

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12
Amanda Green	-	District 13

Allegheny County Courthouse
Fourth Floor, Gold Room
436 Grant Street
Pittsburgh, Pennsylvania 15219

Tuesday, October 6, 2009 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: I'm going to call the meeting to order, if everybody would please rise. And I'm going to invite Kayla Turner, who's a ninth grader from Oakland Catholic. She's going to lead us in the Pledge of Allegiance.

First of all, welcome to the Tuesday, October 6th, full meeting of the Allegheny County Council. If everybody would please rise for the Pledge of Allegiance, and please remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Here.

MR. CATANESE: Ms. Cleary?

(No response)

MR. CATANESE: Mr. DeFazio?

(No response)

MR. CATANESE: Mr. Drozd?

MR. DROZD: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeber?

(No response)

MR. CATANESE: Ms. Green?

MS. GREEN: Present.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

(No response)

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: We have 11 members present.

PRESIDENT FITZGERALD: Proclamations/
Certificates. 5140-09.

MR. CATANESE: Proclamation honoring distinguished CCAC alumnus, Mr. Peter DeComo, for proactively serving Allegheny County. Sponsored by Council members Martoni and Robinson.

PRESIDENT FITZGERALD: Councilman Martoni and Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. Once again, the Community College of Allegheny County has been distinguished with someone who has served the college and who loves the college. And Doctor Martoni and I are pleased to present this young man with a small token of recognition from this Body.

MR. MARTONI: I have the pleasure of reading the proclamation.

WHEREAS, Mr. Peter M. DeComo has exemplified the definition of a dedicated citizen of our great county and his demonstration of civic and community leadership; and

WHEREAS, Mr. DeComo graduated in 1973 from the Community College of Allegheny County and in 2009 received an honorary Associate of Arts and Humane Letters degree from the college; and

WHEREAS, Mr. DeComo has a passion for advancing the development of life science companies in the Pittsburgh region, as evidenced by his founding of the Reynolds (phonetic) Solutions, Incorporated. To accomplish this goal, he devotes a majority of his time and effort to numerous entrepreneur and community-based activities, including acting as director for the Pittsburgh Life Sciences Greenhouse and as a member of the United States Congressman Jason Altmire's Health Advisory Committee; and

WHEREAS, in recognition of his outstanding contributions to the life sciences community, the Community College of Allegheny County in awarding Mr. DeComo the CCAC Hall of Fame Lifetime Legend Award for leadership in 2008.

NOW, THEREFORE, BE IT RESOLVED, that this Council, on behalf of the citizens of Allegheny County, recognizes Mr. Peter M. DeComo, a 1973 graduate of the Community College of Allegheny County, for serving the county proactively and honorably. Furthermore, his fine leadership should be adopted by residents of the county in the betterment of our community. Congratulations.

MR. DECOMO: Well, first of all, I'd like to thank the County and, as well, the community college. I'm proud to be a community college graduate, and I would encourage the County Council to continue to support the college, and in fact, increase support for the college. If you ever wonder what the benefit is of supporting the community college, I'm a prime example of that. It's the foundation of my continuing education and my success to date.

And just as a reminder to everybody, I started three companies in the county. Brought in \$75,000,000 worth of investment from outside the county into the county and employed over 500 individuals in those companies. And I will just point out that future entrepreneurs and leaders of this region --- many of them will go through the community college. So keep up the good work and support the college. And thank you, again, very much for the recognition.

PRESIDENT FITZGERALD: 5141-09.

MR. CATANESE: Proclamation commending Community Human Services for hosting the Sleep-In for the Homeless. Sponsored by Council members Green, Fitzgerald and Macey.

PRESIDENT FITZGERALD: Councilwoman Green and Macey.

MS. GREEN: Thank you. And I'm going to ask the executive director, Adrienne Walnoha, to come up, as well as Karen Peterson, the president of the Board of Directors. And I'm just going to read the proclamation.

WHEREAS, Allegheny County Council recognizes the unique people who profoundly impact our communities by providing exceptional services to fellow citizens who are in need of assistance; and

WHEREAS, Homelessness affects a vast array of people and Community Human Services has displayed the dedication and desire to win the battle against this peril issue, to improve the lives of those fighting it; and

WHEREAS, on October 9th, 2009, CHS will hold the Sleep-In for the Homeless in the City-County Building in Pittsburgh, Pennsylvania; and

WHEREAS, organizers anticipate raising enough funds to hire a full-time nurse, who will visit free health clinics to provide medical care to homeless individuals who have no healthcare insurance; and

WHEREAS, we commend CHS for creating this opportunity to open the dialog about homelessness that is

aimed at improving the welfare of fellow Allegheny County citizens.

