

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President, District 11
Charles J. Martoni	-	Vice President, District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12

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

Tuesday, November 17, 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: If everybody would please rise. Welcome. I'd like to call the Tuesday, November 17th, 2009 full meeting of Allegheny County Council to order. If everybody would please rise for the Pledge of Allegiance, and 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?

MS. CLEARY: Present.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Present.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. CATANESE: Ms. Green?

(No response.)

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Present.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: Fourteen (14) members present.

PRESIDENT FITZGERALD: Proclamations/
Certificates. 5218-09.

MR. CATANESE: Proclamation honoring the career of Mr. John Moon and his retirement from the Pittsburgh

Emergency Medical Services Bureau. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. It is a distinct honor and pleasure to offer this proclamation to a young man who served this community for many years, who's retiring; and who, in many respects, exemplifies the kind of community-based emergency medical services that are commonplace across America. This gentleman was one of the originators of that concept and worked in the field for many years and has gone on to greater things. If Mr. Moon --- John Moon and his wife would join me as I read this proclamation, please.

WHEREAS, Mr. John Moon, the City of Pittsburgh's Emergency Medical Services Chief is retiring after 37 years in emergency medical services to our community; and

WHEREAS, Mr. Moon began his career with Freedom House Ambulance Service in the 1970s. He is one of the program pioneering emergency medical technicians that helped Freedom House become the most advanced free hospital care institutions in the nation; and

WHEREAS, when Freedom House was taken over by the City of Pittsburgh in 1975, Mr. Moon advocated for equal rights for minority recruits within the new division, eventually working his way into the position of assistant chief; and

WHEREAS, before retiring, Mr. Moon launched the EMT/P365 training program, which pays recruits while they train to become certified paramedics; of course, leading to minority hiring and encouraging our students to serve our community; and

WHEREAS, because of Mr. Moon's dedication, the assistant in primary emergency care in our country has successfully fought for equal rights within one of the city's most important division.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, do hereby recognize and honor Mr. John Moon upon the occasion of his retirement. Mr. Moon has solidified unparalleled commitment to service that becomes paramount in Allegheny County. We look upon his career with great pride and wish him a safe and happy retirement. Thank you, John.

Before John says anything, let me just mention two things. Much of what John did to those who worked with him back in the '70s, is manifest with the training program that we have for EMTs at our own Community College of Allegheny County. The Freedom House Ambulance Service, the first of its type in the United States of America, has been honored in a documentary produced at the University of Pittsburgh under the directorship of Robert Hill. It's a presentation you need to see, and it's a presentation we can feel proud of, particularly since we live in the community. It is probably number one in terms of providing medical services; number one in the United States of America, right here in Allegheny County. And John was a big part of it, even though I'm sure he would say he was a little part. Without John Moon, we wouldn't be where we are today, extending these quality services to people not only here, but elsewhere in the world. John?

MR. MOON: This is, indeed, a very big honor for me today, and I'd like to thank Councilman Robinson and the presiding Council members for this proclamation and presentation. I will cherish it, and it's something that's very special to me. And I will always remember it from the bottom of my heart. I'd like to also honor the men and women that did work at Freedom House in the early '60s and '70s. And without that organization, which I will more than likely be ever indebted to --- I'd just like to thank them, because they played a very instrumental role in me providing the type of quality care and rising at the ranks and position that I held within the City of Pittsburgh.

So on behalf of those men and women, I'd just like to say, thank you very much for this honor. It is, indeed, a privilege for me. Thank you very much.

PRESIDENT FITZGERALD: 5219-09.

MR. CATANESE: Certificates of Achievement honoring Bishop Canevin's boy's golf team for winning the Division II WPIAL Boys Golf Team Championship. Sponsored by Councilman Ellenbogen.

PRESIDENT FITZGERALD: Councilman Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I'd like to ask Councilman Finnerty to join me on the podium, Mr. President. Councilman Finnerty was in the first graduating class of Bishop Canevin. I'm not going to tell them what year, Mike. I won't give you away.

MR. MARTONI: 1896.

MR. ELLENBOGEN: In 1896 --- what was he, 30, did you say? I'd like to ask Coach Kornell (phonetic) and the Bishop Canevin golf team to join me on the podium, if they would. Ladies and gentlemen, this is another example of the hardworking kids that we have in this county. I'm not a great golfer, as some of my colleagues will tell you. But I wish I could golf. That being said, I'm very proud of these young men and women. They work very hard. I know golf is a very --- not only diligent game but it's a head ---. You got to use your head, and you've got to be able to have the skill to do it, also. That being said, I'd like to read this proclamation.

This Certificate of Achievement is awarded to the 2009-2010 Bishop Canevin boys golf team, in recognition of your outstanding athletic abilities which were showcased in your team's winning season, from which you earned the 2009 WPIAL Division II Boys Team Golf Championship. Your contribution to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County, we join with you in celebration of your achievements. Sponsored by myself and members of Council, this 17th day of November, 2009. Since you're the golfer, I figured I'd let you make some comments about your hole-in-one and what not.

MR. FINNERTY: Well, I'd just like to congratulate you on that feat. It's something you're going to remember for the rest of your life, being part of such a great accomplishment. And I praise you for that and go, Crusaders. '63, I graduated.

MR. ELLENBOGEN: I'm trying to wrap my head around the fact that you could ever be that young. Coach, would you like to come up and say a few words at the podium?

COACH STOERNELL: Thank you very much. I'd just like to clarify real quick that it's not just a boys' team; we do have three girls that are on the team, also. And they're a big part of the story this year. I'd like to thank James Ellenbogen and the Allegheny County Council for inviting us here today to receive this prestigious honor. In addition to this being the first golf title at Bishop Canevin, the seniors also won a fourth consecutive section title, and they compiled a record of 47-4 over four seasons. So they're a big part of the buildup to winning the title.

I also want to thank --- this is my assistant coach, Dave Marshall. He's been a big part of the story at Bishop Canevin, also. Thank you very much. Like I said, the assistant coach, Dave Marshall. We have Pat Leyland, senior, David Smallhoover, Alisa Debello (phonetic), Makayla Pashione (phonetic), Matt Zerishnek, Kate Davis, Frank Vance, Saul Monteverde (phonetic), Matt Brandywine (phonetic), Jay Tilson (phonetic) and Mike Silvestri.

MR. ELLENBOGEN: I apologize to these young ladies. I was just reading from this and just wasn't sure. So I know I'm going to hear the end of this --- never hear the end of this from my daughters. They're going to tell me, that's because they're better than you, dad; you can stand. But anyway, Coach, let me present the proclamation and give them to everybody. Thank you, ladies and gentlemen.

PRESIDENT FITZGERALD: Coach, are you going to bring the team up for pictures? And parents, please --- all parents, if you want to come forward and get pictures, please. It's a special night. Come on forward. 5220-09.

MR. CATANESE: Certificate of Achievement honoring Ms. Nadia Luttner of Fox Chapel High School for winning the WPIAL Girls Golf Individual Championship. Sponsored by Councilman Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Thank you, Mr. President, and members of Council. Nadia, I have this proclamation for you, if you'd like to come up. I also have proclamations for your head coach, John Broderick, Michael O'Brien, the athletic director and John Panos, the assistant athletic director. Are they here with us today? I'll present you with three, for yourself and the other two coaches. Congratulations. What was your best score this year?

MISS LUTTNER: I did 32 on our home course.

MR. BURN: A 32? A school record. A 32, Mike.

MR. FINNERTY: I want her on my team.

MR. BURN: I shoot that on, like, five holes, and that's miniature golf. Congratulations, again. And as some of my colleagues said this earlier to some of the other young men and women who were up here --- and we say this quite a bit when we have some of the future leaders of our county come up and get an athletic award like this --- that you're part of a team, a successful program and you're a champion. And whether you do this individually,

like you did for this award, or whether you do it with a team, like some of the other young men and women that come here, it's something no one is ever going to be able to take away from you. And it may be one of many more that you'll have when you're in your 20s or your 30s. And when you're 99 years old sitting on a rocking chair, nobody is ever going to be able to take away the fact that you are a champion and you did something very special. And you had a great coach and a great family to help you to obtain that goal.

And oftentimes we read in the paper about young men and women and we read negative things. And for every one story in the media, there's a negative story --- there's ten good stories like yourself. And when we do this, we want to remind everybody out there that there are more good eggs than bad. And this is our small token of appreciation and my small token of appreciation from the councilman who represents your district.

Allegheny County Council is proud to present this Certificate of Achievement in recognition of your outstanding athletic ability, which was showcased in your winning season during which you earned the 2009 WPIAL Girls Individual Golf Championship. Your contribution to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County and the County Council District 3, we join with you in celebration of your distinguished achievement. Nadia, congratulations from all members of Council.

MISS LUTTNER: I just want to thank my parents for all their support and Mr. O'Brien. It's just an honor to be here to be recognized here, just to be a part of the team --- elite small group of girls that have won titles more than once. So thank you.

PRESIDENT FITZGERALD: 5221-09.

MR. CATANESE: Certificates of Recognition honoring the students and chaperones who participated in the Power of Youth program. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. This is one of those occasions where we have an opportunity to look into the face of the future, as we just did with the young lady who was here and the other young people who have achieved in our county. There are young people who are not here tonight,

and they are in other county buildings where the doors lock behind them and their life is on a path, with a light at the end of the tunnel. It's a freight train, and it's coming right at them. Young people here tonight are in this building, this public building, and their lives are on the path where the light at the end of that tunnel leads them to opportunities. Youngsters who are in both places will have opportunities to live a good life. Those who are here tonight probably have a better opportunity because the door behind me opens, and they can open it.

The other young people who are in those other facilities --- there are doors but they can't open them. This light occurs to young people who are here tonight to be serious about being here and to recognize that you now are going to be required to be something that you weren't required when you came here. We're going to honor you, we're going to recognize you, but we need you to do something. We need you to continue on the positive path that your parents, your friends and your mentors have placed you upon.

We need you to be leaders. We need you to be positive examples for the thousands of young people who you're going to be able to influence. And if the occasion arises, help some of those young people who are at those other facilities, who may have another opportunity to get on the right path and not get run over by that freight train and to enter the tunnel that they're facing now. We have a program in Allegheny County called the Power of Youth. I'll let the originators talk more about it. But I'd like Mr. Brack Barr and anyone else who he feels needs to come forward, who helped put this program together.

I'm going to read one of the certificates. Mr. Barr will talk about this program. He'll talk about the wonderful young people and their parents and their mentors. But I want everybody to understand, we have high expectations for these young people. This is serious. And they can't shirk that responsibility. If anyone wants to shirk that responsibility, they should find that door at the end of my right hand, turn the knob and leave. But those who stay, those who accept their certificates --- we will hold you accountable. We're going to hold you accountable to help other young people and to help this county be all that it can be.

This is from the Office of the County Council. It's a Certificate of Achievement. Each student will

receive one and a participant in the program, the mentors, and others. This Certificate of Achievement is awarded to the students, chaperones and organizers of the Power of Youth in Government program, in recognition of their hard work and efforts in providing an insightful experience for everyone involved. Their commitment and dedication sets a positive example of excellence for all of Allegheny County. We hereby commend them on this distinguished accomplishment, which has earned the respect and envy of this Council and the citizens of Allegheny County. Sponsored by myself on behalf of my colleagues, on this 17th day of November, 2009. Mr. Barr?

MR. BARR: Thank you very much. This is our eighth year. The purpose of the program is for young people to try to get an understanding in two or three meetings of how this county works; what you do in your volunteer positions. And I emphasize that with the work that you do. They understand that you have to do something else and still find the time to help run this county. Probably one of the biggest things that happened is last week we got a chance to tour some of the county offices. They got a chance to see the people who even make you look good and sometimes make you look bad.

I like to believe it's more than often, they make you look at things that they do. The event isn't always easy. This was the first time I had a young man who cancelled and being suspended to come. He said to me that --- he's not here. He's on another event. He's a part of the ROTC at Oliver. And they had an event at Valley High School and evidently got through the first round, so they're still there. He said, Mr. Barr, we forgot to bring his permission slip. So he said, could he go ---? So he just walked out of school and got on the bus and came.

