

The City Council met in regular session in the Council Chambers on Wednesday, December 18, 2019, at 7:30 P.M.

Council Members present: Winarski, Allen, Jones, Kwitowski, Schaaf and Witherspoon.

Yeas. 6. Mrs. Arrington was absent.

On motion of Mrs. Schaaf, Seconded by Mr. Witherspoon, the reading of the minutes of the Meeting of December 4, 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 December 13, 20 and 27, 2019 were given to City Council and same adopted by Yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

By Mr. Winarski, Council File No. 16,134 Pending Official Ordinance No. 75-2019

An ordinance fixing the **tax rate** for all city purposes for the Fiscal Year (beginning on January 1, 2020 and ending on December 31, 2020).

December 18, 2019. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon, having read Council File No. 16,134, and now known as Pending Official File Ordinance No. 75-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski and Witherspoon. 4. Nays. 2. Schaaf and Winarski.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 16,135 Pending Official Ordinance No. 76-2019

An ordinance of the City of Erie, County of Erie and Commonwealth of Pennsylvania, adopting the **General Fund** and certain other budgets for the fiscal year (beginning January 1, 2020 and ending December 31, 2020).

December 18, 2019. City Council on motion of By Mr. Winarski, Seconded by Mr. Witherspoon, having read Council File No. 16,135, and now known as Pending Official File Ordinance No. 76-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Witherspoon and Winarski. 5. Nays 1. Mrs. Schaaf.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16,138 Pending Official Ordinance No. 77-2019

An ordinance of Erie City Council of the City of Erie, Erie County, Pennsylvania, **prohibiting** the use of **tobacco** in recreational areas, parks and playgrounds and providing penalties for violations thereof.

December 18, 2019. City Council on motion of By Mrs. Schaaf Seconded by Ms. Allen, having read Council File No. 16,138, and now known as Pending Official File Ordinance No. 77-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 16,139 Pending Official Ordinance No. 78-2019

Amending the Codified Ordinance for the City of Erie, Part One Administrative Code, **Title Seven** Employment Provisions; Pension, **Article 145 Officers and Employees'** Retirement System, Subsection 145.02 (c) Definitions, Actuarial Equivalent is changed.

December 18, 2019. City Council on motion of By Mr. Kwitowski, Seconded by Mr. Jones, having read Council File No. 16,139, and now known as Pending Official File Ordinance No. 78-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Schaaf, Council File No. 16,140 Pending Official Ordinance No. 79-2019

Amending the Codified Ordinance for the City of Erie, Part One Administrative Code, **Title Seven** Employment Provisions; Pension, **Article 149 Firefighter's Pension** Plan Subsection 149.01 (c) Definitions, Actuarial Equivalent is changed.

December 18, 2019. City Council on motion of By Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,140, and now known as Pending Official File Ordinance No. 79-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 16,141 Pending Official Ordinance No. 80-2019

Amending the Codified Ordinance for the City of Erie, Part One Administrative Code, **Title Seven** Employment Provisions; Pension, **Article 147 Police Relief and Pension** Association Subsection 147.01 (c) Definitions, Actuarial Equivalent is changed.

December 18, 2019. City Council on motion of By Mr. Jones, Seconded by Mr. Kwitowski, having read Council File No. 16,141, and now known as Pending Official File Ordinance No. 80-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Council File No. 16,142 Pending Official Ordinance No. 81-2019

Amending the Codified Ordinance for the City of Erie, Part Three Business Regulation and Taxation Code, **Title Five – Act 511 Taxes**, Article 371 Earned Income Tax Subsections 371.02(a) and (d) effective January 1, 2020 by fixing the Earned Income Tax for general revenue purposes (Act 511) at 1% and the distressed municipal pension recovery tax (Act 205) at .65% for a total earned income tax rate of 1.65%.

December 18, 2019. City Council on motion of By Mr. Kwitowski, Seconded by Mr. Jones, having read Council File No. 16,142, and now known as Pending Official File Ordinance No. 81-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16,143 Pending Official Ordinance No. 82-2019

Amending the Codified Ordinance for the City of Erie, Part Nine Streets, Utilities and Public Services Code, **Title Five Sewer and Water**, Article 933 Sewer Rental, Subsection 933.02 (a) by increasing the service charge fee per user. Raising each dwelling unit from \$17.45 to \$25.00 per bill. The Sewer Meter rate schedule will not change.