NOW, THEREFORE, BE IT RESOLVED, Allegheny County Council hereby commends Community Human Services and the participants of the Sleep-In for the Homeless. Your commitment to raising awareness and funding for the homeless men, women and children of our region is an inspiration to the members of this Council and to all of the residents of Allegheny County. Sponsored by myself, Council member Amanda Green, President Fitzgerald and Councilman Bob Macey. Presented on behalf of Allegheny County Council this 6th day of October, 2009.

MS. WALNOHA: Well, for all of you who have the luxury of going home on Friday after work, we would encourage you not to do so. At 6:30 in the portico of the City-County Building, we will actually be sleeping in for the homeless outside. We do this event yearly, hoping that each year we won't have to form the event again because we will have actually solved this problem. Unfortunately, that's not the case.

So this year, we are having our second annual Sleep-In for the Homeless. And what we will be doing is, we'll actually be engaging throughout the night not only in sleeping out and showing our solidarity for the people in our community who don't have a home to go to, but will also be trying to educate people about what homelessness really is.

A 25-year-old woman with a Master's degree, a 7-year-old child, an 85-year-old man; that's not typically what people think of when they think of homelessness, but that's exactly the people that we see every day in our organization. We serve thousands of families each year, our organization alone, who don't have a place to call home. And we just challenge everyone, and we're just proudly to be supported by the City and County Council. And we'll throw out the charge, just for one night, just for 12 hours, put yourself in the shoes of another person who doesn't have the luxury of going to a home.

For \$25, a sponsorship for the Sleep-In --- last year, we were able to generate enough funds to have a part-time Outreach nurse, that was able to go onto the streets, in the shelters, in the soup kitchens and homeless drop-ins and provide medical care to people who have no other access. This year we're hoping to bring that person on full time, and also, expand the shelter

programs that we offer through Community Human Services. So if you're brave and up to the challenge on October 9th, please join us at the portico at 6:30 p.m. And you can still see us there at 6:30 a.m. Thank you so much to the Council and our State representatives.

MS. PETERSON: I also would like to thank all of you here for inviting us to be present tonight and for the proclamation. I may be biased as president of the Board of Directors, but you haven't gone wrong in recognizing Community Human Services. Among all of the very good community-based organizations that are in the county, Community Human Services is one of the best, in my opinion. As a public health educator for years, I have become acquainted with many of them.

What really impresses me about Community Human Services is that it is a community itself. Its workers, underpaid and overworked, are committed to the mission of Community Human Services to its goals and objectives, and they work tirelessly for this organization and for the services that it provides to the community. I have been so impressed by all of those who work at Community Human Services, and I just have to go out all the time and sing praises for that organization. So I do thank you for this proclamation, and I hope to see all of you at our sleep-in. Thank you.

PRESIDENT FITZGERALD: 5142-09.

MR. CATANESE: And let the record show that Councilman McCullough is present. Proclamation honoring the 90th anniversary of Veterans of Foreign Wars Post 118. Sponsored by Councilman Burn.

5143-09. Proclamation commending the Kukkiwon Taekwondo Demonstration Team and distinguished Pioneers of Taekwondo for visiting Allegheny County. Sponsored by Council member Burn.

5144-09. Certificate of Achievement honoring Joshua David Carter, David Thomas Gregory and John Malcolm Turek of Boy Scout Troop 78, for reaching the rank of Eagle Scout. Sponsored by Councilman Macey.

5145-09. Certificate of Recognition honoring the 50th wedding anniversary of Robert and Loretta Lee. Sponsored by Council member Macey.

5146-09. Certificate of Recognition honoring the 60th wedding anniversary of Lawrence and Betty Bjornberg. Sponsored by Council member Macey.

5147-09. Certificate of Recognition honoring the 60th wedding anniversary of Martin and Elizabeth Devine. Sponsored by Council member Macey.

5148-09. Certificate of Recognition celebrating the 100th birthday of Mary Pysz. Sponsored by Council member Macey.

PRESIDENT FITZGERALD: Public Comment on Agenda Items.

MR. CATANESE: We have none.

PRESIDENT FITZGERALD: Approval of Minutes.

5138-09.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council, held on September 8th, 2009.

MR. MACEY: So moved.

MR. FUTULES: Second.

PRESIDENT FITZGERALD: Moved second. All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries.

MR. LUDWIG: I was signed up for public comment.