And I told him --- when I said, be responsible and keep your commitment, I didn't quite mean that you break another rule to do it. This year's group was kind of special. We have four that are here tonight of the almost 18 that started. But that's a good reason. The youth that get involved in this are involved in many things and they have many commitments; jobs and other things. And somehow they fit all of that in. Some who were able to take off last week, couldn't take off this week. He called me to apologize and I said, that's positive; you were working. You have to balance school, a

part-time job after school --- is very, very, very understandable. I deliberately this year ---. I do it every year, but I'm glad the sponsors and the chaperones are mentioned. Every year there is one group that participates from the House of David, a monumental Baptist Church in the hill. They didn't move the past month and a half because they got burglarized three times. They got wiped out. They also are one of the many programs that were tied up with the State budget. So the people you see standing in front of you, came to chaperone my kids, help take them on the tours, help me get them around the county. And they haven't been paid in --- three months? Three months; they haven't been paid in three months. That's a commitment. That's a commitment.

That's something that we hope the young people will understand, that in order to be successful, you have to pay your dues. You have to work at it. There's no --- there is no easy way. The four youngsters that are here tonight are actually representing the others that could not be here. On behalf of all of them, I'd like to thank them. I want to point out the chaperones; Mr. Harry Davis, Mr. Aubrey Griffin, Daniel Thomas. Also, Miss Corina Phillips, who came to the House of David and runs her own program out of the YMCA, which is marvelous, doing employment for --- well, actually, for people that some people say are not employable; a lot of people who --- not only as Councilman Robinson talked about, that door --- the train is running at them, she works with the adults who have been run over by that train.

You know, they went beyond the juvenile system and still manages to have some great successes, you know, and still found time when I called her to say yes, I'll give my time to help train these youngsters so that, hopefully, they don't get into her program. I want to thank all of you for your help. The staff wants to thank Mr. Catanese, everybody in the Council office that bent over backwards to help us do anything they believe, and what all of you are doing. And everywhere the kids go, they get an understanding of people who are happy in their work. Thank you very much. Would any of you like to say anything?

MISS RADNEY (phonetic): I'm Marlee (phonetic) Radney. I'm from Chartreuse Valley, District 4. And I would just like to thank Mr. Barr and the Council for allowing me this opportunity to see a rare in-depth --- or

have an in-depth look at the way a government operates in our county. And that was really a great opportunity, so thank you, everyone.

MISS MYER (phonetic): Hi. My name is Tatwa (phonetic) Myer. I'm here representing the Oliver High School. And I would like to thank Mr. Barr and all of you to learn more on a wider range of opportunities that we have for ourselves. And the Council members, thank you so much.

MR. BARR: Let me mention, by the way, while these four youngsters are here, we probably had a wider range of youngsters than ever because they came from Keystone Oaks, Chartreuse Valley, Carylnton, Oliver High School and one other school; I think, South Fayette. So there are more coming; more coming.

PRESIDENT FITZGERALD: 5222-09. And that's going to be entered into the record. Do you have Councilwoman Cleary?

MR. CATANESE: Proclamation naming November Diabetes Awareness Month in Allegheny County and acknowledging the efforts of the University of Pittsburgh Diabetes Institute for raising diabetes awareness. Sponsored by Council members Cleary, Drozd, Ellenbogen, Futules, Finnerty, Fitzgerald, Gastgeb, Macey, Martoni and DeFazio.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: Thank you. Doctor Siminerio --- is that right? Okay. I'm glad you came today. I don't know if you know, but I'm a nurse, also. So this is really an honor for me to give this to you and to recognize all the work that you're doing. So let me read the proclamation and then we'll find out all that you're doing, all the good work.

WHEREAS, Allegheny County serves as a headquarters for exceptional medical facilities, organization and individuals that are recognized worldwide for their contributions to disease research and prevention; and

WHEREAS, this Council honors the University of Pittsburgh Diabetes Institute for its mission to provide and support diabetes prevention, detection, education, treatment and research; and

WHEREAS, the institute is the country's largest diabetes registry for tracking and supporting patient statistics, allowing researchers to expand their clinical research program and to create initiatives to combat the disease; and

WHEREAS, Doctor Linda Siminerio, the institute's executive director, has laid an effort to teach and support diabetes awareness throughout the world. She is the national spokeswoman for the World Diabetes Day campaign, which was celebrated on November 14th this year. She's in an international group that raises awareness in under-deserved community; and

WHEREAS, Doctor Siminerio's unprecedented work, dedicated to raising awareness to assist 285 million people around the world to fight the negative effects of diabetes.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, does hereby declare November as Diabetes Awareness Month in Allegheny County. We commend the University of Pittsburgh Diabetes Institute and Doctor Linda Siminerio for leading the effort to raise diabetes awareness worldwide. While their dedicated fight against diabetes has already helped millions, we will continue to support their commitment to spreading knowledge and awareness. Thank you. Doctor Siminerio?

DOCTOR SIMINERIO: Thank you. On behalf of the University of Pittsburgh Diabetes Institute and the International Diabetes Federation, that people recognize the symptoms of diabetes. Diabetes is an incredible health risk and burden to 700,000 people who live in Pennsylvania and many of those in Allegheny County. So on this important day in this important month, I urge all of you to get checked for your risk for diabetes. And if you've seen our killer campaign, findthekiller.com, I ask you to visit that website and determine your risk for diabetes. Thank you.

PRESIDENT FITZGERALD: 5223-09.

MR. CATANESE: Those remaining will be placed into the record.

Proclamation honoring Yunnan Provincial Library's 100th anniversary. Sponsored by Council President, Rich Fitzgerald.

5224-09. Certificate of Recognition honoring Springdale Volunteer Fire Department's 100th anniversary. Sponsored by Councilman Futules.

5225-09. Proclamation honoring Mr. Joe Scarillo for his 10 years of service to Bethel Park's youth sports programs. Sponsored by Councilman Gastgeb.

5226-09. Certificates of Recognition honoring Andrew S. Leonhard and Samuel M. Furlong of Boy Scout Troop 228, for earning the rank of Eagle Scout. Sponsored by Councilman Macey.

5227-09. Proclamation honoring the Aero Club of Pittsburgh's 100th anniversary. Sponsored by Councilman Macey.

5228-09. Certificate of Recognition honoring the 70th anniversary of Sylvester and Nettie Ferenz. Sponsored by Councilman Macey.

5229-09. Proclamation honoring McKeesport Kane Regional Center's 25th anniversary. Sponsored by Councilman Macey.

5230-09. Certificate of Recognition honoring Thomas G. Walk of Boy Scout Troop 99, for earning the rank of Eagle Scout. Sponsored by Councilman Macey.

5231-09. Proclamation honoring the Town of McCandless' three volunteer fire departments in conjunction with the McCandless Fire and Rescue Annual Appreciation Dinner and Banquet. Sponsored by Councilwoman Rea.

5232-09. Certificates of Recognition honoring the recipients of Talk Magazine's Minority Achiever Awards. Sponsored by Councilman Robinson.

5233-09. Certificates of Recognition honoring New Pittsburgh Courier's 50 Men of Excellence. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Public Comment on Agenda Items. I see we have one speaker on agenda items tonight, Mr. David Tessitor. I don't believe I see Mr. Tessitor here. He's not here. Approval of Minutes. 5217-09.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council, held on October 20th, 2009.

(Chorus of motions.)

PRESIDENT FITZGERALD: Moved. Second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Discussion? All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. The minutes are approved. Presentation of Appointments. This evening, Unfinished Business. 5208-09.

MR. CATANESE: Communication from Chief Executive Dan Onorato returning with his veto, Council Bill Number 5154-09 entitled, An Ordinance approving the sale of certain real property owned by the County of Allegheny, Pennsylvania, to a development group comprised of Massaro Properties, LLC; Langholz Wilson Ellis, Incorporated; Kratsa Properties and Tasso Katselas Associates, Incorporated; for the sale price of \$4,900,000, for the purpose of demolishing the current building located thereon and constructing a new development, including a hotel, office building and parking garage, which he submitted to Council on November 6, 2009. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Okay. Is there a motion to override the Chief Executive's veto? Is there a motion to override the Chief Executive's veto? Seeing none, the bill will be declared dead. 5209-09.

MR. CATANESE: Communication from Chief Executive Dan Onorato returning with his veto, Council Bill Number 3819-08 entitled, 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 480 entitled, Essential Services and Tax Exempt Verification Certification, in order to provide for a tax exempt certification and essential fees for certain properties within the county, for which an exemption from the real property tax is claimed, which he submitted to Council on November 6, 2009. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Is there a motion to override?

MR. GASTGEB: I make a motion to override Bill 5209-09.

MS. REA: I second it.

PRESIDENT FITZGERALD: Moved and seconded. Discussion? Seeing none, call the --- I'm sorry. Councilman Gastgeb.

MR. GASTGEB: Thank you, Mr. Fitzgerald. I think it's important that we have a vote on this

particular issue because this issue has been first and foremost not only in our government, but also in the City government. And there, probably, really is no answer per se on how to create some equity within our tax structure. I guess my belief is that the non-profits do provide extraordinary service and benefits to our residents. There's no doubt about it. But they don't pay any type of property tax, as we all know. As a county government, that's our primary source of revenue, is the property. But what's happening is, they continue to expand.

Look at the towns you live in. More and more satellite offices, satellite care centers. It gets to the point where if we don't start to do something, even most nominally, the residents will end up paying more. The scale is going to be tipped, unfortunately, against the constituents who serve. It's a balancing act. The essential services fee that was voted on, really, by everybody up here, that I suspect in two short weeks, for some reason, all their minds are going to be changed.

It may not have been perfect, but I thought this body was the body that takes, maybe, the initiative. At least, that's what was said when the Human Relations bill was passed about four or five months ago. There wasn't a proper role for the Federal or State government in looking at this issue. And even though I disagreed with that, because I don't believe this Human Relations bill should have been at the County level, I congratulated Amanda Green because she was a sponsor, for one, because this body stood up for itself and --- within its powers. And I think that's what I don't want to see happen now that we lose; and more specifically, the special accounts that we decided collectively to partake in.

And Mr. Robinson, correct me if I'm wrong, but Mr. Robinson has tried to provide leadership on special accounts. So this body has a say in our fiduciary responsibility. I don't want to lose that. I don't want to lose the ability of a legislative branch of this county to make important legal, lawful, legislative decisions. That's just too important. Case in point as an example; Mr. Bland stood right at that podium there about eight months ago. He came to us and asked us to consider releasing money that we had the foresight to put in a special account. In my opinion, it was one of the best exchanges we've had with a partner or entity of county government.

We talked about so much of the Port Authority; wanted to do, could do, affected our districts, because our constituents have talked to us so much over the ensuing months and years. It was such a free flow, when it was not all 15 of us voted to release the money to the Port Authority. If we don't have the ability as a body --- as a Council body outside of the administration, outside of the Executive Office, no matter who it is, we're going to lose our prerogative. It's for that reason, I think, that I'd like to kind of tip my hat to, as far as the power of our body --- is why I'm asking for, at least, a vote, consideration to override.

This body has been courageous with, again, the smoking and the Human Relations bill. I think this is consistent. The legal opinion that we got does make it work, I'll be the first to suggest. In fact, in March of 2008 when Mr. Cambest couldn't make a meeting, his associate, Mr. Madda (phonetic), did and told 11 of us who were at the committee meeting --- I have the minutes right here --- that it wasn't legal.

So Mr. Cambest is consistent. He opined in writing what we were told, but yet all this developed and 15 of us voted for it two weeks ago knowing this. So I just think something needs to be done moving forward. I feel I'm offering something later on in this meeting, just by way of trying to get this issue moving forward. We don't have to say, I don't want to rely on the State or I don't want to rely on the Federal government. None of us ran with our slogan. I hope the State changes its law. I mean, sometime we have to just see what we can do and maybe partner with the City.