December 18, 2019. City Council on motion of By Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,143, and now known as Pending Official File Ordinance No. 82-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16,144 Pending Official Ordinance No. 83-2019

Amending the Codified Ordinance for the City of Erie, Part Nine Streets, Utilities and Public Services Code, **Title Seven – Other Public Services**, Article 951 Residential Refuse, Subsection 951.09 (a) by increasing the collection fee per dwelling unit from \$220.00 to \$261.00 per year.

December 18, 2019. City Council on motion of By Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,144, and now known as Pending Official File Ordinance No. 83-2019 does hereby adopt on **Final Passage** by yeas Council Members Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski. 6. Nays 0.

December 18, 2019 Signed by the President. Attested by the City Clerk.

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

That **Erie City Council** members are unified in joining Governor Tom Wolf, the Erie County Council and Representative Ryan Bizzaro in asking the **Major League Baseball** to save minor league teams like the Erie SeaWolves

Whereas, Major League Baseball is considering to end minor league baseball teams such as the Erie SeaWolves.

Whereas, baseball is a fun sport to watch at UPMC Park in downtown Erie Pennsylvania providing an inexpensive entertainment for people of all ages and socio-economic status.

Whereas, the Erie County Convention Center Authority has invested more than 15 million dollars in UPMC Park this past year for better irrigation, turf, and drainage upgrades. They have installed a new video scoreboard enhancing the visual aspect of following the game. They have spent this money also on new equipment, furniture and fixtures.

Whereas, minor league baseball has contributed to the overall economic growth of Erie and surrounding communities in the spring and summer attracting citizens and tourists to dine and stay at nearby restaurants and hotels.

Whereas, the Erie County Convention Center Authority has provided steady employment to many employees and provided entertainment to a large fan base for many years to the Commonwealth.

Now therefore be it resolved, by the Erie City Council to persuade the MLB to rescind their idea of taking out minor league baseball teams such as the Erie SeaWolves.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

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

That [P.J. Monella](#), 715 Connecticut Dr. Apt. 12A Erie, PA 16505 is appointed to the Blight Property Review Committee ([BPRC](#)) to a two (2) year term. Mr. Monella's term will expire December 31, 2021.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

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

Respectfully requesting the City Solicitor to study and evaluate forming a **Parking Review Board** by ordinance to review disputes over parking violations with the Erie Parking Authority and report his findings thereon back to City Council.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

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

That **Mr. Paul D. Gambill** of 2303 Holland Street, Erie, Pa 16503 is re-appointed to the **Erie City Water Authority** for a five (5) year term. Mr. Gambill's term will expire the first Monday of January 2024.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

By Mr. Kwitowski, Seconded by Mrs. Allen, Resolved, etc.

That City Council approve the Financial Statements and Independent Auditor's Report of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2018

WHEREAS, the City of Erie is a member of the Erie Area Council of Governments (EACOG); and **WHEREAS**, the EACOG has obtained the Financial Statements and Independent Auditor's Report of its financial activities during the 2018 calendar year which was reviewed and accepted by the delegates at the EACOG's December 11, 2019 meeting, and **WHEREAS**, the Erie City Council has reviewed the proposed Financial Statements and Independent Auditor's Report and finds it to be in good order.

IT IS HEREBY RESOLVED, by Erie City Council of Erie County, Pennsylvania that the Financial Statements and Independent Auditor's Report for the calendar year ending December 31, 2018 is approved by the City Council of the City of Erie, PA.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

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

That City Council and the proper City officials **abate** additional inspection fees for property located at **2212 Holland Street #2**, also known as parcel index number 18-050-0180-20300 at the request of owner Gladys Smith of 2212 Wallace Street Apt #1, Erie, PA 16503. The amount is not to exceed \$65.00.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to enter into an agreement between the City of Erie and **Mr. Jack Ocasio** pertaining to the City Homebuyer Rehab Project in which the City will make available up to **\$15,260.00** for rehabilitation costs, down payment assistance and closing costs for the purchase of property located at **1715 Fairmont Parkway**, Erie, PA 16510. A check will be issued to Mr. Ocasio and his Council, David Bradford Law Offices, to be presented at the closing..