PRESIDENT FITZGERALD: We're not on non-agenda items, Mr. Ludwig. Thank you. We'll get to you when your time is called.

MR. LUDWIG: Okay.

PRESIDENT FITZGERALD: Unfinished Business. Committee on Government Reform, Second Reading. 5111-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County Controller and Division of Purchasing and Supplies to conduct an Internet auction of the contents of the County Warehouse and former Coroner and Crime Law equipment and furniture. Sponsored by the County Controller.

PRESIDENT FITZGERALD: Okay. This was in Committee on October 1st, the Committee on Government Reform. It was affirmatively recommended. I'm going to ask Mr. Barker to hand out an attachment --- an amendment which basically is just an attachment detailing all of the items that are to be listed on the Internet auction. The contents of this are mainly a lot of excess surplus material that came from the old County lab before they moved into the new County lab. And really, it's costing us money to warehouse to keep in on inventory. So we'll

make a recommendation. I'll ask for a motion to approve; first, the amendment and then the bill itself, so the Controller can proceed with the Internet auction.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: I'll take the motion first.

MR. FINNERTY: I'll make the motion.

PRESIDENT FITZGERALD: Moved.

MR. ELLENBOGEN: And I'll second.

PRESIDENT FITZGERALD: And second. This is on the amendment. Does anyone have any questions on the amendment? Mr. Drozd?

MR. DROZD: Not on the amendment no.

PRESIDENT FITZGERALD: Okay. On the amendment to attach it to the ordinance, all in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion of amending is carried. Now, I would ask for a motion to approve the bill.

(Chorus of motions.)

PRESIDENT FITZGERALD: Moved second.
Discussion? Mr. Drozd?

MR. DROZD: I just wondered if there were any estimates on this equipment before we go to auction. Do they have a bottom line, or is there a bottom line that they're going to go with?

MR. FUTULES: Is there a starting price?

PRESIDENT FITZGERALD: There was another --- how do I say? There was another sheet that they handed out at the Committee meeting. It had very estimated values; like, a dollar for this, two dollars for that. Very nominal amounts.

MR. DROZD: I think everything's good. Okay.
Thank you, sir.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Mr. President, I'm just looking at the bill here. And under title, it refers to a restriction about smoking being prohibited. I'm a little confused here. It says bill notes restriction more than 15 feet of the entrance to the ---.

MS. LIPTAK: It's just a coversheet; just a coversheet.

MR. BARKER: It's a typographical error on the coversheet. It doesn't apply to the bill at all.

MR. ELLENBOGEN: I just wanted to make sure I wasn't voting double bill separate.

PRESIDENT FITZGERALD: That was a typo; is that what you're saying?

MR. BARKER: Correct.

MR. ELLENBOGEN: All right. Thank you.

PRESIDENT FITZGERALD: Any other questions on the bill itself? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green?

MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes, 12, noes, 0. The bill passes.

PRESIDENT FITZGERALD: 5112-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting PGH Productions, Incorporated, to use certain County-owned real property in connection with filming a motion picture. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Okay. This was in Committee on October 1st, the Committee on Government Reform. It was affirmatively recommended. Just briefly, a description, Russell Crowe is in town to film a movie, and they are going to be using the Court House, and I

think, part of the jail. We had Kevin Banto (phonetic) from the Chief Executive's Office describe it. It's going to be done during days in which the Court House will not be open. I think Election Day was the day it's going to be used, so there will be no disruption to County operations. Again, the Committee affirmatively recommended it, and I would ask for a motion for approval.

MR. MARTONI: So moved.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved second.

Discussion? Mr. Drozd?

MR. DROZD: Just a real quick point; just a light humor.

PRESIDENT FITZGERALD: You might have a role in the movie?

MR. DROZD: No. I think that Controller Flaherty should, because he does look as a second stand-in to Russell Crowe, if you've ever looked at him. Just --- here's his chance as a back-up. Maybe we can make some ---.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Yes.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green?

MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes, 12, noes, 0. The bill passes.

PRESIDENT FITZGERALD: 5127-09.

MR. CATANESE: Motion expressing the Sense of Council of Allegheny County urging the General Assembly to reform the real estate property tax and provide a Safe Harbor Alternative for counties from periodic countywide reassessments, by permitting counties to adopt a state-established schedule of values per square foot for designated land and improvement types in lieu of property assessments. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Okay. We discussed this Bill in Committee on October 1st. Mr. McCullough was present; he sponsored the Bill. Councilwoman Green and myself were also present. We agreed to release the Bill from Committee with a neutral recommendation. I'll speak for myself, and then Councilwoman Green would like to speak. I agree with the sentiment that Mr. McCullough is putting forward, that we would like the State to come up with a system of uniformity across all counties in the Commonwealth.