Maybe, we say collectively, we take an approach to this issue and see what happens and, hopefully, a partnership with the non-profits, if they come in and they actually work with us. But if something doesn't get done, it's not too hard to realize that the taxpayers are going to be holding the bag. So it's for that reason that I appreciate the indulgence. I know I've been lengthy with this, but for that reason, I ask for an override vote. Thank you.

PRESIDENT FITZGERALD: Councilman Drozd, then Councilman Burn.

MR. DROZD: Thank you, Mr. President. The last time this bill was presented, I abstained because I wasn't clear whether or not this was a tax or not. In my recent

election, I gave my word to my constituents; I vote for no new tax increases or new taxes. And I'll keep my word. I said I would. I agree with Councilman Gastgeb. The non-profits should come forth and contribute some monies to alleviate the burden on the other taxpayers. The footprint of the non-profits are getting larger, especially within the City. And that places more burden on the people of the City and the taxpayers. This needs to be addressed. And I think it needs the law to clear delineation of how we address that, and I'm not convinced that this necessarily is the way to address it.

Everyone is short of funds, including the non-profits. And some of them are educational institutes. They include a lot of our students with families, neighbors, friends. And a lot of those students can't afford to go to school. A lot of the parents can no longer afford to send them to school. And such a task would put --- take more monies out of their coffers, if this is a task. I'll keep my word to my constituents. I gave my word. I would vote for no tax increase.

And if the Chief Executive, in essence, is vetoing, I'm going to hold to the veto, based upon the fact that I would vote for no tax increases. Now later on if this would go through, the only way I would say that we could support such a thing, I think, is if it was dollar for dollar. If a dollar comes from this end for the non-profits, then a dollar should be deducted from the taxes at the other end of our constituents. I tried to put an amendment to that bill --- last time it was essential services --- and I didn't even get a second.

I believe that we have to alleviate the taxes. I don't want to see the monies just go in the coffers for operating funds. And it doesn't alleviate any of the tax burden on people. I would like to ask Mr. Cambest if, in essence --- what is their finding on this. Is this construed as a tax or not? I'd like a definite answer on this before I vote.

MR. CAMBEST: I gave Council my written opinion. There are two ways of looking at this. I think, because of the fact that it does not meet the requirements of the fee, the only alternative position you can take is that it is a tax, as it stands now.

MR. DROZD: Thank you.

PRESIDENT FITZGERALD: Mr. Burn, then Mr. Robinson.

MR. BURN: Thank you, Mr. President, and members of Council. I agree with a couple of the things that Vince said with respect --- that it has created on some others. But I do agree that the ---. Well, I don't think that we'll lose any prerogative if we vote no on the motion to override. But Vince is right when he talks about the need for us to get our arms around the non-profits and some type of an essential services fee. The problem that we're facing here is we're not the only entity in the county who's trying to do that right now.

County Council, we do all agree in a bipartisan fashion; we need to do something. In fact, just a couple years ago, I believe that John DeFazio took three or four of us up to Harrisburg to lobby before the drink tax vote, to explore his contingency with the General Assembly. We've seen in the paper recently where Mayor Ravenstahl and the City Council also agreed that this is an issue that they need to address. And it is a concern that they have because there are significant properties within the City limits that fall within these parameters, just as there are properties within the County limits that fall in these parameters.

My concern to my colleagues here, to the Chief Executive, to the Mayor and the City Council, is that if all four of us start moving in different directions or start to pursue this from different venues or different approaches, we may risk getting ourselves caught in the crossfire. We may risk going at it in an inconsistent fashion. I think we need to coordinate our efforts and do this the right way. It's something that we need to do with the Executive, not against the Executive; something we need to do with the City Council and the Mayor, not against them. I think we should coordinate the efforts, move in a concise and clear fashion. And I think we should move swiftly. I don't think we'll be getting another chance at this.

That and, in addition to what Vince correctly said, is the opinion of the Solicitor, which did not exist at the time of the initial vote. I will be voting not to override the veto. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Robinson, then Mr. Futules.

MR. ROBINSON: Thank you, Mr. President. Mr. Gastgeb raised the issue of how people might change their mind in, roughly, a two-week period. Let me first speak

to the veto. I think Mr. Gastgeb's concern is well taken. Any legal opinion that this Council was privy to was just that, opinions; opinions of a well-qualified attorney. This Council is not bound by any legal opinion from our own Solicitor or the County's Solicitor. Why I don't want to argue that fine point here is not relevant. I think members have to use good sound judgment, as to what they feel is the legal footing upon which they're making decisions. I believe that all members proceed with the advice of counsel or without the advice of counsel because, many bills, we don't ask for a legal opinion. Believe that what you're doing is correct.

When members get additional information, and they believe that their decision should be altered and that opportunity presents itself, they ought to do that or they ought to stick with their original decision. The motion to override gives members an opportunity to stick with their original decision or to change their opinion. So I had an opportunity to consider additional material, including Mr. Cambest's original opinion, on a bill that I believe was altered to the extent that another legal opinion was offered from Mr. Wojcik and his staff.

As an original sponsor of the bill with Mr. McCullough, I don't know how you can get more bipartisan than that; Mr. McCullough and Mr. Robinson. And I think the 15 members of this Council decided, in their infinite wisdom, that the general approach that the bill and any amendments suggested, was going to be good for the County of Allegheny. And I still believe members believe that because of how they vote on the override.

I'm willing to work with the Chief Executive to find a solution to our revenue challenge, whether it be through this approach or another one. I believe this approach is valid. I believe we need to keep working on it. And as Mr. Burn said, we probably are best served if we work in cooperation with other entities that are also revenue challenged; but also, try to find a way to get our non-profits, large and small, to work with us on a challenge that affects all of us.

It would not be in their best interest or our best interest for us not to be able to serve their constituents or ours. This vote to override gives us an opportunity to consider whether or not we want to work along with the Chief Executive and our Council President to find a solution. Notwithstanding legal opinions or any

prerogatives that I have, I'm willing to do that. And in so doing, I'm willing to sustain the veto and to take whatever energies I might have exhausted in trying to override the veto, and use them to work in a cooperative fashion with my colleagues and the Chief Executive.

On the essential services issue, if Mr. McCullough or Mr. Burn or Mr. Finnerty or Ms. Cleary, or any other member of this Council, reintroduces an essential services fee bill, I'm willing to be a co-sponsor to keep the idea alive, that there is a legitimate way in which we can get our non-profits to work with us as far as our revenue challenge.

Lastly, I would suggest to our President, Mr. Fitzgerald, that he move expeditiously to put this Council in contact with our colleagues across the street in City Council, to see if they might want to join us in some effort, taking into consideration many of the facilities that might be affected are not in the City and are under the jurisdiction of some of the smaller municipalities who have revenue challenges.

It's a big issue, but I understand if Mr. Fitzgerald would be willing to explore that, I would encourage him to do so. I will be voting to sustain the veto. Thank you, Mr. President.

PRESIDENT FITZGERALD: And Mr. Robinson, to your request, those discussions have already begun and will continue. Mr. Futules, and then Mr. McCullough.

MR. FUTULES: Thank you. I'd like to thank Mr. Cambest for your opinion. Deep in my heart when I voted for this the last time, I pretty much knew that a fee was attached. But I want to thank Vince and everybody else on Council with their --- because I was going to say exactly what you are all saying. But I especially want to thank Chuck McCullough for taking this out of committee and giving us the opportunity to raise the awareness that this county needs help.

If it doesn't come in the way of a fee or a tax, it should come by way of donations or even naming rights, something that this county is beginning to explore, that's been made national. And I believe that we have a big avenue, and I believe we have a new way of allowing the non-profits and the tax exempt organizations to understand that that's a direction we should be leaning in. And also, we've got a letter from the Chief Executive, which

was very important, I think, and I want to read this last little paragraph.

It says, I respectfully request that you allow my veto to stand and that we create a working group that includes the members of the administration and County Council to further analyze this issue and work towards a cooperative solution. And that's exactly what we need to do. I will not override this veto, obviously. But we need to keep moving forward toward that solution. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Thank you. And first of all, I'd like to thank Mr. Futules for those remarks. And let me preface my remarks by saying that I'm not going to vote to override this veto, either. And the reason for it is as follows: the genesis of this fee bill actually started last year. And as you recall, this Council was under an awful lot of pressure from a very outraged constituency regarding the drink tax.

At the time, this fee concept was a good faith attempt by this Council to try to address that issue. The Chief Executive, obviously, expressed some displeasure about it. I think we all know that story. There's no reason to revisit that in detail tonight. Mr. Cambest's office did issue an opinion, very similar to one issued just a couple weeks ago. A lot of people felt it was appropriate. I was not one of them. To defer to the wishes of the Chief Executive and to see if the process would work its way to permit a statewide resolution, we had a public hearing.

We gave the tax exempts the opportunity to come before us, and I want everybody to know that. This Council held a hearing last year. It was very poorly attended by the tax exempts, and they really had no reason to complain about this bill right now. They didn't show up. Council also convened a special session of our State delegation and, again, we took the issue before them. That was nearly 20 months ago, and they didn't step up to take care of this issue.

In the meantime, last fall UPMC came before us and requested approval for \$650,000,000 worth of bond proceeds out of our hospital authority. That bond issue, combined with outstanding bond issues, totaled in excess of \$2.5 billion. Now at that time, I thought it was appropriate --- given the fact that UPMC is probably the

largest beneficiary of the essential services this county provides --- that they pay a fee equal to one-tenth of one percent of the outstanding bond issue, which should have been \$2.5 million, and have that directed to our community college to help implement job re-training programs; because as you know, back in October is when the economy melted down and we all could see the need to have that kind of program. It didn't go through. And you know, hindsight's always 20/20 and, I think, that's what we saw a couple of weeks ago. But I would point out to you that if we were able to get that \$2.5 million, that would have gone to the community college. The budgets we're going to be passing tonight, we're talking about a \$400,000 a year allocation. We're going to try to bump that up over the next several years.

We basically would have had better than six years' worth of that very critical funding in one fell swoop. So I think that issue, to go with what's going on in Braddock, really brought this to everybody's attention. And as you recall, when we talked about Braddock Hospital last month, I simply suggested that this was out there for you all to consider. I wasn't advocating this forcefully. I wasn't beating anybody over the head forcefully. I think enough Council was concerned that they let the process happen. And I think you saw the result.

I would prefer that we go ahead with this but ---. And the reason why I think it's better to do that is because I think Council has been harmed, quite frankly, by the actions of the Chief Executive. The Chief Executive knew this bill was out there. The night that we passed it, the County Manager was in the room. We had a very seasoned --- an Assistant County Solicitor here, as well. Neither one of them stepped up and asked us to hold off on this, wait for further opinion or give us any reason other than to just proceed with it; and we did. And then we turned around and we get it summarily vetoed.

Now I have written to the Chief Executive, and I asked him to work with us to provide another alternative. I'm concerned about the prestige of this body being harmed. If we work something like this for 20 months and have it summarily smacked down by veto with no prospect of going forward ---. Now as Mr. Futules pointed out, we did open the door. He's willing to discuss this. I think we've made it clear to him that we do not want to wait for 2011 for something to happen.

And I'm going to take him at his word. And I'm also going to request consideration to be put on that working committee, because I've spent an awful lot of time on this issue. I think I have something to contribute. There's various ways to skin this cat. And I agree that if we deal with this in a bipartisan, comprehensive manner, we're going to get this problem solved. Thank you.

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. At the risk of being inconsistent, the reason why I made the motion to override is because you can't have the bait unless one of us made a motion to override. I'll also be voting to sustain for the reason that we've all outlined. Again, without the motion to override, none of this would come out, and I think it's important it does come out. I think it's important that we talk about these issues.

I also want to make sure that people that are watching us know, when you hear words like fee, tax, surcharges, it's on the entity that own land and pay no property taxes. So that's why we keep bringing up the word, non-profits, and what have you. You know, if the Chief Executive and the Mayor want to get together with the working group --- you know, we need to do that, like ASAP.