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

That the Enterprise Zone Loan Review Committee approval of the following loan is formally ratified:

	<u>Amount</u>	<u>Term</u>	<u>Fee</u>
<u>JYoung</u> Enterprises, LLC	\$63,000.00	15 Years	\$315.00

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Dept. of Public Works, Bureau of Sewers**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 8,750.00	007-0773-0000-4098	Contingency Acct.	\$ 8,750.00	007-0771-0000-4086	Lease Agreement

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Dept. of Public Works, Bureau of Refuse**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 9,000.00	008-0731-0000-4011	Salaries	\$ 22,000.00	008-0731-0000-4006	Overtime Wages
\$ 25,000.00	008-0731-0000-4021	Deferred Compensation	\$ 71,000.00	008-0731-0000-4013	Seasonal Wages
\$ 17,000.00	008-0731-0000-4047	Heat, Light, Power, Water	\$ 4,200.00	008-0731-0000-4019	Unemployment Comp.
\$ 15,000.00	008-0731-0000-4078	Machinery Equipment	\$ 8.00	008-0731-0000-4054	Rentals
\$ 31,208.00	008-0731-0000-4059	Other Services/Charges			
\$ 97,208.00			\$ 97,208.00		

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.
 December 18, 2019. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Dept. of Public Works, Division of Golf**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 9,750.00	009-0728-0000-4011	Salaries	\$ 6,900.00	009-0728-0000-4013	Seasonal Wages
			\$ 2,500.00	009-0728-0000-4059	Other Svcs/Charges
			\$ 100.00	009-0728-0000-4024	Tool Allow/Uniforms
			\$ 250.00	009-0728-0000-4054	Rentals
			\$ 9,750.00		

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.
 December 18, 2019. Signed by the President. Attested by the City Clerk

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

That the following amounts are transferred in the **Police General Fund Account**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 1,241.36	002-0613-0000-4033	Operating Supplies	\$ 1,669.56	002-0613-0000-4041	Professional Svcs.
\$ 4,500.00	002-0613-0000-4043	Training	\$ 4,100.00	002-0613-0000-4059	Other Svcs. & Charges
\$ 28.20	007-0613-0000-4052	Advertising.			
\$ 5,769.56			\$ 5,769.56		

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.
 December 18, 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 the **Office of Accounts Finance and Budget**

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 51,750.00	002-0963-0000-4098	Salary/Wage Acct.	\$ 150.00	002-0422-0000-4021	Deferred Comp.
			\$ 40,00.00	002-0963-0000-4012	Employee Payout
			\$ 3,00.00	002-0725-0000-4006	Overtime Wages
			\$ 4,50.00	002-0723-0000-4006	Overtime Wages
			\$ 300.00	002-0719-0000-4007	Shift Diff. Wages
			\$ 400.00	002-0249-0000-4021	Deferred Comp.
			\$ 400.00	002-0701-0000-4021	Deferred Comp.
			\$ 3,00.00	002-0603-0000-4007	Shift Diff. Wages
			\$ 51,750.00		

Transferred from:			Transferred to:		
Amount	Account	Title	Amount	Account	Title
\$ 4,835.00	002-0549-0000-4033	Operating Supplies	\$ 4,000.00	002-0549-0000-4056	Repair/Maint Services
			\$ 575.00	002-0549-0000-4021	Deferred Comp
			\$ 260.00	002-0549-0000-4006	Overtime Wages
			\$ 4,835.00		

