

The City Council met in regular session in the Council Chambers on Wednesday, April 19, 2017 at 7:30 P.M.

Council Members present: Kwitowski, Arrington, Brennan, Jones, Merski, Winarski and Witherspoon. 7. Nays. 0.

On motion of Mr. Brennan, Seconded by Mr. Kwitowski, the reading of the minutes of the Meeting of April 5, 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 April 14, 2017, and April 21, 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 Mr. Witherspoon Council File No. 15,984 Pending Official File Ordinance 9-2017

An ordinance appropriating the sum of \$15,000.00 from appropriated and anticipated revenue from **PA Emergency Management Agency (PEMA)** for Firefighting, training and rescue equipment.

April 19, 2017. City Council on motion of Mrs. Arrington, Seconded by Mr. Witherspoon having read Council File No. 15,984 now known as Pending Official File Ordinance No. 9-2017 does hereby adopt on Final Passage by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Brennan Council File No. 15,985

An ordinance renewing **Erie Downtown Improvement District (EDID)** for the area shown on Exhibit "A" at the request of the Erie Downtown Partnership: An Improvement District Association and a coalition of property owners, business leaders, retailers and local government and institutional representatives as provided by the Neighborhood Improvement District Act of 2000.

April 19, 2017. City Council on motion of Mr. Brennan, Seconded by Mr. Winarski having read Council File No. 15,985 now known as Pending Official File Ordinance No. 10-2017 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mrs. Arrington Council File No. 15,986

An ordinance appropriating the sum of \$15,000.00 from unappropriated revenue for the expenditure thereof (contribution is from the **Sisters of Mercy** for the purpose of police equipment, fire prevention supplies or equipment and winter maintenance equipment).

April 19, 2017. City Council on motion of Mrs. Arrington, Seconded by Mr. Jones having read Council File No. 15,986 now known as Pending Official File Ordinance No. 11-2017 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon Council File No. 15,987

An ordinance requiring all persons, partnerships, businesses and corporations to obtain a permit for any construction or development; providing for the issuance of such permits; setting forth certain minimum requirements for new construction and development within areas of the City of Erie which are [subject to flooding](#); and establishing penalties for any persons who fail, or refuse to comply with, the requirements or provisions of this ordinance.

April 19, 2017. City Council on motion of Mr. Witherspoon, Seconded by Mr. Brennan having read Council File No. 15,987 now known as Pending Official File Ordinance No. 12-2017 does hereby adopt on First Reading by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Seconded by Mr. Winarski

Pursuant to the Provisions of **Zoning Ordinance No. 80-2005** and a Public hearing held on April 5, 2017 the request for rezoning received from **Testa Enterprises** of the Subject Property as defined on Exhibit A (attached) located on the block bordered by West 2nd Street (North) West 3rd Street (South), Poplar Street (West) and Cherry Street (East) be hereby approved; and the City Solicitor is authorized and directed to prepare an ordinance, rezoning the property commonly known as parcels 17-040-021.0-222.00 (648 West 3rd Street), 17-040-021.0-223.00 (**646 West 3rd Street**), 17-040-021.0-224.00 (642 West 3rd Street), 17-17-040-021.0-225.00 (**640 West 3rd Street**), 17-040-021.0-226.00 (636 West 3rd Street), 17-040-021.0-227.00 (West 3rd Street), 17-040-021.0-228.00 (632 West 3rd Street), 17-040-021.0-229.00 (West 3rd Street), 17-040-021.0-230.00 (West 3rd Street), 17-040-021.0-231.00 (624 West 3rd Street), 17-040-021.0-232.00 (165-624 FT), and 17-040-021.0-233.00 (641 West 3rd Street) from R-2 (Medium Density Residential) to W-R (Waterfront Residential) to accommodate the proposed development of a mixed income apartment community.
**** Additional information to come from the City Solicitor.**

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mrs. Arrington, Seconded by Council Members Brennan, Jones, Kwitowski, Merski, Winarski and Witherspoon.