The only thing I can say is that during G-20, a Council member --- a City Council member criticized the Chief Executive on a Thursday. And four days later, on a Monday, we were in the Chief Executive's office talking about the G-20. So I'm not sure what it's going to take to get us together, but I know it can be done because I was sitting there Monday morning talking about the G-20. We do need a legitimate way to work on this issue. Hopefully, one of us --- 15 of us here or the 9 across the street can think of something to further that cause. But it's an issue that I really think resides within this body. Thank you.

PRESIDENT FITZGERALD: Please call the roll on the motion to override the veto on the bill, 5209-09.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: No.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Noes, 14, ayes, 0.

PRESIDENT FITZGERALD: Committee on Budget and Finance, second reading. 5179-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County. Sponsored by Council members Robinson, Burn, Cleary, DeFazio, Ellenbogen, Finnerty, Futules, Green, Gastgeb, Macey, McCullough, Rea, Martoni and Fitzgerald.

PRESIDENT FITZGERALD: Okay. Before I go to Chairman Robinson on this, I'd like to really take all these together, 5179, 80, 81 and 82-09. And first of all, I'd like to praise and thank the Committee on Budget and Finance for getting their work done early this year. And I'm going to take Councilman --- Chairman Robinson's advice. He wanted to get the bills out early. But we have, in the last ten years, always voted on our budget on the first meeting in December. And I think the public has come to expect us to do just that.

While I think it's great that we're done early, I think to give the public an extra two weeks --- their normal extra two weeks --- to do that, would make a lot of

sense. So I'm going to defer and ask the Chairman of Budget and Finance to make a motion. Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. After I make my motion, I'd like to ---. If the bill receives a second on my motion, I'd like to make some comments at that time. I'd like to make a motion to hold Bills 5179-09, 5180-09, 5181-09 and 5182-09, until December 1st, 2009.

MR. Burn: Second.

PRESIDENT FITZGERALD: Moved seconded. Mr. Robinson, do you have comments?

MR. ROBINSON: Thank you, Mr. President. First, let me thank our staff and the leadership of Ms. Jennifer Liptak, for all the technical work on the bills; Jared Barker and others. Everyone did a magical job over the last several months in bringing us to this point, where we actually have budget documents that could be voted on tonight, that addressed the major fiscal issues facing the County and do so in a responsible way.

I also want to thank all my colleagues who signed on as co-sponsors. This is the first year that we've had as many co-sponsors as we have. And I don't think it's because anyone thought this was an easy budget. I think it's because they honestly recognize the hard work the staff did; the tremendous effort to give them the information they needed, to answer all of their questions, to be tough with the administration in scrutinizing and scrubbing their figures, including our own figures, figures that we could stand behind as a Council.

And last but not least, I want to indicate that while it might be my preference to move expeditiously tonight, I did advise the president and requested to have these bills --- that we hold these bills; not only so that our colleagues could review them again, offer any amendments they thought were appropriate, but so that the general public could know that even though we feel we did a very positive thing by preparing a budget several weeks in advance of the scheduled date, that we also recognize that they need an opportunity to scrutinize it, to comment and to offer suggestions.

Every member, of course, has an opportunity between now and December 1st to look at the documents again; and on December 1st, if they so desire, to offer amendments. So I just want to thank everybody in that regard. And I will anticipate that all of you agree with

Councilman Fitzgerald and I to hold these bills until December 1st, 2009. Thank you, Mr. President.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: Thank you, Mr. President. I would hope to think that maybe at that time, we can consider my ordinance --- it's in your committee, Mr. Robinson --- for the cut taxes that I --- the reduction in taxes. And secondly --- you know, I've always voted against the capital budget because of the fact that there are two roads in there that are still a long time not totally repaired, Black Run Road and Montour Extension, in my district. So I'm going to take a look at that again to see where we go from there. Thank you, Mr. President.

PRESIDENT FITZGERALD: I'll ask the Solicitor. Do we need four votes on a motion to hold it, or can we do all four together?

MR. CAMBEST: You can do all four together.

PRESIDENT FITZGERALD: Okay. The motion to hold has been moved and properly seconded. I'm going to ask for a vote on holding for two weeks, 5179, 5180, 5181 and 5182-09. All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Hold the bills for two weeks and place on the agenda, December 1st. 5182-09 --- I'm sorry. 5183-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission 19-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson.

MR. ROBINSON: Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved in second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: 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: Mr. Gastgeb?
MR. GASTGEB: Yes.
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: Aye.
MR. CATANESE: Ayes, 14, noes, 0. The bill

passes.

PRESIDENT FITZGERALD: Liaison Reports. Any liaison reports this evening? Mr. Finnerty?

MR. FINNERTY: Thank you very much. I'd just like to briefly ---. I was at a number of meetings but just a couple of them, I'd like to ---. I applaud the people from the Char West COG, who have come together; three municipalities, Neville, McKees Rocks and Stowe, to have a multi-municipality comprehensive plan, which they are working on now. It's extremely important that our municipalities come together and join forces in what they're doing. And I'd just like to applaud them for doing that.

Also, I was also at the Pennsylvania House of Representatives, Urban Affairs Committee. And it was in McKees Rocks at the Veterans of Foreign War. And there was three things that the majority of speakers --- and the speakers were residents. They were elected officials that spoke there. And the main gist of it was addressing property abandonment and blight in the area. And one of the things they'd like done is tax forgiveness in some way through the State representatives.

They'd also like --- instead of just destroying or demolition of property, they'd like somehow for owners to occupy the housing. And a lot of times, they can't do that because of the tax burden that is on these houses already, especially in these areas where the tax burden

actually --- probably in some cases, exceeds the actual value of the residence. They also have a problem with deed transfer. For some reason --- and I don't understand why, and I know what's going on --- that when a bank takes over a property, for some reason they don't transfer that deed to the bank. They leave it in the property of the original owner's name for a while. And I understand why they don't transfer it because it costs money to transfer it, and it puts it on the tax rolls that they're liable for. But those were some of the things that they came up with here. I think it's important, and I applaud Representative Frank Dermody, who's the chairman of that committee for bringing it into the district. Thank you.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: This is a follow up. I also attended with Councilman Finnerty. There's mixed reviews by some of the elected officials in the local communities, whether all questions were answered. The big concerns were, they can vandalize properties in addition --- and more so in the inner ---. And they're almost like inner cities; you know, they've got boroughs and townships. And they feel that there are a lot of homes within those areas that they have more than others do.

And I would suggest or recommend to other communities like Swissvale and other communities that really have the same concerns, that they all ought to, maybe, make those meetings and join in, in the discussion. There's a lot of issues still unresolved in these communities. We've had committee meetings. We've had several meetings where they've come in and expressed their concerns. But the answers are still not in. There's no answers to their questions and concerns. So you know, I applaud; it's a start. And I was really pleased to attend with Councilman Finnerty. Thank you.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: Thank you. I just want to let everyone know that ALCOSAN is having some community meetings, and they're throughout the county where they're having them for the areas that they service. They're telling you what needs to be done and how much money it's going to cost, and things like that. So I encourage everyone to go. You can call our offices to see when those meetings are. They are very informative, and I encourage people to go and give their input. Thank you.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you. Just a dovetail on that. Tonight in Oakdale, they're having a meeting at 7:00; ALCOSAN. Thank you, Joan, for bringing it up. I forgot about that.

PRESIDENT FITZGERALD: I know we had a meeting scheduled this Friday with the Carnegie Library, the State reps and the State senators. That meeting is going to be pushed back a couple of weeks. We're still trying to get everybody in. As you can imagine, it's very difficult with that many folks --- and City Council, as well --- engaged in the meeting. It looks tentatively like it might be December 3rd, but we will firm that up and let everybody know. Any other liaison reports? Seeing none --- moving on to New Business. Ordinances and Resolutions. 5210-09.

MR. CATANESE: An ordinance approving the sale of certain real property owned by the County of Allegheny, Pennsylvania, to a development group comprised of Massaro Properties, LLC; Langholz Wilson Ellis, Incorporated; Kratsa Properties and Tasso Katselas Associates Incorporated; for the sale price of \$4,900,000, for the purpose of demolishing the current building located thereon and constructing a new development, including a hotel, office building and parking garage. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: I want to ask for a waiver of the second reading on this bill.

MR. Finnerty: So moved.

MR. Drozd: I'll second it.

PRESIDENT FITZGERALD: Moved second. Any discussion on the waiver of the second reading? Seeing none, I'm going to ask for a motion, and we need ten votes to waive the second reading. All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? Seeing none, the second reading having been waived, I'm going to ask for a motion to approve Bill 5210.

MR. MARTONI: Moved.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved second. Discussion? Mr. Burn, then Mr. Drozd and Mr. McCullough.

MR. BURN: I'd just like to, again, thank the Executive's Office for Section 4, Public Funding. The approval contained within this ordinance is contingent

upon the development group neither soliciting nor accepting public funding in the form of tax in financing for the new development project described herein. That was an amendment I had introduced in a committee at some point back in the long complex history of this bill. And I'd like to thank the Executive for incorporating that amendment into the document that they submitted. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. What I have to say has no reflection on the people --- the developers and the designers and whatever of this project and the consortium. They're fine developers. They're outstanding people, and I know that. What I'm going to talk about is the services to the people of Allegheny County, which concern me. At first, I initially voted for this. And after doing more exploration on this, I decided I'm going to vote no unless I had certain information that I requested from the Chief Executive and the administration.

And I'll read a letter that I sent to the Chief Executive and copied Council and copied County Manager, among other people. And that was sent, I believe, on November 4th --- or following November 4th, I should say, our meeting. Dear Mr. Onorato; as you know, at the regular meeting of County Council held last night, November 4, 2009, Council voted in favor of selling the Allegheny County Health Department building to a group of local real estate development firms for \$4.9 million.

I still have serious reservations and believe the sale was premature. First, the decision to sell this prime piece of real estate, an asset that is critical --- critical --- to providing health care services to our constituents, was made in spite of the fact that Council did not have the opportunity to review any substantive data concerning relocation and analysis, related costs or even any possible plan of action. A plan of action; now what's going to happen to those people, 400 people? It would have been especially useful to have identified beforehand where the 400 Health Department administrative employees will be relocated to.

Know the costs involved and determine how this change may impact the delivery of services to the citizens of Allegheny County. Second, I'm concerned that this decision was made without authority of Health Department

Director, Doctor Bruce Dixon, and his staff, the opportunity --- ample opportunity to join in the discussions with Council surrounding the proposed sale. Finally, today, it was passed. Today I received information that leads me to believe that the sale may not benefit the people of Allegheny County. As such, I respectfully request that prior to the sale being finalized, a thorough, thorough analysis and plan outlining how the Health Department move will enhance services, save hard-earned tax dollars and benefit our constituents, be provided to Council through the Chairman of the Economic and Development Committee and Housing Committee.

Now my background is healthcare administration. The problem is, the problem is not fixed. The problem is not in that building, the problem is in the other building, a building that really provides health care to the people --- hands-on healthcare. The administrative is in the other facility. And that building which has provided health care --- literally, a car went through the side of the building. I visited it, and I hope that everybody else took the time to visit that.

The staff does such an admirable job. It's no reflection on them; they do what they do with what they have. But that building --- if that was under my realm in the military side of it, I'd fail. There's patient confidentiality concerns there. Patients literally give their information sitting on a stool on the hallway. There's infection control issues that need to be addressed. They're on the borderline ---.

PRESIDENT FITZGERALD: Point of order, Mr. Macey.

MR. MACEY: Yes. I think we ought to stick with the bill.

PRESIDENT FITZGERALD: Okay. Mr. Drozd, stay on the building. We can discuss the Health Department at a later time.

