

The City Council met in regular session in the Council Chambers on Wednesday, May 6, 2020 at 9:00 A.M.

Council Members present: Winarski, Brzezinski, Keys in person and Allen, Brennan, Schaaf and Witherspoon on Zoom. 7. Nays. 0.

On motion of Mr. Keys, Seconded by Mr. Winarski, the reading of the minutes of the Meeting of April 15, 2020 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0. Copies of the bills under date of May 1, and 8, 2020 were given to City Council and same adopted by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays.0

By Mr. Keys, Council File No. 16,155 Pending Official Ordinance No. 11-2020

An ordinance of the City of Erie, Erie, County, Pennsylvania (The "City") authorizing and directing the execution and delivery of a guaranty agreement with the Erie Parking Authority (The "Authority") and compliance with the provisions thereof; approving the issuance by the authority of guaranteed parking revenue bonds, Series of 2020A (The "2020A Bonds") and guaranteed parking revenue bonds, taxable series of 2020B (the "2020 B Bonds") (the 2020A Bonds and 2020B Bonds) together referred to as the "2020 Bonds" in an amount not to exceed \$23,500.00; repealing all inconsistent ordinances, directing the proper officers of the City to take necessary actions and further directing that this ordinance shall take effect immediately.

May 6, 2020. City Council on motion of Mr. Brennan, Seconded by Mrs. Keys, having read Council File No. 16,155, and now known as Pending Official File Ordinance No. 11-2020 does hereby adopt on **Final Passage** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf Council, File No. 16,156 Pending Official Ordinance No. 12-2020

An ordinance appropriating the sum of **\$1,866,324.00** from unappropriated and anticipated revenue to be received from the U.S Department of Housing and Urban Development (HUD) for the following **CDBG CARES** (D19) (C) projects.

May 5, 2020. City Council on motion of Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,156, and now known as Pending Official File Ordinance No. 12-2020 does hereby adopt on **Final Passage** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 5, 2020 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf Council, File No. 16,157 Pending Official Ordinance No. 13-2020

An ordinance appropriating the sum of **\$931,503.00** from unappropriated and anticipated revenue to be received from the U.S Department of Housing and Urban Development (HUD) for the following **ESG CARES** (ESG19) (C) projects.

May 5, 2020. City Council on motion of Mrs. Schaaf, Seconded by Ms. Allen, having read Council File No. 16,157, and now known as Pending Official File Ordinance No. 13-2020 does hereby adopt on **Final Passage** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 5, 2020 Signed by the President. Attested by the City Clerk.

By Mrs. Schaaf, Council File No. 16158

An ordinance appropriating the sum of **\$10,000.00** from unappropriated and anticipated revenue to be received from the Enterprise Zone Revolving Loan Fund for utilization in the Flagship/Commodore Fund.

May 6, 2020. City Council on motion of Mrs. Schaaf, Seconded by Ms. Allen having read Council File No. 16,158, does hereby adopt on **First Reading** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.
May 6, 2020 Signed by the President. Attested by the City Clerk

By Mr. Brzezinski, Council File No. 16159

An ordinance appropriating the sum of **\$300,000.00** from unappropriated and anticipated revenue and providing for the expenditure thereof.

PCCD-PAL/COMM VIOLENCE REDCTN

May 6, 2020. City Council on motion of Mr. Brzezinski, Seconded by Mr. Keys having read Council File No. 16,159, does hereby adopt on **First Reading** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020 Signed by the President. Attested by the City Clerk

By Mr. Brzezinski, Council File No. 16160

An ordinance appropriating the sum of **\$34,977.00** from unappropriated and anticipated revenue and providing for the expenditure thereof.

2019 JUSTICE ASSISTANCE GRANT

May 6, 2020. City Council on motion of Mr. Brzezinski, Seconded by Mr. Keys having read Council File No. 16,160, does hereby adopt on **First Reading** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020 Signed by the President. Attested by the City Clerk

By Mrs. Schaaf, Council File No. 16161

An ordinance appropriating the sum of **\$5,000.00** from unappropriated and anticipated revenue from CSX for the purchase of I Pads.