RESOLVED, BY THE COUNCIL OF THE CITY OF ERIE, THAT

WHEREAS, Parental Alienation (PA) is the process, and the result, of the psychological manipulation of a child into showing unwarranted fear, disrespect or hostility towards a “targeted” parent/and or other family members.

WHEREAS, Parental Alienation involves the programming of a child to align with the “favored” parent as a means to meet their emotional and psychological needs. The narcissistic or self-centered parent will manipulatively use conditional displays of affection combined with conditional displays of hostile rejection to coerce the child into severing contact with their other parent; and

WHEREAS, The pathology of Parental Alienation represents a form of emotional and psychological domestic violence in which a narcissistic or self-centered spouse/or ex-spouse will use the child/children as a weapon to inflict emotional trauma on the other spouse for any perceived grievances and is a form of child psychological abuse calling for an appropriate child protection response; and

WHEREAS, Parental Alienation Syndrome (PAS) is an abnormal psychological condition most often observed in children affected by high conflict divorce/separation or during custody modifications and is a result of exposure to Hostile-Aggressive Parenting; and

WHEREAS, Hostile-Aggressive Parenting (HAP) is a general pattern of behavior, manipulation, actions or decision-making of a person that either directly or indirectly creates undue difficulties or interference in the relationship between a child and their other parent. HAP is not limited to parents, but can also apply to grandparents, extended family members or any other person or agency having some control or influence over the child; and

WHEREAS, Children suffering from the effects of Parental Alienation or Hostile-Aggressive Parenting should not be given the opportunity to “choose” one parent over the other by a family court judge that is not trained in psychology or by a Parental Alienation expert since the effects on a child of the loss of a parent and the relationship will cause significant immediate and long-term developmental pathology in a child; and

WHEREAS, Children should not be used as weapons or pawns to inflict emotional pain or to enjoy financial gain as an unjust enrichment for a parent or anyone in local or state government that would benefit from the conflict; and

WHEREAS, With awareness comes education and understanding that the need to end the abuse of innocent children caught in the crossfire of the people they love is the duty of all; and

WHEREAS, Children should be allowed to love both parents and to be able to receive love of both parents in return!

THEREFORE BE IT RESOLVED, that the City Council of the City of Erie proclaims “Parental Alienation Awareness Day” will be observed annually, every April 25th, from this day forward.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Seconded by Council Members, Resolved, etc.

A resolution sponsored by Mr. Brennan that the City Council of the City of Erie supports the Empower Erie Community College Effort. **(Pulled at the request of the sponsor)**

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

That the proposed **Repository sale** the properties commonly known as **1922 East 20th Street**, Erie, PA identified by Erie County Assessment Index Number 15-021-021.0-206.00; and the Brooklyn Sub Lot #33, Erie, PA, Index Number 15-021-021.0-204.00 by the Erie County Tax Claim Bureau to Muthanna Jabber, 1151 West 21st Street, Erie, PA in the amount of \$250.00 each is hereby approved; and

that the proposed Repository sales of properties commonly known as **711 German Street**, Erie, PA, identified by Erie County Assessment Index Number 14-010-010.0-126.00, by the Erie County Tax Claim Bureau to Brett Culver, 1831 Nagle Road, Erie, PA, in the amount of \$250.00 be hereby approved; and

that the proposed Repository sale of properties commonly known as **307 East 11th Street** and **305 East 11th Street**, identified by Erie County Assessment Index Numbers 15-020-017.0-125.00 and 15—020-017.0-126.00, by the Erie County Tax Claim Bureau to Dennis Jones, 1148 Brown Avenue, Erie, PA in the amount of \$250.00 each is hereby approved; and

that the proposed Repository sale of the property commonly known as **1140 West 5th Street**, identified by Erie County Assessment Index Number 17-040-035.0-233.00 by the Erie County Tax Claim Bureau to Gerald Kanonczyk, 226 Seminole Drive, Erie, PA, in the amount of \$250.00 is hereby approved; and