And obviously, this county has felt besieged --- is probably --- you know, one word; the last number of years, being the only county around us that's doing the reassessment. I had a little bit of a concern in using square footage as a measurement to maximize property values, just because --- you know, all square footage are not valued the same. Obviously, certain high-end neighborhoods would have much, much higher values than some of our poorer neighborhoods.

So there's one concern I had. I'm going to ask Mr. McCullough, the sponsor, to discuss his Bill, and then we will make a motion to vote on it.

MR. MCCULLOUGH: Well, actually, I have an amendment to offer on this Bill.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. MCCULLOUGH: Yes, we do.

PRESIDENT FITZGERALD: Okay. If you can hand that out.

MR. MCCULLOUGH: While Jared is handing that out, I'll respond to your comments, Mr. Fitzgerald. I appreciated the opportunity at the Government Reform Committee meeting last Thursday, and I took into consideration your observations and those of Council

member Green. And this amendment, I believe, addresses your concerns. Now, let me state the underlying terms of this. Whether it's the County that's going to do reassessing or whether it's the State that's going to do reassessing, if you get into this --- trying to peg what market value is --- well, to paraphrase Chuck Noll, what he once said about medicine, it's more art than science.

And that's the problem. As long as you have this kind of an arbitrary system, you're going to continue to have litigation and legal experience. If we do it on a Statewide basis, we're going to have Statewide problems. I predict that we're going to have more problems than we do in the County, because I think the bigger the entity that does the reassessing, the worst it's going to be. This is a way to get out of the reassessment game, yet have the State weigh in on this.

And it's based on the premise that the State will schedule values per square foot for various types of properties. Mr. Fitzgerald raised the concern about different kinds of neighborhoods. Well, this amendment actually addresses that and will take into consideration classifying neighborhoods by characteristics. So that could be a factor in the race. Also --- and I feel very strongly about this --- I think it is a fundamental problem with our real property tax system, that we tax residences the way we do.

Residences are people's --- not only their primary dwelling, it's their primary investment; it's their nest egg. And I think if you continue to assess market value the way you do, you have a disincentive for people to move into not only Allegheny County but the State; you have a disincentive for people who want to improve their homes. So what this calls for is a blanket 2,000 square foot Homestead exemption for all residential property. So what we're talking about here is having the State address this issue; address it by a schedule of rates. Include factors, but take into consideration the characteristics of the neighborhood. But also mandate a Homestead exemption, not just for counties but for taxing bodies, which is local municipalities and school districts. With that, I'd like to make that motion to amend.

PRESIDENT FITZGERALD: It's a motion. Do we have a second?

MR. DROZD: I'll make the second.

PRESIDENT FITZGERALD: Second. And Mr. McCullough, I like the direction that this one's going. I haven't had a chance to see this. This is the first I'm looking at it. As somebody who was the prime sponsor of the first Homestead exemption way back when in this county, it's something that I fought for. That makes a lot of sense. I would like to see exemptions for primary residences. It goes to giving you your home a little more tax free.

What I would ask you --- and you can do this any way you want. But I would ask you --- with this amendment, it's a major change. But maybe we can go back to Committee so we can vent it and discuss it. You have my commitment that we will have a Committee meeting within a reasonable period of time. We can bring it back out and go from there.

MR. MCCULLOUGH: Fair enough.

PRESIDENT FITZGERALD: Again, you're changing a lot of things, but it seems to make a lot of sense. I don't know that anybody's had an opportunity to look at this.

MR. MCCULLOUGH: Understood. I think timing is somewhat critical because I think the more we get --- the more the legislature --- say, by the end of the year on this subject, the better, especially since the budget. So if you're committed to have another Government Reform consideration in a reasonable time, that's fine. Let's put it into Committee.

PRESIDENT FITZGERALD: Okay. Let's send this Bill back to Committee and the amendment --- attaching the amendment to the Bill.

MR. MCCULLOUGH: And with that being said, if any of Council has comments on this, I would appreciate your stating them, because I think we can boil this down to a workable concept here.

PRESIDENT FITZGERALD: I would agree. If anybody has any suggestions on how to make some improvements or amendments to the Bill, do that. Please refer this back to the Government Reform Committee. Liaison Reports. Do we have any Liaison Reports this evening? Councilman Macey?