MR. DROZD: Okay. All right. We'll do that. I sent a second --- a second request and still have not received that. And I see the County Manager and I ask if he has that information, that analysis, before I vote on this. And before I agree to support this bill, I want to see that it --- definitely. I want to see written documentation and data analysis on this, that it enhances services to the people of Allegheny County, saves hard-

earned tax dollars. And by the way, we're looking at --- and this is part of --- concerning this building, if we have to relocate those people, the fees to --- the rental fees can go upwards almost to a million dollars. And you know, what savings --- little savings we experience in heat costs of \$90,000 a year is nothing compared to what it's going to cost us. And the tax income is estimated. When I asked Ms. Liptak the estimated, it would be around a quarter of a million dollars. We're still in the hole about \$750,000. You amortize that; it's going to be eaten up real quick, that \$4.9 million. And we still have the problem of where those people are going to go and how they're going to operate within Allegheny County. There is no plan in place. And until I see that and I see the analysis that was done on this, a concise analysis, I'm not going to support it because the people of Allegheny County come first, the services are first. This is critical healthcare for the people of Allegheny County. And I don't see that. And I heard from the staff already over there, they don't support it. There's not a lot of support for this. So maybe we can ask if the County Manager does have that analysis I'd requested back quite some time ago and a second request went out. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. Mr. McCullough?

MR. MCCULLOUGH: Yes. Mr. President, I have an amendment to offer for the sale.

PRESIDENT FITZGERALD: I'm sorry. Before we do the amendment, Mr. Flynn, could you come up and answer Mr. Drozd's --- I kind of lost track. Your question was about analysis ---?

MR. DROZD: I'd like to have Mr. Flynn --- do you have a document of written analysis on that was done on this comparing costs, plan of action and where we're relocating 400 people in that building, lease costs, projected lease costs, income to Allegheny County; do you have that?

MR. FLYNN: No, I don't.

MR. DROZD: Was it ever done? Was it ever done?

MR. FLYNN: What we're doing is we're coming to Council to request permission to sell this building. It doesn't mean that the building is sold, doesn't mean that anybody is moving. What it means is we are entering into negotiations for the start. There's going to be three

components of this development. One is a hotel. One is a parking garage. And one is an office complex, office structure. It's our intent to keep the health department on that site in the office. But that's to be negotiated. That's not been done.

MR. DROZD: This is not about, you know, negotiation. This is about services to the people of Allegheny County. This is about costs to the people of Allegheny County. This is about taxpayers' money. And for that we need a hard analysis. We need written documentation that this is the right decision. This is a major decision within Allegheny County. This is not just about \$4.9 million coming into this county. This is about monies that are going to go out. And this is about serving the people of Allegheny County, critical healthcare, and what is the number one concern of people not only in Allegheny County but throughout the United States? It's the State of Pennsylvania's healthcare bill. Do we have it?

MR. FLYNN: I'd like to address your concern about serving people of Allegheny County as far as healthcare goes. I think Director Dixon and his staff do a fantastic job with the resources they have right now serving the people of Allegheny County and surrounding counties. I also think that in order to increase or improve their facilities, this is an action that needs to be taken. If this action isn't taken, they're going to stay where they are. This is an opportunity to put the health department administrative functions in one area. And it's not 400 people, it's less than 400 people. But it's also the first step in a multi-step process that will enable us to move the people from the building we were talking about out into new facilities and improve the resources they have available to them.

MR. DROZD: Thank you, Mr. Flynn. But I'd ask my Council to vote against this. I can't, and I don't think we should deal in subjective opinion. I think we need to deal in hard facts and data, and I don't see that. I don't see the plan of action in place. I don't see the cost comparisons. I don't see the projections. I see none of that. And with that in mind, I think --- you know, I can't believe any decision would be made anywhere, let alone Allegheny County, without substantive data and analysis. And it's not here. So I'm going to vote no.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Thank you. Mr. President, I have an amendment to offer.

PRESIDENT FITZGERALD: You'll have to give it in written form?

MR. MCCULLOUGH: Yes, sir.

PRESIDENT FITZGERALD: Please hand it up.

MR. MCCULLOUGH: And I'm also asking Mr. Barker to hand a copy of it to the County Manager and County Solicitor. And please let me know when you're all comfortable with this and I'll have some remarks.

PRESIDENT FITZGERALD: Please continue.

MR. MCCULLOUGH: Thank you. First of all, let me say for the record I've been going to the County Health Department Building a number of years, probably since I was on the survey crew back in Chester Engineers in the early '70s. It's a dump. I want everybody to understand that. The time has come to get rid of this building. If we can get rid of this building for a decent price, I think it's a good idea. I think the problem that's given us a lot of concern here is, at least from my perspective, is number one, we haven't seen anything in writing. Two, we have some uncertainty about where we're going to go and what we're going to do. But I think most importantly is this is another one-time sale --- or I should say one-time infusion of revenues and I think consistently the concern that I've seen from Council since I've been on Council, we'd like to know where those monies are going to go.

I'm prepared to vote for this sale. And I am comfortable if we can get an amendment in. And I would call your attention to the fourth sheet which is the next to the last page. The amendment is recited in full under section five, and I'll paraphrase it. It simply says that the proceeds will be deposited into a special account, and basically appropriated there upon resolution of Council. I think when we boil all this down, my take is that's something we've all been comfortable with, that is something consistent with what we've been doing when we get one-time revenue. It's basically another indication we'll make the final decision where the money goes.

I also would like to ask the County Solicitor if he would mind coming up to the podium maybe bring the County Manager with him.

PRESIDENT FITZGERALD: Mr. Wojcik and Mr. Flynn, could you come forward?

MR. MCCULLOUGH: As they come forward I would point out that the bill has been resubmitted. It contains I think some important provisions that were absent in the original bill, especially the reference to the minority, Women in Business, disabled business enterprise provision, the nonpublic funding provision. So we have some important provisions in there. Mike and Jim, there is a provision in, I believe it's section four, that basically says to contract the final deal is subject to the approval of the County Manager. This is in the original bill, okay, it's not part of the amendment. And you might approve it as is; is that correct, am I reading it correctly?

MR. FLYNN: Yes. Mr. McCullough, could you tell me what ---?

MR. MCCULLOUGH: Mike, if you take a look at Bill 5210.

MR. FLYNN: I'm there.

MR. MCCULLOUGH: Take a look at Section Three where it says, approval and sale of project, Section Three, towards the end.

MR. FLYNN: Yes.

MR. MCCULLOUGH: You'll see it says other documents are subject to the review and approval by the County Manager and County Solicitor.

MR. FLYNN: It says that and that is consistent with the chart.

MR. MCCULLOUGH: Mike, you know quite well how the statute operates. I have some concerns and what I want to hear from you is that the two of you will use your best efforts to try to negotiate a written agreement that will have the following terms in it. Number one, a provision that will limit if not eliminate the County's liability for the condition of property. In other words, a good faith best effort attempt to get an as-is clause in the sales agreement. And I just want to hear that you're going to give me your best efforts to try to negotiate something like that.

MR. WOJCIK: Mr. McCullough, why don't you commit these terms to writing and send it to us and we'll do our best to address those terms.

MR. MCCULLOUGH: That's what I want to hear. I think you guys know how to put an agreement together, I think you know where I'm coming from. If you tell me you're going to do your best to try to get those

provisions put in there, that's enough for me. I'd like to move to have this amendment made. And if it goes I'm prepared to vote for the sale.

MR. DEFAZIO: Point of Order.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Chuck, you're not the first one to do this. But really, if we're going to go by Robert's Rules of Order when you do a bonafide amendment you're only supposed to strike out a few words here and there. You're doing this all wrong. I mean, you're striking out. I know that paragraph --- that's not a bonafide amendment. If you want to ask the Solicitor his opinion, he can give it. But that's not a bonafide amendment. I know we've done it wrong before. We got to start doing this the right way.

MR. CAMBEST: John, I think you're correct in general what you're saying but as I read this this is your amendment --- your previous amendment you struck out all of your previous amendment language and you're only adding Section Four.

MR. MCCULLOUGH: That's correct.

MR. CAMBEST: He's not striking out the language in the new bill. This is his old amendment.

MR. DEFAZIO: Okay.

MR. MCCULLOUGH: What I was trying to do is show by illustration what we're culling down and what we're trying to boil this down to.

PRESIDENT FITZGERALD: There's been an amendment made. Move second.

MR. DROZD: Second.

PRESIDENT FITZGERALD: Moved and second.

Discussion on the amendment only? Mr. Robinson? I'm sorry, I'm getting ahead of myself. Mr. Finnerty, I neglected him and then Mr. Robinson.

MR. FINNERTY: Thank you. I'd just like to say that we all know that this building needs to be sold. It's a drain on us and the county to maintain this building. And we have put out our intention on it and the highest bid was taken. Also, it's extremely important. Now, we do the best for the taxpayers of the County of Allegheny and alleviate all of this what we --- well, I'll be nice about it, all this different amendments come up every time that we get to pass this bill. People say that they're really serious about this amendment but it didn't come up again. Then this amendment comes up and it keeps

going around and around. There's always a new amendment. It would be very nice as Chairman of the Economic Development and Housing Committee where this bill was in that the people that have problems with the bill would present themselves at a committee meeting. But instead that doesn't happen. And we get amendments made up in the last hour or two and nobody sees them. It has caused a problem for this body because what it actually is doing is trying to subvert the committee system that has worked so well for Allegheny County Council for a number of years.

And again, it's important to the taxpayers of the County of Allegheny that this money is not tied up by someone or something. We went through an amendment last time and I made a mistake. And I do make mistakes, I'm just a human being that tries hard to do the right thing. This Council by putting something preposterous to say that you cannot be moved, the money cannot be moved only by a unanimous vote which negates everybody's vote out there and comes down to one man rule. That should have never been in there. That was an obnoxious thing to do. It was something that was done and was not explained. And like I said, I made a mistake. I shouldn't have read it so quickly. But I did.

And you know, it's like, tell the truth, the whole truth and nothing but the truth. And the thing about this sale is that it will be the best thing for the taxpayers of the County of Allegheny because this money will go to the surplus fund. And if it goes in the surplus fund, it will also probably increase the bond rate for the county which will save the taxpayers' money over the long haul. And I think that that's something that has to be considered, not sitting around here saying this is bipartisan, this is partisan and we're in some kind of power struggle. Because that's not the case. We're supposed to be here to do the right thing for the people of Allegheny County continually. If it means what the administration has brought over to us is the right thing, so we should do the right thing, we shouldn't just turn around and say, just because you sent it over, Chief Executive Onorato, we're not going to do it. And I think this bill should be passed as is, not amended for any reason whatsoever. It's time. We've played enough games with it. Thank you.

PRESIDENT FITZGERALD: Mr. Robinson and then Mr. Gastgeb.

MR. ROBINSON: Thank you, Mr. President. I want to focus in on the amendment only. The Chair can help me with my questioning by identifying for me where in the amendment the bill to be amended is identified.

MR. FINNERTY: Do you want me to do that, sir?

MR. ROBINSON: No, I'm asking the president.

PRESIDENT FITZGERALD: I don't see anywhere that it says which bill to be amended. I'm sorry, I do see. I strike that. Strike that as a change, yes.

MR. ROBINSON: Mr. President, is that bill before the Council tonight?

PRESIDENT FITZGERALD: It is.

MR. ROBINSON: Is that bill under consideration or was it under consideration prior to the amendment being offered?

PRESIDENT FITZGERALD: Well, it was on the agenda but it was not under consideration. So I'm not sure. I'll have to defer to the Solicitor on the answer to that question.

MR. CAMBEST: Well, it was on the agenda. It waived the second reading so it's probably up before Council for a vote. I think what happened here is one of the issues that Mr. DeFazio pointed out. When you bring a bill like this it's very hard to determine exactly what we're looking at. But to answer your question, 5210 is in the amendment and we do have a new Section Five that would go into 5210 that's probably before the Board.

MR. DEFAZIO: Point of Order.

PRESIDENT FITZGERALD: Mr. DeFazio, Point of Order.

MR. DEFAZIO: Let me ask you a question. Did we vote --- we did vote on 5210?

