

The City Council met in regular session in the Council Chambers on Wednesday, February 15, 2017 at 7:30 P.M.

Council Members present: Kwitowski, Mrs. Arrington, Brennan, Jones, Merski, Winarski and Witherspoon. 6. Nays. 0. Mr. Jones arrived at 7:35 P.M.

On motion of Mr. Merski, Seconded by Mr. Brennan, the reading of the minutes of the Meeting of February 1, 2017 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

Copies of the bills under date of February 10, 2017, and February 17, 2017 were given to City Council and same adopted by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

By Mrs. Arrington, Council File No.15, 979

An ordinance [closing and vacating a historic alley](#) between Wayne Street and Buffalo Road, parallel with East 18th street, said alley being 10 feet in width and 724.69 to 731 feet in length diagonally, with reservation of existing utility rights-of-way.

February 15, 2017. City Council on motion of Mrs. Arrington, seconded by Mr. Witherspoon having read Council file No. 15,977 does hereby adopt on first reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,980

An ordinance appropriating the sum of [\\$10,000.00](#) from unappropriated and anticipated revenue and providing for the expenditure thereof for the Federal Forfeiture Program.

February 15, 2017. City Council on motion of Mr. Winarski, seconded by Mr. Merski having read Council file No. 15,977 does hereby adopt on first reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,981

An ordinance appropriating the sum of \$4,567.08 from unappropriated and anticipated revenue to be received as program income generated by the Enterprise Zone Loan Fund. These funds are to be allocated into the Enterprise Zone Accounts.

February 15, 2017. City Council on motion of Mr. Kwitowski, seconded by Mr. Merski having read Council file No. 15,977 does hereby adopt on first reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

Pursuant to the provisions of Zoning Ordinance No. 80-2005 and the proper legal advertising, City Council held a **Public Hearing at approximately 8:00 P.M. on Wednesday, February 15, 2017 in City Council Chambers**, 626 State Street, Erie, PA 16501, to consider the request for the rezoning of property currently classified as M1 (Light Manufacturing) and R2 (Medium Density Residential) to **M2** (Heavy Manufacturing) described in [Exhibit A \(attached\)](#) as requested by Attorney Timothy M. Ziezula, representing [Pol's Real Estate](#) and **Pro Waste Services, Inc.**

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

Pursuant to the provisions of Zoning Ordinance No. 80-2005 and a public hearing held on Wednesday, February 1, 2017 the request for Waterfront Conditional Use submitted by Lake Front Realty, LLC for an eating and drinking establishment be hereby approved.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

That the President of Erie City Council is authorized to retain an attorney for the purposes of providing legal advice and guidance concerning the City of Erie Zoning Ordinances, specifically, Section 306 Conditional Uses - Waterfront Districts. The attorney, following review of the City of Erie Zoning Ordinances, consultation with Erie City Council, and with the approval by the majority of the Members of Erie City Council, may possibly intervene in the zoning appeal captioned "Save Our Native Species of Lake Erie, Inc. vs. the Zoning Hearing Board of the City of Erie", which is pending in Erie County Court of Common Pleas, docket number 13093-2016, concerning the public access way constructed on the former GAF Bayfront property, located at 216 West Bayfront Parkway.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Witherspoon and Kwitowski. 5. Nays. 2. Council members Merski and Winarski.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

That the Council of the City of Erie approve Amendments to the By-Laws of the Erie Area Council of Governments ([EACOG](#)) to reflect the new direction and vision for the EACOG that developed through the Strategic Planning process as attached in Exhibit A.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

That the proposed [Repository sale](#) of property commonly known as 437 East 11th Street, Erie, PA and identified by Erie County Assessment Index Number 15-020-0220-11100, by the Erie County Tax Claim Bureau to Alicia Jones, 1148 Brown Ave, Erie, PA, in the amount of \$250.00 be hereby approved.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute the Federal Aid Bridge Project [Reimbursement Agreement](#) No. R16010009, Amendment 2, (MPMS No. 58232) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Final Design and for the Utilities and for the Right-of-way of the City of Erie McBride Viaduct (East Avenue Bridge). Estimated total cost is \$465,000.00. Existing unused funds are to be moved into phases where they can be used as needed. All funds were previously approved.

February 15, 2017. City Council on motion of Mrs. Arrington, Seconded by Mr. Witherspoon. To table failed to adopt by Yeas 3. Council Members Arrington, Brennan and Witherspoon. Nays. 4. Council members Jones, Merski, Winarski and Kwitowski.