MR. MACEY: Yes. Thank you, Mr. President, and members of Council. There will be a bridge summit November 5th at 7:00 p.m., at the Dravosburg Municipal Building. We will be discussing the Rankin Bridge, the

completion, the changing of lanes, as well as the future revitalization of the Mansfield Bridge and repairs to the Mansfield Bridge. Thank you.

PRESIDENT FITZGERALD: Any other liaison reports? Councilwoman Rea?

MS. REA: Thank you, Mr. President. The Friends of Hartwood Acres --- they're having a fundraiser on October 17th from 6:00 to 10:00 p.m., at Hartwood Acres Stable. The cost is \$30 a person, and the tickets will be available at the door. There's a phone number, 412-767-9200, if anybody's interested. And I'd like to thank the friends of Hartwood for all the work that they do in taking care of Hartwood Acres; the park, the lovely buildings. And I'd like to really thank them for the fact that they must be one of the only friends of the parks that are actually having a fundraiser to improve that property. Thank you.

PRESIDENT FITZGERALD: Thank you, Councilwoman. New Business. Ordinances and Resolutions. 5134-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the use of County-owned real property; namely, a house and surrounding property located in Boyce Park, by Family Links, Incorporated. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on parks. 5135-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled Finances, through the creation of a new Chapter 491, entitled Community College of Allegheny County Appropriations, in order to provide a mechanism for adjusting the County's annual budgetary appropriation to the Community College of Allegheny County, in order to keep pace with rising inflationary costs. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Add me as a co-sponsor, and refer to Committee on Budget and Finance. 5136-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission 17-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance, and add Mr. Macey on the previous Bill. New Business, Motions. 5137-09.

MR. CATANESE: Motion of the County of Allegheny --- Allegheny County, authorizing the Budget and Finance Committee to conduct public hearings pursuant to 801.05 of the Administrative Code, on Wednesday, October 28th, and Thursday, October 29th, beginning each day at 4:00 p.m., in the Gold room of the Allegheny County Court House. Budget and Finance Chair, William Russell Robinson, will serve as the presiding officer. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. This motion is offered each year so that we can establish our public hearings, which are required by both the Charter and the Code. These are two important meetings. I hope that each member of Council will avail themselves to attend. The actual participation of the administration and of the parties is being worked out. Ms. Liptak and I, along with the members of the Budget and Finance Committee, are working those details out. As soon as we get those details, we'll forward to all members of Council. And I move for approval.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Move second. Any discussion? All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. 5139-09.

MR. CATANESE: Motion of the Council of Allegheny County urging the Pennsylvania Senate and Governor of the Commonwealth of Pennsylvania, to support Pennsylvania House Bill Number 1661, the Property Tax Reassessment Moratorium Act, and encouraging the Senate to pass and the Governor to sign this legislation with all due speed. Sponsored by Council members Fitzgerald, Drozd, Green, Macey and Robinson.

PRESIDENT FITZGERALD: Please add Mr. Finnerty, also, as a co-sponsor. This Bill is basically asking the Senate and the Governor to act on something that the State House has already acted on. I believe it passed, either 196 to 1 or 198 to 1, in order to provide a two-year moratorium on Court-ordered reassessments per county, until the State comes up with a system to --- a statewide system, which we talked about in Mr. McCullough's motion just previously. Again, this is to try to make it uniform across the state, so that one county is not pitted against

another county and put at a disadvantage when it comes to reassessments. So I would ask for a motion on that bill.

(Chorus of motions.)

PRESIDENT FITZGERALD: Moved. Do I have a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Second. Any discussion on this Bill? Mr. Drozd?

MR. DROZD: Yes. Thank you, Mr. President. We need to look for ways to alleviate the tax burdens on our citizens. I had the opportunity to talk to many of our residents of Allegheny County and many of our neighbors and friends and family. And the number one concern used to --- remember when the issue was --- it was the economy. It's different; now, believe me, it is the taxes. And I just can't help --- you know, late at night I walk across my district and meet some young person out as well as an older person; five kids, four kids --- I can't afford it anymore.

That's the message. We've got to hear them loud and clear. Because those of us that --- you know, can afford to pay, there's still a lot of them out there, a lot of them, that can't. And we really need to look outside the box, not just in this, but the legislature has to weigh in. They're the ones that are key in the turnkey and they have to weigh in to look at innovative ways to alleviate the tax burdens. And all we hear from the State now is just tax, tax, tax, and we hear from the people, no, no, no. And we better hear their message loud and clear and look for ways to help them. They are our constituents, family, friends and neighbors. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Futules.