May 6, 2020. City Council on motion of Mr. Schaaf, Seconded by Ms. Allen having read Council File No. 16,161, does hereby adopt on **First Reading** by yeas Council Members Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020 Signed by the President. Attested by the City Clerk

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

That the **Public Official Bond No. 107200220**, from the Travelers Casualty and Surety Company of America as submitted by City Treasurer, Casimir J. Kwitowski, in the amount of \$2 million is hereby received and placed on file in the City Clerk's Office.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to designate Hammermill Drive near SB3 Industrial Park off East Lake Road as **Pat Black Drive** in honor of his revitalization investments and commitment to the Erie Community.

May 6, 2020. City Council adopt by yeas Council Members, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 6. Nays. 1. Allen.

May 6, 2020. Signed by the President. Attested by the City Clerk.

By Mr. Keys, Seconded by Mr. Brzezinski, Resolved, etc.

That the copy of the **Erie Regional Airport Authority 2018 and 2019 Financial Statements** and Supplementary information is hereby received by the City Council and ordered placed on file in the Office of Accounts, Finance and Budget

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk.

By Ms. Schaaf, Seconded by Mr. Brzezinski, Resolved, etc.

That the requirement of two readings for approval of ordinances **be waived** with regard to the **CDBG and ESG CARES** funding so that the implementation of the activities can be expedited due to the unprecedented circumstances the community is facing due to COVID-19.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

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

That the proper City officials are authorized and directed to enter an assignment agreement with Midtown Revitalization, L.P., the successor in interest to **Mid-Town Homes**, L.P., for assuming two mortgages encumbering the real estate known as the Mid-Town Apartments located in the City of Erie, County of Erie, Commonwealth of Pennsylvania. The assignment will extend two loans made by the City in the principal amount of **\$485,000** by an additional thirty-five (35) years after completion of construction, based on issuance of Certificates of Occupancy (the estimated maturity date is June 30, 306+), for the purpose of permitting the Pennsylvania Housing Finance Agency ("PHFA") to extend its tax restriction period. The assignment and/or other lending instruments will reflect that the City maintains a junior lien position on the real estate to other lenders, and that loan principal and deferred interest in the sum total of **\$1,401,549.73** is owed to the City.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

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

That the Enterprise Zone Loan Review Committee and the Department of Economic and Community Development approval of the following grant is formally ratified: **Neely Communications, Inc. \$10,000.00**

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

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

That Erie City Council approved a **substantial amendment** to the City's **FY2019 Annual Consolidated Plan** for the inclusion of Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funding through the CARES ACT.

WHEREAS, under Title I of the Housing and Community Development Act 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs; and

WHEREAS, under Title IV of the McKinney-Vento Homeless Act, as amended by the Homeless Emergency and Rapid Transition Housing Act of 2019, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities under the Emergency Solutions Grant Program for households below 50% of the area median income.

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City of Erie that it is eligible to receive substantial finding through the Coronavirus Aid, Relief and

Economic Security Act (CARES Act) as follows: Community Development Block Grant (CDBG) in the amount of \$1,886,324, and Emergency Solutions Grant (ESG) in the amount of \$931,503; and

WHEREAS, the City of Erie has prepared a Substantial Amendment to the City's FY2019 Annual Consolidated Plan that describes the eligible activities under this program and how the City plans to expend these funds for households who are below 50% of median income and in need of the funds; and

WHEREAS, the substantial Amendment to the FY2019 Annual Consolidated Plan also identifies the activities to be undertaken to address those needs as shown in the City's Five Year Consolidated Plan and certifies the commitment of the City to comply with specific related laws and regulations under this program; and

WHEREAS, in accordance with the City's approved Citizen Participation Plan, a draft copy of the City's Substantial Amendment was on public display for the required 5 days and the City held the required public hearing on said Substantial Amendment and all public comments were taken into consideration in the preparation of the final Substantial Amendment document.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

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

That the copy of the **Erie Land Bank Audited Financial Statements** ending December 31, 2019 is hereby received by the City Council and ordered placed on file in the Office of Accounts, Finance and Budget.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

By Mr. Keys, 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. **Joseph McCormick Construction Company**, 3340 Pearl Avenue, Erie, PA 16510 for street and road maintenance materials for the Bureau of Streets at **unit prices** per COG bid (4/20/20).