PRESIDENT FITZGERALD: We're considering it now. We waived the second reading and made a motion properly seconded and now we're considering the amendment. I think Mr. Robinson's point is well taken. There's a lot of strikeouts. There's a lot of talking about an old bill, a new bill. It does get very confusing. And it's very difficult when I'm on this floor after what we went through two weeks ago to try to, you know, follow all of this. So Mr. Robinson, you still have the floor.

MR. ROBINSON: Thank you, Mr. President. Mr. President, could I ask you to have the amendment portions that we should consider read.

PRESIDENT FITZGERALD: We can do that. I'll ask Mr. Catanese to read the bill, the parts that we have to consider.

MR. MARTONI: Mr. Chair, may I say something before you do that?

PRESIDENT FITZGERALD: Point of order?

MR. MARTONI: Point of order, yes.

PRESIDENT FITZGERALD: Point of order, Mr. Martoni.

MR. MARTONI: If I understand the charter in Allegheny County, okay, and you correct me if I'm wrong, all fiscal matters, every penny we spend has to come through this Council. So wherever that money goes from the sale of that property, anything that's approved has to come before this Council no matter what --- no matter all of our rhetoric and all of our motions.

PRESIDENT FITZGERALD: Well, that's correct. We didn't get into that yet.

MR. MARTONI: Well, if it does, what are we doing?

PRESIDENT FITZGERALD: Well, we still have to vote on the amendment.

MR. MARTONI: It doesn't make sense to me.

PRESIDENT FITZGERALD: I understand. Mr. Catanese?

MR. CATANESE: Bill Number 5210-09 shall be amended by the creation of a new section five as follows: Section Five, Proceeds of Sale. All proceeds from the sale of county property authorized by this ordinance shall be deposited in a special account and neither the interest or the principal thereof may be appropriated there from without resolution of County Council in accordance with applicable law relating to the appropriation of County funds.

MR. ROBINSON: Thank you. Mr. President, I have another concern on Section Five, Proceeds of Sale. It probably would be appropriate if this amendment identified that special account. We have several special accounts in the County. And in this particular instance without a designation of what special account, it may create a challenge for us. That's one concern. That obviously could be corrected. The other point is that the special account, if you want to call it that, that this money would normally go into could be our general fund of some balance, however you want to euphemistically identify it,

those funds remaining after we've met our obligations for the calendar year. Our fund balance now stands at about \$20 million. And unless I'm in error, no money can be spent out of the fund balance without the approval of Council; am I correct, Mr. President?

PRESIDENT FITZGERALD: That is correct, Mr. Robinson.

MR. ROBINSON: To that extent, I think a portion of Mr. McCullough's concern has been addressed. That if the County receives this money, it will go into a fund. And that money cannot be spent without the approval of County Council. That needs to be clear and I thank Mr. President for his indulgence.

My last concern is that while special accounts are necessary from time to time, and I have been an advocate of a rainy day fund for the County, I have generally been satisfied that our fund balance account serves a similar purpose and allows us the kind of flexibility we need until we stabilize our financial situation. While I agree with the general intent of what Mr. McCullough would like to do, I'm not quite sure now is the time to create an unspecified special account without a polar understanding of how we are stabilizing the finances of the County, particularly in the area of enhancing our revenues.

Last comment, Mr. President, and I thank you for your indulgence, I believe that Mr. DeFazio's comments about the amendments and their limit and their depth and their substance should be seriously considered, if not tonight, in the future, so that when we get amendments to bills where members need more time and staff needs more time to fully analyze them, that we find a way to accommodate the sponsor of the amendment, as well as other members of Council so that everybody can read the amendments, understand the amendments and make a vote they can stand behind. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb, Mr. Ellenbogen, Mr. Drozd, Ms. Cleary and Mr. McCullough.

MR. GASTGEB: As I was sitting here I was kind of thinking the same thing that Mr. Robinson was kind of alluding to, that there may be a difference been the grants we receive that say community development block grant from the federal government, maybe even the authorities. My example earlier this evening was when Mr. Bland was here and we got a special account that was from

the authority. So I guess for my own comfort, I'd like to ask Mr. Cambest, will the proceeds of this sale go into the general fund; therefore, increasing our fund balance?

MR. CAMBEST: Well, I don't try to be an expert on the budget but I would assume that if you raise revenues, it's got to go into the general fund and I don't know if there is a specific line item for, let's say, sale of property, something of that nature. Jim could probably answer that better than I. But I assume that money could go into the general fund in the appropriate line item. Then procedurally, I think, as Mr. Robinson indicated, if there's a fund balance at the end of the year it would go in the fund balance and then our normal rules would apply. Absent the creation of the special account, I don't know where else the money would go, other than the general fund.

MR. GASTGEB: That is my understanding. I just wanted that on the record.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I want to kind of address, get back to the issue at hand. Number one, if there's this banner about this thing coming across the hall from the Chief Executive and because it was his idea, number one, anybody that knows the way I vote, if I feel the Chief Executive is wrong, I'll say so. If I think he's right, I'll say so. And I think he's right on this bill. In 1999 when I was Chief of Operations for Special Services and Maintenance I was asked dramatically to help the department from a structural standpoint. And it was a dump then. Now, Councilman Drozd had brought up some issues about confidentiality, you know, viral issues and what not. To address these issues, these health issues which I know we have the public's interest at heart here, they need to be in a more professional, newer facility. And I think that that's the main issue here, you know. It's great.

We're getting this property back on the tax rolls which is a great thing and we're also going to be able to move the Health Department for the betterment of the people of this community into a more professional facility. That building just doesn't cut it. There's too many issues. And to correct the issues that Councilman Drozd had brought up would cost us probably the money that it would cost us to move somewhere else. So at some point we have to say to ourselves, the health and well-being of

the public has to come first in this issue. And the way to do it is to get rid of this building, vote on this bill the way that it is and let's move on and get the Health Department into a better facility as the administration wants to do. It's the right thing to do. It's the right thing to do for the tax issues, putting it back on the rolls, and it's the right issue for the Health Department to get them in the best facility possible for the health and well-being of the people of Allegheny County. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. Make no mistake, there's two separate buildings here. It does not immediately respond to the needs of Allegheny County. The building being discussed is an administrative building. It does not resolve the problems of the existing health structure. That's where the problems lie. This is the administrative building. That building --- there's a footprint on that one building. I'm going to digress on this because others have, too, even though we're talking about the pool of funds. That building that's the existing building they want to sell, they could renovate that building, stay in that building, and there's enough land there to do that and move people very easily, very easily. So make no mistake about it.

Now, let's talk about where is the meet? I still don't see the analysis. I support anything where I saw an analysis was done. What we're dealing here is with subjective emotions. That's all I've heard, subjective emotions and hearsay. I've seen no documentation to support the sale of this building, no plan of action whatsoever. Can you imagine anyone --- wait a minute.

PRESIDENT FITZGERALD: We're going to debate the bill in a minute. We want to talk about the amendment which deals with the specifications.

MR. DROZD: Let me talk about the dollar figures.

PRESIDENT FITZGERALD: This is the special account.

MR. DROZD: I know. And I'm going to show where the money is and whatever. We talk about the --- let me tell you this, the net effect and it doesn't include the moving of the people from existing structures, \$750,000 is ---.

PRESIDENT FITZGERALD: We're talking about the special account.

MR. DROZD: I'm talking about those monies ---.

PRESIDENT FITZGERALD: Mr. Drozd, we will get the chance to talk about that. We'll get there, we will. This is about the special account only and then we'll stay with that.

MR. DROZD: All right. I thank you.

PRESIDENT FITZGERALD: Ms. Cleary, on the amendment?

MS. CLEARY: I think mine might be a little bit out of order, too. But I just wanted to make a correction. When I made my amendment months ago when we first did this, I did circulate it to everyone. And you just said that we're just pulling amendments out here. I did circulate mine. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Just a couple of brief comments. First of all, because of the explanation that Mr. Cambest gave is why I think we ought to have this provision. Secondly, I'd point out to everybody's attention, we waived the second reading tonight. I think when you waive the second reading on a bill, I think you have to expect amendments to come in. And I would also call to everybody's attention that if you look down the agenda, the substance of this particular amendment was actually set forth in the bill. So my intention was to address the outstanding bill by way of amendment, and everybody had that since --- the substance of this document is already known to people. Let's just conform to this particular bill that we waived the second reading.

I'm all for a comprehensive review of the procedures of Council. But absent that, and the history of Council has been, that things come in on the fly, they come in at the last minute sometimes. We've had some very major pieces of legislation such as consolidating the Sheriff's Office that came in at the eleventh hour. And I think when you have that you waive the second reading you have a right to make amendments and, you know, they should be anticipated. The easy answer to that is to refer things into committee. If you want to get it done tonight, I'm prepared to do that, I'm just in favor of this particular amendment.

PRESIDENT FITZGERALD: Mr. Martoni? On the amendment.

MR. MARTONI: If I'm reading it right, the County is going to make 4.9 --- \$409,000 on the sale of this property, okay? This County Council is responsible, and you guys correct me if I'm wrong, Mr. President, nothing could be spent in this County without approval of this Council; is that correct?

PRESIDENT FITZGERALD: Absolutely correct.

MR. MARTONI: If we get \$4.9 million in our budget, wherever it is, it's still our charge to approve however that's spent; right?

PRESIDENT FITZGERALD: Until this Council votes on it and approves it, the administration cannot spend a penny.

MR. MARTONI: Tell me what we're talking about here? Can anybody explain to me? If we don't sell this property, how much are we going to pay? Nothing. I mean, I think it's kind of --- I'm suggesting that we approve this, we sell the damn property and get the money and have the administration here put it in the damn bank somewhere until we decide if we save more than we spend.

PRESIDENT FITZGERALD: Let's call the roll. On the McCullough Amendment.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: No.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Ayes, 4, nays, 10, the bill

fails.

PRESIDENT FITZGERALD: On Bill 5120-09. Mr. Drozd, you can discuss this, talk about it as a bill.

MR. DROZD: Okay. Again, if there's no fact and data here to substantiate the sale of this building where the money is for the renovation. You can renovate the existing --- there's two separate issues here. We're talking about the administrative and clinical people with whatever. And what we're facing when we talk about dollars and savings to the taxpayers, we're talking about \$4.9 million which is going to be gained based upon the footprint of the administrative building and then moving those people in the square footage we have to house those people in, we're talking a net outlay of whatever revenues we get. This is substantial fact. It's approximately about \$750 to \$1 million a year in rental rights. That money, \$4.9 million, would be quickly used up in five to six years. And then, the people in Allegheny County are faced with putting out another million dollars a year in lease costs.

When we talk about the \$90,000 a year in utilities, where do you think that's paid, in the new building as well as the old building. That's worked into the lease so we pay it no matter if we're in the old building or the new building. There's no plan here. This is bad decision making at its worst. I don't make decisions based upon substantive emotional subjective opinion. We need to make it on sound data and sound analysis. And you heard the County Manager, he has none. They have none. And are we going to make a decision based upon, a critical decision that delivers healthcare services, involves tax dollars, the revenues of Allegheny County, the people, their hard-earned tax dollars without seeing some type of an analysis here and some type of a plan of action. I don't do it and I'm not going to do it. I'm going to vote no, just as I said before. Thank you.

PRESIDENT FITZGERALD: Please call the roll on 5210-09.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: No.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Yes.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Abstain.
MR. CATANESE: Mr. Gastgeber?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
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, 10, nos, 3, 1 abstention,
the bill passes.

PRESIDENT FITZGERALD: 5211-09 is now moot
because there is no Bill 3819-08. 5212-09 and 5213-09 are
also moot because there is no Bill 5154-09. Moving on to
5214-09.

MR. CATANESE: An ordinance establishing an
Allegheny County Rainy Day Special Reserve Fund and
providing for the administration of revenues placed into
such funds. Sponsored by Councilmember McCullough.

PRESIDENT FITZGERALD: Refer to Committee on
Budget and Finance. Councilman McCullough?