MR. FUTULES: I'd like to be added as a co-sponsor, and I'd like to also, maybe --- it would be great if every member of Council would co-sponsor this.

PRESIDENT FITZGERALD: Mr. Futules --- Mr. Burn, Mr. Futules, Ms. Rea, Mr. Martoni --- oh, I'm sorry. Did you want to co-sponsor or did you want to comment?

MR. MCCULLOUGH: No, I'd like to address that.

PRESIDENT FITZGERALD: Okay.

MR. MCCULLOUGH: You know, I understand the sentiment which is, really, to get the State off the dime and do something. And if that's what this Sense of Council motion --- I'd be the first one to move so it be

adopted. But what it's basically saying is, it's asking the General Assembly to interdict and stay with a Supreme Court Order. Whether we like it or not, what's been going on before the Supreme Court with the Clifton case and what went on before Judge Wettick and the Clifton case, enforcement of the Pennsylvania Constitution and the United States Constitution; specifically, the forming (phonetic) clause and the protection clause.

What we're asking the Assembly here to do is, basically, not enforce important constitutional rights for two years, while the State figures out what it's going to do. I think a better way is to ask the State to figure out what it's going to do before this situation gets worse. Keep in mind, the reason why Judge Wettick ruled the way he did, and the reason why the Supreme Court affirmed, in large part, what he did, is because there's a lot of people out there who are being overtaxed, and it's just unfair.

And to have a two-year moratorium on this while nobody makes a move to do anything, it just perpetuates and exacerbates what's really an unfair tax system. And the other thing is, I think it's --- as a lawyer, I think it's an affront to the State Supreme Court, and ultimately, this moratorium is going to be ruled illegal by the Supreme Court. And when the Supreme Court makes an announcement as to what the law is, it specifies the remedy. That's the final word.

The legislature wants to pass legislation to change the law. It should and could --- and respectfully, Rich, I have to oppose this Sense of Council.

PRESIDENT FITZGERALD: All right. We're going to do a voice vote. Put Mr. McCullough down as a no, and we'll see where the other votes go. All in favor signify by saying aye.

MAJORITY RESPOND AYE

PRESIDENT FITZGERALD: Opposed?

MR. MCCULLOUGH: No.

PRESIDENT FITZGERALD: Mr. McCullough is marked as a no; all others are marked in the affirmative. The motion carries. Public --- I'm sorry. Mr. Robinson.

MR. ROBINSON: If I might, there was one other item that I should have mentioned when I was giving my comments on the motion for the public hearings. Prior to those hearings, both our treasurer and our controller will be coming before the Budget and Finance Committee, as they

have in the last couple years. The County treasurer will appear at the next Budget and Finance Committee meeting to be held on October 13th at 4:00 p.m., to provide members with an update on the 2009 revenue collections to date.

The County controller will appear at the October 22nd, 4:00 p.m. Budget and Finance Committee meeting, to provide members with an overview on the financial condition of the County. I encourage members --- all members to attend those meetings. Certainly, the information that's going to be provided will help us in our public hearings and also help us as we put together a final budget document. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. Public Comment on General Items. We have one speaker this evening, Mr. Lester Ludwig.

MR. LUDWIG: Thank you, Mr. President.

PRESIDENT FITZGERALD: And Mr. Ludwig, if you'd state your name and address for the record, please.

MR. LUDWIG: My name is Les Ludwig, 6589 Rosemoor Street in Squirrel Hill. And I am a candidate for the Mayor for the City of Pittsburgh. I appeared here approximately two months ago in regards to a particular Bill or methodology that I am very interested in regards to raising money for government, which actually speaks to the fact that taxpayers give government their money and have no choice after that. In a sense, they don't make the choice of where the money's going. They depend on the will of the people being represented by you folks.

Now, my methodology is the exact opposite, and that is, a voluntary donation of three cents on every retail, wholesale --- any kind of sale, for the purpose of raising money. In the case of Pittsburgh --- we can write it differently for the County --- free college education and other ideas. So therefore, what you end up with is a system --- and you'll say, well, Les, what are you going to raise; how much money are you going to raise? People are walking with their feet. They're talking to all of us. They're marching out of the city, and they're also --- generally speaking, there's a reduction in the tax base in the county. Maybe by giving them the choice to say, do you want free college education? Put three cents in the kitty. If enough millions of transactions occur, we'll never run out of money for that idea or any other idea. So that's one thing. Two months ago --- I haven't

heard from any of you. Let's get back to what you've been distributed.