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

By Mrs. Schaaf, Seconded by Mr. Witherspoon, 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. **Boetger Retirement Plan Services**, 3 Holland Street, Erie, PA 16507 for the Preparation of Various Minimum Municipal Obligation Studies, 20-Year Projections, and Assumption and Funding Studies for the January 1, 2019 Actuarial Valuation and the 2020 Municipal Obligation for the Department of Administration and Finance at a total amount of **\$4,000.00**.
2. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506, for materials only to repair sanitary connections at 325 West 12th Street, 950 West 5th Street & 723 West 2nd Street, install a sanitary manhole at 211 East 16th Street and repair a street cave in at West 3rd & Peach Streets for the Bureau of Sewers at a cost of **\$13,212.75**.
3. **Great Lakes & St. Lawrence Cities Initiative**, 20 North Wacker Drive, Suite 2700, Chicago, IL 60606 for the annual renewal of membership dues for 2020 for the Bureau of Sewers at a total cost of **\$7,700.00**.
4. **Power Plus International**, 143 McDonough Parkway, McDonough, GA 30253 a blowdown valve for the [Aux Boiler](#) at the Wastewater Treatment Plant for the Bureau of Sewers at a total amount of **\$2,241.16**.
5. **Process & Data Automation, LLC**, 5451 Merwin Lane, Suite 100, Erie, PA 16510 to provide engineering assistance for the migration of the Telog Enterprise Server, CSO website, and related Alarm Configuration to the [SCADA System](#) at the Wastewater Treatment Plant for the Bureau of Sewers at a total of **\$10,400.00**.
6. **Plyler Entry Systems**, 8850 Fry Road, McKean, PA 16426 for the replacement and installation of the rolling steel [garage door](#) of the E1 Building at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of **\$3,965.00**.
7. **Centrisys Centrifuge Systems**, 9586 58th Place, Kenosha, WI 53144 for the emergency repair work for the [D1 Centrifuge](#) at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of **\$8,685.12**.
8. **KoneCranes**, 310 Parkway View Drive, Pittsburgh, PA 15205 for the service agreement renewal for the quarterly inspections of the overhead cranes for the period from 12/31/2019 to 12/30/2020 at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of **\$2,502.00**.
9. **J's Tree service**, P.O. Box 456, Waterford, PA 16441 for removal of eleven (11) trees located throughout the City of Erie for the Department of Public Works at a total amount of **\$5,500.00**.

10. **Sullivan's Tree Service LLC.**, 1007 Cascade St., Erie, PA 16502 for removal of eleven (11) trees, trunks and limbs located throughout the City of Erie for the Department of Public Works at a total amount of **\$5,500.00**.
11. **Amark Environmental**, P.O. Box 9565, Erie, PA 16505 for [removal and disposal](#) of fireproofing waste material from City Hall in the amount of **\$19,700.00**.
12. **Grainger**, 1150 W. Grove Parkway, Suite 101, Tempe, AZ 85283 for twenty (20) 3 ft. Hinged [Cable Protectors](#) for the Department of Public Works in the amount of **\$2,525.00**.
13. **Eastern States Metal Roofing**, 7820 Route 474, Panama, NY 14767 for two (2) [picnic shelter kits](#) for the Department of Public Works in the amount of **\$4,889.78**.
14. **West End Hardware LLC.**, 1912 Liberty Street, Erie, PA 16502 for a Husqvarna Soft-Cut [Walk Behind Saw](#) for the Department of Public Works in the amount of **\$2,515.84**.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

WAIVE RULES

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

That the proper City officials are authorized and directed to designate Chestnut Street between West 16th and West 18th Street as "Via Pat Cappabianca" in honor of his many years of public service and dedication to the Erie Community.

December 18, 2019. City Council adopt waive rules by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

WAIVE RULES

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

That the City Solicitor is respectfully requested to study the legality and the implementation of a public safety or services fee to cover Police, Fire and Streets.

December 18, 2019. City Council adopt waive rules by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. City Council adopt by yeas Council Members, Allen, Jones, Kwitowski, Schaaf, Witherspoon and Winarski 6. Nays. 0.

December 18, 2019. Signed by the President. Attested by the City Clerk

December 18, 2019, City Council on motion of Mr. Winarski, Seconded by Mrs. Arrington adjourned at 9:29 P.M. by yeas Council Members Winarski, Allen, Jones, Kwitowski Schaaf and Witherspoon. 6. Nays. 0.