MR. MCCULLOUGH: Yes. Thank you, Mr. President.
A few brief remarks. I think this is an attempt to
capture what some of us were talking about, including Mr.
Robinson tonight. Obviously, there's various different
ways to play this but I want to keep the concept alive and

hopefully we can come up with some kind of a plan in the future. Thank you.

PRESIDENT FITZGERALD: 5215-09.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2009, Submission Number 20-09. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. I'd like to recognize Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. I'd like to make a motion on an order to be delivered by Mr. Barker ---

PRESIDENT FITZGERALD: Do you have it in written form?

MR. GASTGEB: --- for the purposes of placing it on the agenda. I'd like to make a motion to this on the agenda. I'll explain it.

MS. REA: Second.

PRESIDENT FITZGERALD: Move section. Mr. Gastgeb?

MR. GASTGEB: Thank you. Let me first start out by saying it has nothing to do with any of the bills that were before us this evening, nor is this an amendment in any way, shape or form. It's just an ordinary ordinance. The purpose of this is to simply put it in committee so I'd ask it to be placed on the agenda for that purpose. As we spoke to tonight by many on this body trying to find a legitimate way to engage our nonprofit community. Also, having time to work with City Council, as well as the Mayor and Chief Executive.

What this ordinance attempts to do is take the written opinion that Mr. Cambest gave us and apply it directly to all County fees that specifically relate to the nonprofits. The idea I'd like to bring forth through committee is the fees that I see --- I'm sorry, the services that I see that may be in the range of legality is our Emergency Management Department did not provide either mock or actual real emergency management situation that would encompass the nonprofit community in all four corners of our County, including the City of Pittsburgh.

So the ordinance does two things. One, focuses on the Emergency Management Department. Therefore, possibly what the nonprofits could pay because of the services the County's providing. But then it also has

public hearings that would occur in January, February, March --- January, February, March and April that could be combined with County Council and City Council ---. This may also lead to other ideas and amendments to this bill but basically it will take six months to go through this whole process. So basically, that's what it is and I just would ask this go to committee.

MS. CLEARY: Point of Order.

PRESIDENT FITZGERALD: Ms. Cleary?

MS. CLEARY: How do we put an ordinance like this on the agenda? I'm mean, I'm confused about the process here.

PRESIDENT FITZGERALD: Well, motions should be basically just placed on the agenda. We will do that. I think he wanted to explain what it was.

MR. GASTGEB: You might want to move to put it on the agenda.

PRESIDENT FITZGERALD: We'll just put it on the agenda, place it into committee and --- you're not asking for waiver of second reading or passage this evening; are you?

MR. GASTGEB: No. I hope this makes sense, at least refer it to committee.

PRESIDENT FITZGERALD: And I think Councilman Gastgeb brings up a good point and it bears out an awful lot of things. One of the things --- I think public hearing is appropriate in working with City Council. And one of the things this Council has always done very well is have an open and above-board process in which everybody comes in and gets to speak whether it be the drink tax, whether it be the smoking ban, whether it be the Human Relations Commission. We exhaustively have hearings and open dialogue. And I think this is probably an attempt, and Mr. Futules brought that up earlier in his discussion that this is something --- this is a big, big issue for this community and it needs an awful lot of venting and an awful lot of discussion. I think we're all in agreement with it but I do think it's important that we have much discussion. So I'm just going to ask a motion to place on the agenda and then I'm going to refer it to the Committee on Budget and Finance. All in favor signify by saying aye.

(Chorus of ayes).

PRESIDENT FITZGERALD: Opposed?

MR. DROZD: Abstention.

PRESIDENT FITZGERALD: Please call the roll.
I'm sorry, Mr. DeFazio?

MR. DEFAZIO: What bill am I --- I was just picking up what Joan was saying. When it comes to ordinances don't you have to have so many hours ahead of time to present an ordinance?

MR. CAMBEST: I don't think there's anything in the rules that an hourly --- is a requirement.

MR. DEFAZIO: To put something on the agenda.

MR. CAMBEST: Basically, having a motion to amend this agenda, we place this new ordinance on the agenda. And like any amendment it has to be in writing and given to Council. I don't think there's any time limit.

MR. DEFAZIO: Yeah, that's for amendments and motions.

MR. CAMBEST: You know, you're not voting to approve the bill tonight, if you were you'd have to give the public the opportunity to comment on it as we would under the Sunshine Act. So the fact that we're placing it on the agenda and referring it to committee I think is okay. You may not like the way of doing it, I understand that.

MR. DEFAZIO: We never --- when it came to an ordinance, we've never done it that way. It's always amendments and motions.

MR. GASTGEB: If I can respond.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Me and Rich are having a sidebar here. That just isn't true. We have under Ordinances and Resolutions and Motions, you could bring them to the floor any time for the purpose of placing it on the agenda. The difference is you need to make the Thursday by noon deadline or Friday by noon deadline, which I would have done if I would have thought of this by then. It's pretty innocuous. It's just an idea hopefully that we can save --- maybe this could help with the nonprofit situation. It's just going to go to committee.

MR. DEFAZIO: I understand that.

MR. GASTGEB: We've done it hundreds of times since we started discovery.

PRESIDENT FITZGERALD: To be proper, he has to read the title. Please go ahead, Mr. Catanese.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing for a

means of establishing a fee for emergency management services provided by the County.

PRESIDENT FITZGERALD: Let's call the roll on placing the item on the agenda.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Abstain.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

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, 11, nos, 2, 1 abstention.

PRESIDENT FITZGERALD: Mr. Futules, do you have a motion?

MR. FUTULES: I do.

PRESIDENT FITZGERALD: So moved. Is there a motion or resolution?

MR. FUTULES: It's a Motion of Council.

PRESIDENT FITZGERALD: Any other ordinances?

5216-09.

MR. CATANESE: A Motion of the Council of Allegheny County pulling Bill Number 5205-09, amending and conforming Article 210 of the Administrative Code entitled Assessment Standards and Practices to comply with the

Pennsylvania Supreme Court's decision in Clifton, et al. versus Allegheny County and Pierce, et al. versus Allegheny County by providing a methodology to equalize base year values through periodic, computer-assisted, county-wide reassessments, phase-in increases to property assessments so as to protect property owners from the undue financial burden of such increases; and to preclude the County and local taxing bodies from obtaining windfalls property tax revenues as a result of any adjustments to the base year system from committee to an immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Thank you, Mr. Fitzgerald.

Last week, and I believe it was within the same segment on the news on Channel Two, there was a piece about the main agenda is to impose this delinquent head tax on the local universities. And of course, it showed the Mayor and of course, they show the presidents from the various universities and not surprisingly they cried poor. I took note of the fact how well-dressed they were and obviously they're prominent people but they seem to be well off. As I recall it there was a commercial break or maybe two commercial breaks. Then they came back and they discussed Judge Wettick's most recent decision in the base year litigation.

And they interviewed a gentleman that's been fighting for justice for the last four years. His name was Ken Pierce. Ken Pierce is from Braddock. Ken Pierce in the last four-plus years has been fighting to try to get a fair assessment in Allegheny County. His complaint is very simple. His property was assessed at over \$29,000. If the 2005 uncertified value had gone into effect I believe his assessment would have been reduced to \$15,500. He was able to get special relief through this litigation that applied to him and him only. It didn't apply to his neighbors, other people in Braddock. I thought the difference in where he lives in his economic situation compared to the heads of those universities was startling.

Another plaintiff to that litigation is a woman by the name of Stephanie Beachman. Her assessment is about the same as Mr. Pierce's was. It's over assessed again almost 500 percent. And she lives in the Hill District. And for four years she has been fighting this

fight. And what we see now is apparently the fight isn't over yet.

When the Chief Executive came before us back in September, I posed a hypothetical to him and I have a portion of the transcript I'd like to read, it's very brief. And this is to the Chief Executive and I'm speaking. If I told you I felt there was a way to use the current numbers that we have, the 2002 base year values and build in protections to make sure that there is a level of uniformity, a way to avoid sticker shock, a way to deal with municipalities so they won't reap a windfall and not reduce their millage appropriately. If that is the concept, would you be amenable to considering that. And his answer was, sure, I'd love to see you pull that off, that would be great.

Well, the bill I'm asking you to pull out of committee, and I don't expect that you're going to do it but I want to do it because I want to try to keep this idea alive is not something that I pulled off, it's something that Mr. Barker pulled off. We have a reassessment bill that would meet all those parameters, address all the concerns and the objections that we've all felt for the past four years and used frankly to buttress what we all now know clearly is an unconstitutional assessment system, an assessment system that is hurting the poor and middle class property owners in Allegheny County. Not only does this bill that's before you provide those safeguards, it would provide an automatic increase in the Homestead Extension in direct proportion to any windfall revenues the County would receive.

The bottom line is it is not a tax bill, it is a reassessment bill and there is a difference between reassessment in the name of equity and fairness and reassessment in the name of raising revenues that this bill doesn't do. My recommended approach is if we want to take an appeal, fine. Judge Wettick in his order made it very, very clear that if Allegheny County came forward with its own plan and this plan provided for the implementation of a County-wide reassessment for year 2012, he'll strike his order off the books.

Now, this plan that Mr. Barker has actually put the pen to would provide for a full year to do an in-house reassessment basically using the 2002 values and ---.

MR. ROBINSON: Point of Order, Mr. President.

PRESIDENT FITZGERALD: Yes, Mr. Robinson.

MR. ROBINSON: I think Mr. Barker is being mischaracterized in terms of his responsibility.

MR. MCCULLOUGH: Excuse me, I want to make a point of clarification.

PRESIDENT FITZGERALD: Let Mr. Robinson have the floor.

MR. ROBINSON: When Mr. Barker --- it's my understanding when Mr. Barker prepares legislation for members, once that legislation is approved by a member it appears on the agenda. It no longer represents Mr. Barker's work, it represents the member's work. It's unfair to Mr. Barker to suggest that this bill is his. This bill belongs to Mr. McCullough just like if Mr. Robinson had the bill, once Mr. Barker and Ms. Liptak search it, belongs to us. And I don't think we should assign any responsibility for this bill in public on the record to Mr. Barker.

MR. MCCULLOUGH: I did not mean to assign any responsibility but I didn't want you to think that I was hogging credit of what I think is very well-conceived language. I'll take full responsibility for the bill. I didn't want anybody to think here that I was playing my hand saying, eureka, I have found. Obviously we went through the normal chain that we do and I accept full responsibility for it. I felt it was important to recognize the very fine craftsman efforts of our staff, which is something that I do any time I bring one of these bills forward. And I think it took an awful lot of effort from our staff. Obviously it's vital.

What I'm trying to say is I think it's a good idea. I think we can put an end to this. I think we can have a system that is fair, that is cheap. And it also gives the legislature two full years to act before being implemented. And on that basis, I'm proposing that we pull this bill from committee.

PRESIDENT FITZGERALD: Motion to pull from committee? Motion not having been done, the motion dies.

MR. GASTGEB: I'm going to second just for the sake of discussion. The one thing that Chuck did say I think is correct that the current assessment system is detrimental to quote, moderate communities. And that's probably why the plaintiffs have the rationale in court to confirm that why it's back at the county level. I don't see any reason to move forward with any assessments until the judicial process has been put forth. For those of us

who've been there for nine years I think we fulfilled our duties over the years now and the judicial process will bloom. And right now I believe we're on an appeal or will be on appeal. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you. I do echo Councilman Gastgeb's remarks. There's no reason to do this, it's in our courts. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. A lot of people out there are concerned about assessments right now. I think we need to really scrub it very well, work it through the committee process. What I think we need to bring to the table is the legislative. They're the ones that really wag the dog so to speak in the assessments. They're the ones responsible for what form of whatever it may be that we're allowed to levy. They have to come to the table and they have to ante up and they have to stand up. They haven't done it in the past.