This is a copy of a report or a designation --- a threat designation dealing with drugs. And if you turn to page two, the highlighted, it says, the heroin and many other opiate drugs that are distributed in our county is --- are from the North Side of Pittsburgh and some sources in other neighborhoods in Pittsburgh and some other communities. Ladies and gentlemen, you are the public will, and no one's doing anything about the problem. And what's resulting is an increase --- although this year we're getting off easy --- murder and overdose deaths.

And it's not just a black problem. It's also a white problem. Overdose deaths are primarily white; murders seem to be running high in the black community. If we don't take a stand and move against a known place, then the will of the people is being defeated, literally. And anyone you know, including yourselves --- God forbid, would be shot. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Ludwig. Mr. Ellenbogen --- Councilman Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. Today I learned that the Carnegie Library Board had made some decisions in terms of closing some regional libraries. And I have to tell you, I'm very distressed at what their decisions were. Of the, I believe, eight libraries that are to close, I find that five of them are in my district; and not only five of them in the district. If you look --- those of you who are familiar with the geography of the South of the City of Pittsburgh --- the Carrick Library, the West End Library, the Beechview Library, the Mt. Washington Library and the Knoxville Library.

All these libraries basically adjoin each other. Now, UPMC and the Mayor went to huge strides to get monies to have our kids have scholarship money to go to college. But yet a lot of recreation in those areas is gone. To take away the libraries, five libraries --- it isn't like they're taking away one library and there's one a mile or two away --- five of them in a row out of this whole county, to me, is an absolute abomination. To take away the one place where these kids who --- that are furthering their education, the one place they need to be, to close them is an abomination. And I would urge the people that live in the South end of the city to talk --- you know,

contact the Mayor, contact the County Executive, because this Board is a mixed Board of City and County. And I pledge, I will not under any circumstances vote to approve the re-approval of any one of the members of that Carnegie Board. For them to close five libraries adjoining each other in one district, to me, is an abomination, and I wanted that on the record. I thank you, Mr. President, and Council's indulgence. Thank you.

PRESIDENT FITZGERALD: Councilman Drozd.

MR. DROZD: Yeah. In support of what Councilman Ellenbogen is saying, I once had the opportunity to door knock an area in Beltzhoover. And a young man that came to the door, a very nice young man, a black African American young man, and I asked him why there were some problems going on in this community. He said, two things. He says --- you know, one, that he felt in places in the school district, you know, he needed more input from his teachers and more support from those teachers.

Secondly, he said there was a YMCA just down the street. And he says, we usually go there at nights; it's closed. These type of activities and these organizations and these institutions that Councilman Ellenbogen is saying is really the root of what's going to help those young people in those communities. And we have to urge the RAD Board Committee, come to the aid and maybe divert funds if we don't have somewhere else. And organizations like the RAD Board, divert funds to keep these libraries open and to keep these type of --- you know, YMCAs, where the youth can go.

If they don't go there, they'll go to the streets. And if they go to the streets, it's going to compound the problem, and that's what's going to happen to a lot of these young people. And that's who we really have to help, and we have to get to that. These are part of the roots of the cause that we're talking about. Thank you.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Yes. As I'm sure Council knows, Councilman DeFazio and I, by law, are designated as members of the Board of Trustees of the Carnegie Library. Obviously, this is a matter of great concern. And I know, Rich, over the summer, you attended several public meetings, and Councilman Robinson and I did, as well, where these issues were addressed. And I'll also point

out that these things are to go into effect in a couple of months. It's not going to happen right now.

This Council has been very good in the past when Council members expressed concerns about entities that receive grant monies from us or component units of the County. This Council has been very good about calling the administrations of those entities over to the appropriate committee and having them explain themselves to us. And Jim, if you're concerned about this, like you obviously are, my suggestion would be that, perhaps, the appropriate committee invite the administration from the Carnegie Library over, and all Council attend, and have them explain themselves.

If there's a chance for this to be reconsidered, there's at least one more Board meeting before any of this would go into effect. That's, I think, the best way to deal with this, rather than making a forward-looking pronouncement that doesn't have any impact at this time.

PRESIDENT FITZGERALD: Mr. McCullough, I think that's an excellent idea. What I'll do is, I'll call Ms. Barbara Mistick, who's the executive director and Chair, Board Chair. I don't know how many members sit on the Board.

MR. MCCULLOUGH: Well, there's a number of them.

PRESIDENT FITZGERALD: It's a pretty big Board, if I recall.

MR. MCCULLOUGH: Yeah. I think you would want at least her, and perhaps --- and executive committee.