February 15, 2017. City Council adopt by yeas council members Brennan, Jones, Merski, Winarski and Kwitowski. 5. Nays. 2 Council members Arrington and Witherspoon

February 15, 2017. Signed by the President. Attested by the City Clerk.
By Mr. Merski, Seconded by Mr. Witherspoon, Resolved, etc.

That the proper City officials are authorized and directed to execute the First Amendment to [Lease Agreement \(attached as Exhibit A\)](#) between the Commonwealth of Pennsylvania, the City of Erie, and the Erie County Convention Center Authority for the purpose of adding to the existing Lease additional property adjacent to the original Warner Theater. The purpose of said property is for the expansion of the Warner Theater and to accurately reflect what is now the Warner Theater property.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

The Mayor and City Controller are authorized and directed to execute the Right of Entry Agreement between the City of Erie and CSXT to conduct survey work for the City of Erie Demolition of the [McBride Viaduct](#) (East Avenue Bridge) over CSXT Estimated costs associated with the right of entry agreement: \$3,967.00.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

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

That the communications from the City of Erie Authorities pursuant to Act 339 listing the names, positions and salaries of their respective employees for the six month period ending December 31, 2016 are hereby received and ordered to be placed on file in the Office of Accounts, Finance and Budget:

Erie Airport Authority
Erie Housing Authority
Erie Park Authority/Zoological Society
Erie Water Authority
Erie Redevelopment Authority

Erie County Convention Center Authority
Erie Metropolitan Transit Authority
Erie Parking Authority
Erie-Western PA Port Authority

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

February 15, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Arrington, 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. **ACS-Air Cleaning Systems**, P.O Box 358, Easton PA 19341 for installation of [Exhaust Removal Systems](#) for all of the Firehouses for the Bureau of Fire at a total cost of \$219,800.00. The City's portion is 10% (\$19,981.00)
2. **Gerster Trane**, 45 Earhart Drive, Suite 103, Buffalo NY, 14221 in the Department of Public Works for the Municipal Building Trane Chiller (AC) service agreement for a three (3) year term in the amount of \$3,680.00 annually. Following the expiration of the initial term, this Agreement shall renew automatically for successive periods of one year until terminated.
3. **Markl Supply Company**, 904 Perry Highway, Pittsburgh PA 15229 for [handguns](#) and magazines for the Bureau of Police at a total cost of \$30,855.00.

February 15, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.
February 15, 2017. Signed by the President. Attested by the City Clerk.

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. **Corporate Strategies by SkillPath**, PO Box 803839, Kansas City, MO 64180-3839 for the on-site training of Advanced Microsoft Excel Techniques (2016) for the office of Human Resources at a total cost of \$3,000.00.
2. **Markl Supply Company**, 904 Perry Highway, Pittsburgh PA 15229 for equipment for the three (3) new AR-15 rifles for the [SWAT Team](#) for the Bureau of Police at a total amount of \$3,304.50.
3. **David Milano Construction**, 2202 Zimmerly Road, Erie, PA 16506 for materials only to repair the sanitary connection at 1727 West 31 St for the Bureau of Sewers in the amount of \$2,030.18 for material costs only.
4. **Smoracy, LLC. (The Beast)**, Department #77982 PO Box 77000, Detroit, MI 48277-0982 for maintenance for the compost grinding machine for Refuse and Recycling, Department of Public Works, in the amount of \$2,210.20.

February 1, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.
February 1, 2017. Signed by the President. Attested by the City Clerk.

February 8, 2017

RE: Erie Redevelopment Authority Board Appointment

Dear Rose:

Please be advised that I have made the following appointment to the Redevelopment Authority Board.

Ms. Rebecca Styn has been appointed to replace Mr. James H. Jackson, II whose term expired on August 19, 2016. Ms. Styn's term will commence immediately and run through August 19, 2021.

If you have any questions, please do not hesitate to contact me.

Joseph E. Sinnott
Mayor

February 15, 2017, City Council on motion of Mr. Merski, Seconded by Mr. Brennan adjourned at 9:44 P.M. by yeas Council Members Kwitowski, Arrington, Brennan, Merski, Winarski and Witherspoon. 6. Nays. 0. Mr. Jones left at 9:35 P.M

President of City Council

Attest: _____
City Clerk