We talked about liaisons with the legislature. We need to follow through with that. We need to hold those meetings. We need to bring them and bear them down to really stand up and be counted and to find out what we're going to do here. Because this problem is going to continue to come through for all eternity, not only Allegheny County, but throughout Pennsylvania. There are a lot of senior citizens out there that are asking questions why do I have to continue to pay taxes, my kids are through school and this and this and this. Everybody has their concerns.

What I wouldn't want to do is create anxieties without literally going through a thought process here in order to find out what the solution is. But I don't see this Council, I don't see this County, I don't see this administration finding any conclusions or decisions coming in, decisions that are going to resolve these issues without the legislature coming to the table to discuss it. So that's the way I feel. I think we really have to be careful what we do. A lot of people out there are very, very --- have a lot of anxiety right now, a lot of fear about their property taxes and whatever. Thank you.

PRESIDENT FITZGERALD: This motion will require ten votes to pull out --- I'm sorry, Mr. DeFazio and then Mr. McCullough.

MR. DEFAZIO: Let me say one thing. We're the only county out of all these surrounding counties good enough to do what we're doing. It's actually a shame that we're getting hit with this. And that's why the administration --- and I agree with them 100 percent on this. We're trying to hold this back and let the legislature instead of everybody else getting involved, letting them do their job. I think the vote was, what was it in the House, 196 to 1 agreeing with what the administration is trying to do here. And it's just not fair for Allegheny County to be getting hit like this. I mean, no other county around us is involved. They're looking for a two-year moratorium on there so they can get the whole state involved. And they don't look to hurt some other county, just can't have Allegheny County the way this is going down. It's very unfair. And I believe 100 percent with the County's rule on this and I think we should --- definitely don't want to pull this out and start something, let's see how far we go with it. There is a lot more work that has to be done. Who knows how it's going to end up.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: You know, I understand full well the concerns you've all expressed. I thought it was important to highlight this tonight to give you this option to consider because according to the Judge's order it's setting a December 2nd date for a status conference. I think any appeal that the County takes personally is enhanced if we make it be known that we're working something on this actively. I'll say this to you. Presuming this is going to go, and I understand that, but it's in the hopper, okay, it's in the hopper. It will be in Government Reform Committee and if the appeals go the way I think they're going to go, sooner or later we're going to need to consider something like this so it's there for the ready, for consideration when you think it's appropriate. Thank you.

PRESIDENT FITZGERALD: Take a vote?

MR. MCCULLOUGH: Yes, I'd like to vote on that.

PRESIDENT FITZGERALD: Please call the roll on the McCullough motion to pull Bill 5305-09 from committee.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: No.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Nay.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Nos, 13, ayes, 1, did not pass.
PRESIDENT FITZGERALD: Mr. Ellenbogen?
MR. ELLENBOGEN: Thank you, Mr. President. I

read an article the other day about something that happened in Councilman Macey's district about a satellite company that had taken so many millions of dollars worth of government money and decided that it wasn't feasible to keep the facility in McKeesport and laid off numerous people. And I'm kind of exploring this. I don't know if any of that money was County money. But the point is I think that --- I mean, it's one thing when a corporation tries to give it a go and they go bankrupt. But to me it's another situation when a corporation takes money from the government, decides that they don't want to keep it there and walks away and the government is left with their hands in the air because the government had given them the money to revitalize the community and provide jobs.

I would caveat that this Council in the event that we ever --- there are any grants to what not in businesses, that one --- one is set up to take money, I think that we as a Council should look at penalties or

what not, particularly if the company is a profitable company and goes on to be somewhere else and has taken our money. Thank you, Mr. President.

PRESIDENT FITZGERALD: Speakers on our agenda, we have five speakers this evening, the first being Mr. Nathaniel Bunn. And Mr. Bunn, can you state your name and address for the record, please?

MR. BUNN: My name is Nathaniel Bunn, Braddock, Pennsylvania. Ladies and gentlemen of the Council, I would like to say thank you for the opportunity to speak for the 12,000-plus citizens who reside in Braddock, North Braddock and Braddock Hills. I spoke on June 16th here to introduce the Gather People's Movement, a nonprofit organization which I'm the acting president of. Once again, our goal is to uplift the community in the hope of there being job opportunities as well we stand up for those who don't have the incentive to speak.

Tonight I want to speak about the Braddock Hospital which I'm sure you all are aware of the expected closing, during a national emergency I might add. Last night a meeting was held in Braddock which is noted on the flier which is being passed around now. The closing of the hospital takes away the already declining hope for the younger generation, my generation in the surrounding area. Only one ATM exists in Braddock, as well as the restaurant area which is inside the Braddock Hospital. We will rally on Thursday and we shall rally more. We ask for the Council to support us during this live national emergency. Keeping this hospital open will build hope for small business owners and residents of the area alike. I myself just established the sole proprietorship Bunn's Clean which I planned with the help of SBA loans a place on Braddock Avenue to try to create job opportunities. Mayor Ravenstahl spent \$250,000 on trashcans. Gather People's Movement believes that \$250,000 could be used for a lot more than trashcans in our deteriorating town. Thank you once again.

PRESIDENT FITZGERALD: Thank you, Mr. Bunn. Les Ludwig, following by Glenn Walsh. Mr. Ludwig, if you'd state your name and address for the record, please.

MR. WALSH: My name is Les Ludwig. I live at 6589 Rosemoor Street, Squirrel Hill. I have two points I want to make to you tonight. I'm originally a Philadelphian, I came here in 1960 and I've been very happy. Why do I come with that statement? You're talking

about what I've been hearing for five years over at City Council, we're all going to get in the car and go up and talk to the state about what? The very subjects you're discussing and still discussing. The institutions that aren't paying. So therefore, let's look at a unique point in time that I think we're sitting at. Everybody's in trouble. Philadelphia is in trouble. Pittsburgh is in trouble. Allegheny County is in trouble.

Now, why is that important at this point in time? Let's lay out the map and look at the number of votes in each district because there are state laws as I understand it that have to be changed to take away this tax exemption or some portion thereof. Is this the time to broaden the view, ladies and gentlemen of Council, and City Council and of the Mayor, the Chief Executive, to look and analyze whether or not the Mayor of Philadelphia would say if we went to them, hey, let's pair our votes together and see if we can shake the state legislature into changing the law. Otherwise, we're going to go on doing the same circle that you're proposing here tonight as I see it.

Now, my other point is that I thank Mr. Martoni and Mr. Robinson for the offer to appear before the Finance Committee in regards to the future. It's called fresh, new money. And therefore, I hope I can bring a contribution to the solution that you're looking for. With that, I give up the floor. Thank you so much for the opportunity.

PRESIDENT FITZGERALD: Thank you, Mr. Ludwig. Glenn Walsh, followed by Richard King. Mr. Walsh, can you state your name and address for the record, please?

MR. WALSH: Good evening. I am Glenn Walsh of 633 Royce Avenue, Mt. Lebanon, a regular light rail and bus rider who has chosen not to drive a motor vehicle since 1985 to help save energy, protect the environment and reduce city traffic congestion. Dues to the Port Authority fare changes which will take effect in January, PAT riders outside of Allegheny County who do not pay Allegheny County taxes will actually get a fare reduction of 50 cents per ride while the zone one fare remains at \$2 and all other Allegheny County fares, passes and tickets are increased in price.

This is due to the fact that PAT has chosen to completely eliminate the zone three fares, which affect only riders outside of Allegheny County. Zone three

riders will now pay zone two fares. The current zone three fare is \$3.5, the new zone two fares in January will be \$2.75. This is a slap in the face to County residents who choose to stay in Allegheny County and support their county and their authority. PAT receives no funding from transit authorities in outlying counties. PAT claims that this will reduce spending for the printing of tickets and passes for zone three riders. However, next year, PAT plans to implement a Smart Card system which will replace transit passes and tickets. Hence, the cost of the printing would be eliminated anyway. It is not too late to have PAT change this fare policy. I urge you to stand up for Allegheny County residents and demand that transit fares for out-of-county residents be increased proportional to the increases in transit fares for county residents. Thank you.

PRESIDENT FITZGAERLD: Thank you, Mr. Walsh. Richard King? Would you come state your name and address for the record, please, followed by Susan Scattaregia.

MR. KING: My name is Richard King. I live at 1235 Malvern Avenue, Pittsburgh, PA 15217. The reason why I'm here tonight is because there's a return toward a recount which will happen on the statewide Supreme Court by the Superior Court Justice race. They will be reopening all of the election boards which have discrepancies in them. And I'm asking the Commissioner of Elections and our Board of Election members to engage in a summary accounting of discrepancies found in those envelopes. In this recount process ten tables of workers will be reviewing these envelopes.

They could very easily, without any additional labor costs, without any additional labor involved virtually at all compile a complete list of all of the discrepancies between the numbers of voters that show up in precincts as they are listed and the numbers listed voters for each precinct and the total ballots cast and the total base for each precinct. So we found in November 2008 that there were ten extra ballots in a precinct. We asked how often did this happen and the chairman of elections said, we don't know, we don't keep track of that, why don't you keep track of this important discrepancy. So we actually ran our own audit. We found 40 percent of our precincts had discrepancies between the numbers of voters that showed up and were listed and the

numbers of listed voters and the number of ballots cast in those precincts.

So I'm begging our Board of Election members and our County Council by persuasion to get our Division of Elections to do a summary accounting of the discrepancies that are found in our precincts. In 2008 it was 40 percent. How many is it this time? I don't know. I ask the Division of Elections to do this, they refused. So tomorrow we start. There's a long list of problems that have not been taken care of.

For instance, we got them to verify the software back in November of 2008. And the protocol implemented was a software verification before the election, a software verification after the election, and we have asked them, begged them to put security survey equipment on the voting machines. And they said that they had done that.

However, the voting machines are not under video surveillance and now they're telling us that they're not going to do a post election software revision. Was the Board of Election informed of this matter? I don't know. But I'm begging you now, Mr. DeFazio, Mr. Martoni, Mr. McCullough, please hold a Board of Elections meeting and ask for an accounting of the discrepancies from our elections. Thank you.

MR. DEFAZIO: There's a meeting on the 23rd at ten o'clock. You should be there, you're usually at them anyway, but you should be there and bring up all the issues.

PRESIDENT FITZGAERLD: Councilman McCullough?

MR. KING: Actually, I'm asking you to make it happen by tomorrow. Tomorrow may start the recount ---.

PRESIDENT FITZGERALD: We're not going to get into a debate here.

MR. MCCULLOUGH: I just want to make one statement for the record. You know, Mr. King, I know you're very diligent in this but Mr. DeFazio and I were at a meeting a week ago Monday and John, I think we were there probably what, 45 minutes if not longer. And nobody came. And we have the certification coming up on Monday. And you know, you're really handcuffing us with this. I mean, we're not going to be able to pull a meeting off tomorrow. We got a certification coming up on Monday. I think you need to appear and make your case but really the

time to raise this would have been eight days ago, I'm sorry.

MR. KING: The recount is normally in April on Fridays. How can I present that to the Board of Elections? This is one of the problems.

PRESIDENT FITZGERALD: We're not going to get into a debate here. You made your case and the Board members answered you. Susan Scattaregia? Please state your name, and I hope I pronounced that properly, name and address for the record, please?

MS. SCATTAREGIA: Thank you. My name is Susan Scattaregia. And I am an employee at the Hilton Hotel, Downtown Pittsburgh. And I'm here to say thank you for all your ongoing support with our resolution passed thanks to all of you. And September 22nd, just a few weeks back, we're now getting into a sale. We're just so thankful for that. And we're asking for your continued support down there. We're also going to have a rally down at the David Lawrence Convention Center. That will be tomorrow. The David Lawrence Convention Center --- and I hope for your support there, too. Thank you.

PRESIDENT FITZGERALD: Thank you and good luck with the Hilton situation. That's the end of Public Comment on General Items. Before we adjourn I would like to make an announcement. This Council is going to adjourn for Executive Session to discuss the ongoing litigation and the ruling by Judge Wettick on the assessment. With that, do I have a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

MEETING ADJOURNED AT 7:30 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