Virgin Materials

9.5 mm superpave picked up-\$69
9.5 mm spave w/fiberglass picked up \$76
19 mm binder course picked up \$61
25mm binder course picked up \$59
FJ1 wearing course picked up NO BID
High Performance Patching Material Picked Up \$115.00

Regular Materials

9.5 mm superpave picked up \$63
9.5 mm spave w/fiberglass picked up \$70
19 mm binder course picked up \$54
25 mm binder course picked up \$53
FJ 1 wearing course picked up NO BID

2. **Lindy Paving, 1807 Shenango Road**, New Galilee, PA 16141, for street and road maintenance materials for the Bureau of Streets at **unit prices** per COG bid (4/20/20).

Virgin Materials

9.5 mm superpave picked up-\$68.75
9.5 mm supave w/fiberglass picked up \$78.75
19 mm binder course picked up \$63.75
25mm binder course picked up \$62.00
FJ1 wearing course picked up \$78.75
High Performance Patching Material Picked up \$ \$93.00

Regular Materials

9.5 mm superpave picked up \$63.75
9.5 mm supave w/fiberglass pick up 73.75
19 mm binder course picked up \$58.75
25 mm binder course picked up \$57.00
FJ 1 wearing course picked up \$73.75

3. **Gerlach's Property Maintenance, LLC**, 3161 West 32nd Street, Erie, PA 16506 for a one (1) year extension (April 1, 2020 to October 31, 2020) foe lawn maintenance and weed control in various parks for the Bureau of Parks, Department of Public Works at a cost of **\$7,761.00** for a total amount of **\$54,327.00**.

4. **ESG CARES (ESG19)(C) projects:**

516-5017-2019-4750	GECAC Grant Related Expend	\$208,626.00
516-5029-2019-4750	Erie County Dept. of HS Grant Related Expend	\$298,672.00
516-5127-2019-4750	Community. Shelter Grant Related Expend	\$ 25,000.00
516-5130-2019-4750	City Mission Grant Related Expend	\$223,720.00
516-5131-2019-4750	The Refuge Grant Related Expend	\$ 32,335.00
516-5132-2019-4750	Mercy Center for Women Grant Related Expend	\$ 50,000.00

5. **ESG CARES (ESG19)(C) projects:**

511-5007-2019-4750	Sisters of St. Joseph Grant Related Expend	\$ 75,000.00
511-5014-2019-4750	BTW Center Grant Related Expend	\$ 75,000.00
511-5015-2019-4750	MLK Center Grant Related Expend	\$ 75,000.00
511-5030-2019-4750	Allegheny Health Grant Related Expend	\$387,024.81
511-5031-2019-4750	UPMC Hamot Grant Related Expend	\$ 50,000.00
511-5119-2019-4750	UECDC Grant Related Expend	\$ 75,000.00
511-5130-2019-4750	City Mission Grant Related Expend	\$131,367.00
511-5168-2019-4750	YMCA Grant Related Expend	\$ 75,000.00

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

By Mr. Keys, 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. **Potter Industries, Inc.**, P.O. Box 90414, Chicago, IL 60696-0414 for 14,000 lbs. of [fiberglass beads](#) for the Bureau of Streets at a total cost of **\$7,140.00**.
 2. **A&H Equipment**, 620 West Beaver Street, Zelienople, PA 16063 for the purchase of a KEG Aqua Power 700 Nozzle to remove tree roots & grease from sewer lines at the Bureau of Sewers Department at a total amount of **\$3,900.00**.
 3. **W.C. Weil Company**, P.O. Box 199 Allison Park, PA 15101 for the purchase of [replacement pump](#) for the Dobbins Landing Lift Station for the Bureau of Sewers at a total amount of **\$9,891.00**.
 4. **Agilent Technologies**, 2850 Centerville Road, Wilmington, DE 19808-1610 for the multi-year [service contract renewal](#) (2020, 2021 and 2022) at the Wastewater Treatment Plant for **\$6,505.52 each year** at a total cost of **\$19,516.55**.
 5. **JWC Environmental**, 2600 S Garnsey Street, Santa Ana, CA 92707 for the purchase of repair parts for the [Muffin Monster](#) grinder at the Wastewater Treatment Plant at a total cost of **\$10,638.63**.
- Axon Enterprise, Inc.**, 17800 North 85th Street, Scottsdale, AZ 85255 for ten (10) [Taser batteries](#), one (1) 6-bay docking station and mounting hardware for the Bureau of Police at a total amount of **\$2,403.90**.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brennan, Brzezinski, Keys, Schaaf, Witherspoon and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk

WAIVE RULES

No. 20

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

WHEREAS, under the Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination of prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent development needs; and

WHEREAS, under the HOME Investment Partnerships Program created by the National Affordable Housing Act of 1990 (NAHA) and amended by the Housing and Community Development Act of 1991, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to participating jurisdictions to expend the supply of decent, safe, sanitary and affordable housing; and

WHEREAS, under the Emergency Solutions Grants Program contained in the McKinney-Vento Homeless Act, as amended by the Homeless Emergency and Rapid Transaction Act 2009, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to grantees and nonprofit agencies which provide essential services, operation, homeless prevention, rapid re-housing and shelter rehabilitation for homeless persons; and

WHEREAS, The U.S. Department of HUD has advised the City if the FY2020 Entitlements, we have been advised as follows: CDBG, \$3,172,492; HOME, \$831,824; and ESG \$270,136; and

WHEREAS, in addition to the entitlement funds, the City expects to receive \$5,000 in program income for CDBG; and

WHEREAS, the Department of Economic and Community Development of the City of Erie has prepared The Five Year Consolidated Plan 2020-2024 and First Annual Plan for the FY220 funding year which assesses the housing needs of low and moderate income households, homeless families and individuals, and other with special needs; and

WHEREAS, the draft Five Year Consolidated Plan 2020-2024 and First Annual Plan for 2020 was on public display since March 16, 2020 and the City held four Public Hearings on said Five Year Consolidated Plan and First Annual Plan, and the comments of various agencies, groups, and citizens week taken into consideration in the preparation of the final document; and;

Now, THEREFORE, be it resolved by the Council of the City of Erie, Pennsylvania, and it's hereby resolved by the authority of the same, as follows:

SECTION 1: That the Five Year Consolidated Plan 2020-2024 and First Annual Plan for the FY2020 CDBG, HOME, and ESG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Program is hereby in all approved and the City Clerk if hereby directed to file a copy of said Five Year Consolidated Plan and First Annual Plan with the minutes of this meeting.

SECTION 2: That it is cognizant of the conditions that are imposed in undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (1) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, family status, or national origin and other assurances as set forth under the certifications.

SECTION 3: That the Mayor, on behalf of the City of Erie, is authorized to file and application for financial assistance with the U.S. Department of HUD which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$3,172,492, HOME in the amount of \$831,824, and ESG in the amount of \$270,136 and is further authorized representative of the City of Erie to sign any and all documents in regard to these programs.

SECTION 4: That the Mayor, on behalf of the City of Erie, Pennsylvania, is authorized to provide assurances and/r certifications as required by the Housing and Community Development Act 1974, as Amended, the National Affordable Housing Act of 1990, and the McKinney-Vento Homeless Act, and also any supplemental or revised data which the U.S. Department of HUD may request in connection with the review of this application.

May 6, 2020. City Council adopt waive rules by yeas Council Members, Allen, Brzezinski, Keys, Schaaf, Witherspoon, Brennan and Winarski. 7. Nays. 0.

May 6, 2020. City Council adopt by yeas Council Members, Allen, Brzezinski, Keys, Schaaf, Witherspoon, Brennan and Winarski. 7. Nays. 0.

May 6, 2020. Signed by the President. Attested by the City Clerk.

May 6, 2020, City Council on motion of Mr. Brennan, Seconded by Mrs. Schaaf adjourned at 10:59 A.M. by yeas Council Members Winarski, Allen, Brennan, Brzezinski, Keys, and Schaaf and Witherspoon. 7. Nays. 0.

President of City Council

Attest: _____