PRESIDENT FITZGERALD: Okay. I think that's a good idea. We'll bring them in and have a discussion as to --- is there any solution to this? Or you know --- kind of explain themselves as to what they're doing. Councilman Finnerty?

MR. FINNERTY: Thank you. I was just going to make the same comment that Councilman McCullough made, that maybe we should bring them --- the Board in to discuss the problem. I definitely think we need to support our libraries. It's an important thing for our children and everyone, because it's a place where you can access learning, and that's important. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say --- and I understand the need to save money and reorganization, but five libraries that adjoin each other within a county of this size. There's absolutely no sense to me

business-wise, particularly in neighborhoods such as Beechview and Carrick and the West End, that have tried desperately to try to reinvest themselves and to attract new people into those neighborhoods. To take away those libraries while we're trying to encourage these kids to get off the street --- you know what? And I probably shouldn't say this, but maybe if they'd buy one less dinosaur bone and put it in the libraries, maybe they'd have the money. Thank you.

PRESIDENT FITZGERALD: One thing I might also encourage. I have met with Director Mistick, and she was very --- didn't do this lightly, I'm sure, make a recommendation to the Board. I would encourage members, in addition to having our meeting, you might even want to talk --- I know for those of us who represent the City where most of the Carnegie Libraries are; for myself, Mr. Ellenbogen, Ms. Green, Mr. Robinson --- might even set up a meeting to hear what they have to say and why they did it. Councilman Drozd?

MR. DROZD: Just a real quick point. You've heard of safe harbors? That's what institutions like the libraries are in these communities. Sometimes take a drive or take a walk through them. Get out of your car and walk through some of the communities in the inner cities and maybe some of our municipalities that don't have that high income level. And then you'll feel it, you'll see it. And you'll see that some of these kids --- not just kids; you know, just people in general --- I mean, people --- older adults.

You know, if you go to their homes, they don't want to be there because there's some problems going into their homes. So they need to go to a safe harbor. This is a safe harbor, one of the many. And we've got to preserve it and save it any way we can. It's one of the few things. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, and then Mr. Martoni.

MR. MCCULLOUGH: Just one point of clarification. Nobody should confuse the Carnegie Library with the Carnegie Museum. They are separate and distinct legal entities, and they have separate funding sources. And less anybody has any other confusion, the Carnegie Library is not a beneficiary of any form of professional endowment from Andrew Carnegie. Those funds were depleted a long, long time ago.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I just wanted to let you understand that it's just not kids in our library; there's tons of senior citizens that really depend on a lot of --- the neighbors. Sometimes just to read the newspaper.

PRESIDENT FITZGERALD: I think we're all in agreement. And we'll move on and have a meeting and bring the appropriate people before this Council. Any other business before this Council this evening?

MR. MCCULLOUGH: I have two points.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: First of all, I'd like to read the letter --- it's actually addressed to all of County Council --- that I received the other day. And I'm reading this because --- you know, from time to time, we get criticisms about the proclamations that we issue. And I think after hearing this letter, if we didn't understand this already, we will now; just how important recipients of these proclamations feel that they are. I think it's a very good community service, and we touch a lot of lives when we do this. And it's a practice that I think we should continue.

So I'll read this letter. It's dated September 24th. Dear Mr. McCullough, our family and I were so pleased to receive Allegheny County Council's proclamation honoring Harv for his greatest game. I can't tell you how much we enjoyed our years in Pittsburgh. We met so many nice people who remain friends after all these years. If that's not enough --- and this is an interesting comment --- the Pirate organization was truly a close family. We continue those friendships to this day, as well.

Council's proclamation brings back many fond memories. We thank the Allegheny County Council for its thoughtfulness. It is a fine tribute to a very special man. Very truly yours, Marsha Haddix. That's the widow of Harvey Haddix.

PRESIDENT FITZGERALD: Do you have another item?

MR. MCCULLOUGH: Yes, I do. And I'd like Mr. Barker to pass out a couple of things. This is strictly informational. You're going to get a memo and a draft ordinance. It's for your information only. If anybody has any questions or wants to follow up with it, you can contact me. But I think it was appropriate to distribute to the Council at this time. That's all I have.

PRESIDENT FITZGERALD: Do we have any other business before this Council? With that, do I have a motion to adjourn?

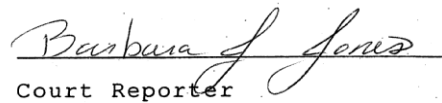
(Chorus of motions.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 5:50 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.


Court Reporter