by yeas Council Members, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0 Allen.

May 1, 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 **Straw Hat Ice Cream Shop**, tenant of 34 North Park Row, Erie, PA 16501, for the installation of the thirty-two (32') long temporary dining area that will protrude six feet (6') into the public right-of-way on the north side of North Park Row, between Peach Street and State Street, in compliance with the attached Engineer's metes and bounds description and exhibit.

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

May 1, 2019. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to execute an Agreement between the City of Erie and Pennsylvania Department of Community and Economic Development (**DCED**) **Keystone Communities** for the amount of \$300,000.00.

May 1, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

May 1, 2019. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to **settle the claims** of Linda M. Chisolm for the injuries she sustained in a fall which occurred on North Park Row on August 20, 2015. The parties have agreed to settle the lawsuit filed in the Court of Common Pleas at No. 12293-2017 in the amount of Six Thousand Dollars (\$6,000.00).

May 1, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Schaaf, and Witherspoon 5. Nays. 2. Mr. Kwitowski and Mr. Winarski.

May 1, 2019. 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 **Community Development Block Grant**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 9,925.55	501-1253-2017-4011	Salaries	\$ 482.04	501-1253-2017-4017	Pension Contribution
			2,664.77	501-1253-2017-4018	Group Insurance
			6,778.74	501-1253-2017-4020	Workers Comp Ins
\$ 9,925.55			\$ 9,925.55		

May 1, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

May 1, 2019. Signed by the President. Attested by the City Clerk.

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

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

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 40,000.00	460-1061-0000-4880	11 Series Principal	\$ 21,164.00	460-1061-0000-4887	15 Series A Interest
27,515.00	460-1061-0000-4881	11 Series Interest	21,164.00	460-1061-0000-4888	15 Series A Interest
27,515.00	460-1061-0000-4882	11 Series Principal	32,222.00	460-1061-0000-4890	15 Series B Interest
630,000.00	460-1061-0000-4883	12 Series Principal	32,222.00	460-1061-0000-4891	15 Series B Interest
10,473.00	460-1061-0000-4884	12 Series Interest	2,253,301.00	460-1061-0000-4096	Operating Transfer Out
10,473.00	460-1061-0000-4885	12 Series Interest			
800,553.00	460-1061-0000-4904	19 Series A Interest			
27,081.00	460-1061-0000-4905	19 Series A Interest			
421,300.00	460-1061-0000-4907	19 Series B Interest			
365,226.00	460-1061-0000-4908	19 Series B Interest			
\$2,360,073.00			\$2,360,073.00		

May 1, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

May 1, 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. **Bob Ferrando Ford Lincoln Sales, Inc.**, 8868 West Ridge Road, Girard, PA 16423 for two (2) [2019 Ford F-150](#) trucks for the Department of Public Works, Bureau of Refuse for \$24,479.00 each for a total amount of **\$ 48,958.00**.
2. **Dave Hallman Fleet Services**, 1925 State Street, Erie, PA 16501 for one (1) 2019 [Chevrolet Traverse](#) for the Department of Public Works, Bureau of Refuse at a total amount of **\$29,555.00**.
3. **Suit-Kote Pennsylvania**, 10965 McHenry Street, Meadville, PA 10965 for street and road maintenance materials for the Department of Public Works, Bureau of Streets at unit prices per COG bid (4/19/19). **Cold Patch & Crack Sealing:** Plant Mixed Stockpile Patching - picked up - \$78.50 Crack Sealing – picked up - \$16.00/Gallon.
4. **Presto Commercial Cleaning**, 7366 Orchard Dr., Fairview, PA 16415, for janitorial services for the City of Erie Municipal Building for April 18, 2019 – April 19, 2020 at a total cost of **\$94,260.00**.
5. **Lindy Paving**, P.O. Box 86, Union City, PA 16438 for street and road maintenance materials for the Bureau of Streets at unit prices per COG bid (4/19/19). **(Picked up)**

Virgin Materials:

9.5 mm superpave \$58.60
9.5 mm superpave w/fiberglass \$66.50
19 mm binder course \$53.70
25 mm binder course \$52.70
FJ1 wearing course \$66.50

Regular Materials:

9.5mm superpave - \$56.60
9.5 mm superpave w/fiberglass \$64.50
19 mm binder course \$51.70
25 mm binder course \$50.20
FJ1 wearing course \$64.50

Cold Patch:

High Performance Patching Material– picked up \$85.00 Cold Patch picked up \$85.00

6. **Joseph McCormick Construction Co.**, 3340 Pearl Avenue, Box 176, Erie, PA 16512 for the 2019 Proposed Milling and Asphalt Resurfacing of Various City Streets I Bid No. 1752-19 in the sum of **\$494,873.40**.
7. **Joseph McCormick Construction Co.**, 3340 Pearl Avenue, Box 176, Erie, PA 16512 for street and road maintenance materials for the Bureau of Streets at unit prices per COG bid (4/19/19). **(Picked up)**

Virgin Materials:

9.5 mm superpave \$70.00
9.5 mm superpave w/fiberglass \$79.00
19 mm binder course \$61.00
25 mm binder course \$58.00
FJ1 wearing course NO BID

Regular Materials:

9.5mm superpave - \$63.00
9.5 mm superpave w/fiberglass \$71.00
19 mm binder course \$58.00
25 mm binder course \$55.00
FJ1 wearing course NO BID

Warm Mix:

9.5 mm superpave NO BID
High Performance Patching Material \$95.00

FJ1 wearing course NO BID

8. **Mayer Brothers Construction Company**, 1225 West 18th Street, Erie, PA 16502 for street and road maintenance materials for the Bureau of Streets at unit prices per COG bid (4/19/19). **(Picked up)**

Virgin Materials:

9.5 mm superpave \$61.50
9.5 mm superpave w/fiberglass \$70.00
19 mm binder course \$58.00
25 mm binder course \$56.00
FJ1 wearing course \$70.00

Regular Materials:

9.5 mm superpave - \$59.50
9.5 mm superpave w/fiberglass \$68.00
19 mm binder course \$56.00
25 mm binder course \$54.00
FJ1 wearing course \$68.00

April 17, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

April 17, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, 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. **Chemung Supply**, P.O. Box 527, Elmira, NY 14902 for sign posts needed in the Paint & Sign Division, Bureau of Streets at a cost of **\$2,970.00**.
2. **Sullivan Supply Company**, 1433 East 10th Street, Erie, PA 16503 for the replacement of a [hot water](#) circulation pump at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of **\$2,648.00**.
3. **IFCO, Industrial Furnace Company, Inc.**, 40 Humboldt Street, Rochester, NY 14609 for the [replacement/repair](#) of a burner and doors of Incinerator #1 Development at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of **\$6,000.00**.
4. **Wm. T. Spaeder**, 1602 East 18th Street, Erie, PA 165149 for the roof drain wye replacement above the stockroom of the Supervisors building at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of **\$2,997.00**.
5. **Teledyne Instruments, Inc.**, 12497 Collections Center, Chicago, IL 12497 for an [indoor refrigerator vacuum](#) sampler used to collect compliance samples at the Wastewater Treatment Plant, Bureau of Sewers at a total cost of **\$5,224.00**.
6. **Erie Sewer Authority**, 120 West 10th Street, Erie, PA, 16501-1410 for the City's portion of the [annual fee for the NPDES](#) permit for the Bureau of Sewers at a total cost of **\$2,500.00**.

May 1, 2019. City Council adopt by yeas Council Members, Allen, Arrington, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 7. Nays. 0.

May 1, 2019. Signed by the President. Attested by the City Clerk.

May 1, 2019, City Council on motion of Ms. Allen, Seconded by Mrs. Schaaf adjourned at 10:42 A.M. by yeas Council Members Winarski, Allen, Arrington, Jones, Kwitowski, Schaaf, and Witherspoon. 7. Nays. 0.

President of City Council

Attest: _____
City Clerk