that the proposed Repository sale of properties commonly known as **2408 French Street, and 119 (27) East 24th Street**, Erie, PA identified by Erie County Assessment Index Numbers 18-050-003.0-114.00 and 18-050-007.0-213.0, by the Erie County Tax Claim Bureau to Lloyd Walker, 2001 Peninsula Drive, Erie, PA, in the amount of \$250.00 each is hereby approved. Tax Claim Bureau to Tommy Clanton, **1814 Holland Street**, Erie, PA in the amount of \$250.00 is hereby approved.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Seconded by Mr. Jones, 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. **Russell Standard Corporation**, P.O. Box 86, Union City, PA 16438, for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (3/30/17).
 - VIRGIN MATERIALS
 - 9.5 mm superpave – picked up - \$53.48
 - 19mm binder course – picked up - \$50.48
 - 25 mm binder course – picked up - \$49.00
 - FJ 1 wearing course – picked up - \$58.00
 - COLD PATCH:
 - Plant Mixed Stockpile Patching – picked up - \$74.75
2. **Mayer Brothers Construction Company**, 1902 Cherry Street, Erie, PA, 16502, for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (3/30/17).
 - VIRGIN MATERIALS
 - 9.5 mm superpave – picked up - \$55.00
 - 19mm binder course – picked up - \$52.50
 - 25 mm binder course – picked up - \$51.5
 - FJ 1 wearing course – picked up - \$65.00
3. **Joseph McCormick Construction Company**, 3340 Pearl Avenue, Erie, PA, 16510, for street and road maintenance materials for the Bureau of Streets of the City of Erie at unit prices per COG bid (3/30/17).
 - VIRGIN MATERIALS
 - 9.5 mm superpave – picked up - \$55.00
 - 19mm binder course – picked up - \$52.00
 - 25 mm binder course – picked up - \$49.00
 - COLD PATCH:
 - Plant Mixed Stockpile Patching – picked up - \$79.00
4. **Presto Commercial Cleaning**, 7366 Orchard Dr., Fairview, PA 16415, to enter into [a two-year contract for providing janitorial services](#) for the City of Erie Municipal Building in the amount of \$91,500.00 for April 17, 2017 – April 17, 2018 and \$94,260.00 for April 18, 2018 – April 19, 2019.
5. **Atlantic Machinery, Inc.** 2628 Garfield Avenue, Silver Spring, MD 20910, for the amount of \$199,755.00 for [Sewer TV Inspection Truck](#) & associated software for Bureau of Sewers.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Seconded by Mr. Jones, 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. **John M. Lipchik**, 10163 Sampson Road, Erie, PA 16509, for a demolition at 1017 West 11th Street for the Bureau of Economic and Community Development at a total cost of \$7,900.00.
 - Other Quotes;
 - K.C. Transportation \$8,000.00
 - Kingsview Enterprises, Inc. \$8,300.00
 - Dwyer Excavating \$11,080.00
2. **John M. Lipchik**, 10163 Sampson Road, Erie, PA 16509, for a demolition at 431 East [6th Street for the Bureau of Economic and Community Development](#) at a total cost of \$8,900.00.
 - Other Quotes;
 - Kingsview Enterprises, Inc. \$12,000.00
 - Dwyer Excavating \$14,400.00
 - K.C. Transportation \$16,800.00

3. **NWL**, 312 Rising Sun, Bordentown, NJ 08505 for field service work on the [wet electrostatic precipitator](#) at the Wastewater Treatment Plant for the Bureau of Sewers at a total cost of \$4,300.00.
 4. **Mansfield Sanitation Services**, PO Box 50, Venango, PA 16440 in the amount of \$4,000.00 to clear and maintain the drain at the City of Erie Municipal Building.
 5. **Walsh Equipment**, 795 Unionville Road, Prospect, PA 16052, in the amount of \$11,324.52 for the repair to the front loaders at the compost site.
 6. **Thayer Power and Communication Co.**, 7400 Market Rd., Fairview, PA 16415, for the replacement of and existing [steel signal pole and master arms](#) at West 38th Street & Peach Street and East 12th Street & Franklin Avenue, for the Department of Public Works, of the City of Erie at a total cost of \$6,976.00.
- General Traffic Equipment Corporation**, 259 Broadway, Newburgh, New York, 12550 for (40) Assemblies, (22) Pole Mounts, and (8) Brackets for [Pedestrian Poles](#), for the Department of Public Works, of the City of Erie at a total cost of \$7,754.00.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk

WAIVE RULES

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

That upon the initiative of City Council and at the request of Erie Insurance Exchange acting by and through its Attorney-in-Fact, Erie Indemnity Company 144 East 6th Street, Erie, PA 16530 the City Solicitor is hereby authorized and directed to prepare an ordinance, rezoning from the current R-2 (Medium Density Residential) to that of RLB (Residential Limited Business) the property East 4th to East 5th Street middle of the 200 block east to Parade Street, East 5th to East 6th Street from middle of the 200 block, east to German Street (where it will abut existing RLB and Commercial zones), and South side of East 6th Street from German Street east to the Commercial zone of Parade Street. This would only include the properties facing East 6th Street. This request is to enable Erie Insurance Group to plan for Future expansions to its Home Office Headquarters in the areas of residential housing and supporting amenity business; and after preparation forward to the City Planning Commission for recommendation and report thereon to Erie City Council. (Accompanied by the request filing fee of \$500.00).

April 19, 2017. City Council adopt waive rules by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the Proper City Officials are hereby authorized and directed to issue an agreement to Building Inspection Underwriters of Pennsylvania, Inc., 1805 West 38th Street, Erie, PA 16506 for a one year contract for inspection services for the City of Erie's Rental Licensing Program for the Bureau of Code Enforcement at the following unit prices:

Initial inspections (fee shall include one re-inspection, if necessary): \$50/inspection
 Subsequent inspections beyond initial inspection: \$45/inspection

Hourly rate for filing citations, testifying in court, & administrative reviews: \$65/hour

Term of contract to run through March 31, 2018

Be it further resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged against budget code 002-0205-0000-4059.

April 19, 2017. City Council adopt waive rules by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the Proper City Officials are hereby authorized and directed to issue an agreement to Executive Pulse, 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 Package for the Bureau of Code Enforcement at a total cost of \$20,000.00.

April 1, 2017 through March 31, 2018

April 19, 2017. City Council adopt waive rules by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.

April 19, 2017. City Council adopt by yeas Council Members Arrington, Brennan, Jones, Merski, Winarski, Witherspoon and Kwitowski. 7. Nays. 0.
April 19, 2017. Signed by the President. Attested by the City Clerk.

April 19, 2017, City Council on motion of Mr. Brennan, Seconded by Mr. Kwitowski adjourned at 9:05 A.M. by yeas Council Members Kwitowski, Arrington, Brennan, Jones, Merski, Winarski and Witherspoon. 7. Nays. 0.

President of City Council

Attest: _____
City Clerk

****Additional Information (see page 283) from the minutes of April 19, 2017.**

The representative for Testa Enterprises, Ryan P. Landi, appeared at City Council's meeting April 19, 2017 and addressed council. The Mr. Landi stated that Tesla offered to allow the City rezone the property that was the subject of the rezoning resolution appearing on Council's Agenda in the event that Testa conveyed the property to, or entered into a relationship with a 501(c) 3 corporation or other similar non-profit organization. Council directed the Solicitor's office to prepare the necessary language to be incorporated into a rezoning ordinance.

Additional information (see page 283) from the minutes of April 19, 2017.

The representative for Testa Enterprises, Ryan P. Landi, appeared at City Council's meeting April 19, 2017 and addressed council. The Mr. Landi stated that Tesla offered to allow the City to rezone the property that was the subject of the rezoning resolution appearing on Council's Agenda in the event that Testa conveyed the property to, or entered into a relationship with a 501(c) (3) corporation or other similar non-profit organization. Council directed the Solicitor's office to prepare the necessary language to be incorporated into a re-zoning ordinance.